

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

1 A bill to be entitled
2 An act relating to seaport security; creating s. 311.111,
3 F.S.; requiring each seaport authority or governing board
4 of a seaport that is subject to the statewide minimum
5 seaport security standards to designate and identify
6 security area designations, access requirements, and
7 security enforcement authorizations on seaport premises
8 and in seaport security plans; providing that any part of
9 a port's property may be designated as a restricted access
10 area under certain conditions; amending s. 311.12, F.S.;
11 revising purpose of security plans maintained by seaports;
12 requiring periodic plan revisions; requiring plans to be
13 inspected for compliance by the Office of Drug Control and
14 the Department of Law Enforcement based upon specified
15 standards; providing requirements with respect to
16 protection standards in specified restricted areas;
17 requiring delivery of the plan to specified entities;
18 requiring the Department of Law Enforcement to inspect
19 every seaport within the state to determine if all
20 security measures adopted by the seaport are in compliance
21 with seaport security standards; requiring a report;
22 authorizing seaports to request review by the Domestic
23 Security Oversight Council of the findings in a Department
24 of Law Enforcement inspection report; limiting the
25 findings which the council is authorized to review;
26 requiring the Department of Law Enforcement to establish a
27 waiver process to grant certain individuals unescorted

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

28 | access to seaports or restricted access areas under
29 | certain circumstances; providing waiver process
30 | requirements; requiring the administrative staff of the
31 | Parole Commission to review the waiver application and
32 | transmit the findings to the department; requiring the
33 | department to make a final disposition of the application
34 | and notify the applicant and the seaport; providing that
35 | the waiver review process is exempt from the
36 | Administrative Procedure Act; providing procedures and
37 | requirements with respect to waiver of any physical
38 | facility requirement or other requirement contained in the
39 | statewide minimum standards for seaport security;
40 | providing a penalty for possession of a concealed weapon
41 | while on seaport property in a designated restricted area;
42 | creating the Seaport Standards Security Advisory Council
43 | under the Office of Drug Control within the Executive
44 | Office of the Governor; providing membership, terms,
45 | organization, and meetings of the council; requiring the
46 | Office of Drug Control to convene the Seaport Security
47 | Standards Advisory Council to review the statewide minimum
48 | standards for seaport security; requiring periodic review
49 | of the statewide minimum standards for seaport security to
50 | be conducted by the council; creating s. 311.121, F.S.;
51 | providing legislative intent with respect to the
52 | employment by seaports of certified law enforcement
53 | officers and certified private security officers;
54 | providing authority of seaports and requirements of the

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

55 Department of Law Enforcement with respect to such intent;
56 requiring the authority or governing board of each seaport
57 that is subject to statewide minimum seaport security
58 standards to impose specified requirements for
59 certification as a seaport security officer; creating the
60 Seaport Security Officer Qualification, Training, and
61 Standards Coordinating Council under the Department of Law
62 Enforcement; providing membership and organization of the
63 council; providing terms of members; providing duties and
64 authority of the council; requiring the Department of
65 Education to develop curriculum recommendations and
66 specifications of the council into initial and continuing
67 education and training programs for seaport security
68 officer certification; providing requirements and
69 procedures with respect to such training programs;
70 providing requirements and procedures with respect to
71 certification as a seaport security officer; providing
72 requirements for renewal of inactive or revoked
73 certification; creating s. 311.122, F.S.; authorizing each
74 seaport in the state to create a seaport law enforcement
75 agency for its facility; providing requirements of an
76 agency; requiring certification of an agency; providing
77 requirements with respect to the composition of agency
78 personnel; providing powers of seaport law enforcement
79 agency officers and seaport security officers; creating s.
80 311.123, F.S.; providing for the creation of a maritime
81 domain security awareness training program; providing

ENROLLED
 HB 7145, Engrossed 1

2006 Legislature

82 | purpose of the program; providing program training
 83 | curriculum requirements; creating s. 311.124, F.S.;
 84 | providing authority of seaport security officers to detain
 85 | persons suspected of trespassing in a designated
 86 | restricted area of a seaport; providing immunity from
 87 | specified criminal or civil liability; creating s.
 88 | 817.021, F.S.; providing a criminal penalty for willfully
 89 | and knowingly providing false information in obtaining or
 90 | attempting to obtain a seaport security identification
 91 | card; providing an effective date.

93 | Be It Enacted by the Legislature of the State of Florida:

95 | Section 1. Section 311.111, Florida Statutes, is created
 96 | to read:

97 | 311.111 Security area designations; access requirements;
 98 | authority.--Each seaport authority or governing board of a
 99 | seaport identified in s. 311.09 that is subject to the statewide
 100 | minimum seaport security standards in s. 311.12 shall clearly
 101 | designate in seaport security plans and clearly identify with
 102 | appropriate signs and markers on the premises of a seaport the
 103 | following security area designations, access requirements, and
 104 | corresponding security enforcement authorizations, which may
 105 | include, but not be limited to, clear notice of the prohibition
 106 | on possession of concealed weapons and other contraband material
 107 | on the premises of the seaport:

ENROLLED
 HB 7145, Engrossed 1

2006 Legislature

108 (1) UNRESTRICTED PUBLIC ACCESS AREA.--An unrestricted
 109 public access area of a seaport is open to the general public
 110 without a seaport identification card other than that required
 111 as a condition of employment by a seaport director.

112 (2) RESTRICTED PUBLIC ACCESS AREA.--A restricted public
 113 access area of a seaport is open to the public for a specific
 114 purpose via restricted access and open to individuals working on
 115 the seaport, seaport employees, or guests who have business with
 116 the seaport. Any person found in these areas without the proper
 117 level of identification card is subject to the trespass
 118 provisions of ss. 810.08 and 810.09 and this chapter. All
 119 persons and objects in these areas are subject to search by a
 120 sworn state-certified law enforcement officer, a Class D seaport
 121 security officer certified under Maritime Transportation
 122 Security Act guidelines and s. 311.121, or an employee of the
 123 seaport security force certified under the Maritime
 124 Transportation Security Act guidelines and s. 311.121.

125 (3) RESTRICTED ACCESS AREA.--A restricted access area of a
 126 seaport is open only to individuals working on the seaport,
 127 seaport employees, or guests who have business with the seaport.
 128 Any person found in these areas without the proper level of
 129 identification card is subject to the trespass provisions of ss.
 130 810.08 and 810.09 and this chapter. All persons and objects in
 131 these areas are subject to search by a sworn state-certified law
 132 enforcement officer, a Class D seaport security officer
 133 certified under Maritime Transportation Security Act guidelines
 134 and s. 311.121, or an employee of the seaport security force

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

135 certified under the Maritime Transportation Security Act
136 guidelines and s. 311.121.

137 (4) SECURED RESTRICTED ACCESS AREA.--A secured restricted
138 access area of a seaport is open only to individuals working on
139 the seaport, seaport employees, or guests who have business with
140 the seaport and is secured at each point of access at all times
141 by a Class D seaport security officer certified under the
142 Maritime Transportation Security Act, a sworn state-certified
143 law enforcement officer, or an employee of the port's security
144 force certified under the Maritime Transportation Security Act.
145 Any person found in these areas without the proper level of
146 identification card is subject to the trespass provisions of ss.
147 810.08 and 810.09 and this chapter. All persons and objects in
148 these areas are subject to search by a Class D seaport security
149 officer certified under Maritime Transportation Security Act
150 guidelines and s. 311.121, a sworn state-certified law
151 enforcement officer, or an employee of the seaport security
152 force certified under the Maritime Transportation Security Act
153 guidelines and s. 311.121.

154 (5) TEMPORARY DESIGNATION.--During a period of high
155 terrorist threat level designated by the United States
156 Department of Homeland Security or the Florida Department of Law
157 Enforcement or during an emergency declared at a port by the
158 seaport security director due to events applicable to that
159 particular port, the management or controlling authority of the
160 port may temporarily designate any part of the port property as
161 a restricted access area or a secured restricted access area.

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

162 The duration of such designation is limited to the period in
163 which the high terrorist threat level is in effect or a port
164 emergency exists. Subsections (3) and (4) do not limit the power
165 of the managing or controlling authority of a seaport to
166 designate any port property as a restricted access area or a
167 secured restricted access area as otherwise provided by law.

168 Section 2. Subsection (2) and paragraph (b) of subsection
169 (4) of section 311.12, Florida Statutes, are amended, paragraph
170 (e) is added to subsection (3), and subsections (7) and (8) are
171 added to that section, to read:

172 311.12 Seaport security standards; inspections;
173 compliance; appeals.--

174 (2)(a) Each seaport identified in s. 311.09 shall maintain
175 a security plan to provide for a secure seaport infrastructure
176 specific to that seaport that shall promote the safety and
177 security of the residents and visitors of the state and promote
178 the flow of legitimate trade and travel. Commencing January 1,
179 2007, and every 5 years thereafter, the seaport director of each
180 seaport, with the assistance of the Regional Domestic Security
181 Task Force and in conjunction with the United States Coast
182 Guard, shall revise the seaport security plan based on the
183 results of continual, quarterly assessments by the seaport
184 director of security risks and possible risks related to
185 terrorist activities and relating to the specific and
186 identifiable needs of the seaport which assures that the seaport
187 is in substantial compliance with the statewide minimum
188 standards established pursuant to subsection (1).

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

189 (b) Each plan adopted or revised pursuant to this
190 subsection shall be inspected for compliance and must be
191 reviewed and approved by the Office of Drug Control and the
192 Department of Law Enforcement based solely upon the standards as
193 set forth under the most current Maritime Transportation
194 Security Act, 33 C.F.R. s. 105.305, and the statewide minimum
195 standards established pursuant to subsection (1). All such
196 seaports shall allow unimpeded access by the Department of Law
197 Enforcement to the affected facilities for purposes of plan or
198 compliance inspections or other operations authorized by this
199 section.

200 (c) Each seaport security plan shall ~~may~~ establish
201 unrestricted and restricted access areas within the seaport
202 consistent with the requirements of the statewide minimum
203 standards and the provisions of s. 311.111. In such cases, a
204 Uniform Port Access Credential Card, authorizing restricted-area
205 access, shall be required for any individual working within or
206 authorized to regularly enter a restricted access area and the
207 requirements in subsection (3) relating to criminal history
208 checks and employment restrictions shall be applicable only to
209 employees or other persons working within or authorized to
210 regularly enter a restricted access area. Every seaport security
211 plan shall set forth the conditions and restrictions to be
212 imposed upon others visiting the port or any restricted access
213 area sufficient to provide substantial compliance with the
214 statewide minimum standards. As determined by the seaport
215 director's most current risk assessment report, any restricted

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

216 access area with a potential human occupancy of 50 persons or
217 more, any cruise terminal, or any business operation that is
218 adjacent to an unrestricted public access area shall be
219 protected from the most probable and creditable terrorist threat
220 to human life by the use of the methods and principles contained
221 within Federal Emergency Management Agency, Risk Management
222 Series, "Reference Manual to Mitigate Potential Terrorist
223 Attacks Against Buildings" (FEMA 426) and the Federal Emergency
224 Management Agency, Risk Management Series, "Risk Assessment: A
225 How-To Guide to Mitigate Potential Terrorist Attacks Against
226 Buildings" (FEMA 452).

227 (d) Within 30 days after the completion of the seaport's
228 security plan inspection by the Department of Law Enforcement,
229 it shall be delivered to the United States Coast Guard, the
230 Regional Domestic Security Task Force, and the Domestic Security
231 Oversight Council.

232 (e) It is the intent of the Legislature that Florida's
233 seaports adhere to security practices that are consistent with
234 risks assigned to each seaport through the risk assessment
235 process established in this subsection. Therefore, the
236 Department of Law Enforcement shall inspect every seaport within
237 the state to determine if all security measures adopted by the
238 seaport are in compliance with the standards set forth in this
239 chapter and shall submit the department's findings within 30
240 days after the inspection in a report to the Domestic Security
241 Oversight Council and the United States Coast Guard for review,

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

242 with requests to the Coast Guard for any necessary corrective
243 action.

244 (f) A seaport may request review by the Domestic Security
245 Oversight Council of the findings in any Department of Law
246 Enforcement inspection report as they relate to the requirements
247 of this section. The Domestic Security Oversight Council may
248 review only those findings under this section that are in
249 specific dispute by the seaport. In reviewing the disputed
250 findings, the council may concur in the findings of the
251 department or the seaport or may recommend corrective action to
252 the seaport. The department and the seaport shall give great
253 weight to any findings and recommendations of the council.

254 (3)

255 (e) The Department of Law Enforcement shall establish a
256 waiver process to allow unescorted access to an individual who
257 is found to be unqualified under paragraph (c) and denied
258 employment by a seaport. The waiver consideration shall be based
259 on the circumstances of any disqualifying act or offense,
260 restitution made by the individual, and other factors from which
261 it may be determined that the individual does not pose a risk of
262 engaging in theft, drug trafficking, or terrorism within the
263 public seaports regulated under this chapter or of harming any
264 person. The waiver process shall begin when an individual who
265 has been denied initial employment within or regular unescorted
266 access to restricted areas of a public seaport as described in
267 paragraph (c) submits an application for a waiver and notarized
268 letter or affidavit from the individual's employer or union

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

269 representative which states the mitigating reasons for
270 initiating the waiver process. No later than 90 days after
271 receipt of the application, the administrative staff of the
272 Parole Commission shall conduct a factual review of the waiver
273 application. Findings of fact shall be transmitted to the
274 Department of Law Enforcement for review. The department shall
275 make a copy of those findings available to the applicant before
276 final disposition of the waiver request. The department shall
277 make a final disposition of the waiver request based on the
278 factual findings of the investigation by the Parole Commission.
279 The department shall notify the waiver applicant and the port
280 authority that originally denied employment to the applicant of
281 the final disposition of the waiver. The review process under
282 this paragraph is exempt from chapter 120.

283 (4)

284 (b) The Office of Drug Control and the executive director
285 of the Department of Law Enforcement may modify or waive any
286 physical facility requirement or other requirement contained in
287 the statewide minimum standards for seaport security upon a
288 finding or other determination that the purposes of the
289 standards have been reasonably met or exceeded by the seaport
290 requesting the modification or waiver. Alternate means of
291 compliance may not in any way diminish the safety or security of
292 the seaport and shall be verified through an extensive risk
293 analysis conducted by the port director. Waivers shall be
294 submitted in writing with supporting documentation to the Office
295 of Drug Control and the Department of Law Enforcement. The

ENROLLED
 HB 7145, Engrossed 1

2006 Legislature

296 Office of Drug Control and the Department of Law Enforcement
 297 shall have 90 days to jointly grant the waiver or reject the
 298 waiver in whole or in part. Waivers not granted within 90 days
 299 or jointly rejected shall be submitted by the seaport to the
 300 Domestic Security Oversight Council for review. The Domestic
 301 Security Oversight Council shall recommend that the Office of
 302 Drug Control and the Department of Law Enforcement grant the
 303 waiver or reject the waiver in whole or in part. The Office of
 304 Drug Control and the Department of Law Enforcement shall give
 305 great weight to any recommendations of the Domestic Security
 306 Oversight Council. Waivers submitted for standards established
 307 under s. 311.122(3) shall not be granted for percentages below
 308 10 percent. Such modifications or waivers shall be noted in the
 309 annual report submitted by the Department of Law Enforcement
 310 pursuant to this subsection.

311 (7) Any person who has in his or her possession a
 312 concealed weapon, or who operates or has possession or control
 313 of a vehicle in or upon which a concealed weapon is placed or
 314 stored, while in a designated restricted area on seaport
 315 property commits a misdemeanor of the first degree, punishable
 316 as provided in s. 775.082 or s. 775.083. This subsection does
 317 not apply to active-duty certified federal or state law
 318 enforcement personnel, or persons so designated by the seaport
 319 director in writing.

320 (8) (a) The Seaport Security Standards Advisory Council is
 321 created under the Office of Drug Control. The council shall
 322 serve as an advisory council under s. 20.03(7).

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

- 323 (b)1. The members of the Seaport Security Standards
324 Advisory Council shall be appointed by the Governor and consist
325 of the following:
- 326 a. Two seaport directors.
 - 327 b. Two seaport security directors.
 - 328 c. One designee from the Department of Law Enforcement.
 - 329 d. One designee from the Office of Motor Carrier
330 Compliance of the Department of Transportation.
 - 331 e. One designee from the Attorney General's Office.
 - 332 f. One designee from the Department of Agriculture and
333 Consumer Services.
 - 334 g. One designee from the Office of Tourism, Trade, and
335 Economic Development.
 - 336 h. One designee from the Office of Drug Control.
- 337 2. In addition to the members designated in subparagraph
338 1., the council may invite a representative of the United States
339 Coast Guard to attend and participate in council meetings as an
340 ex officio, nonvoting member of the council.
- 341 (c) Members of the council shall serve for terms of 4
342 years. A vacancy shall be filled by the original appointing
343 authority for the balance of the unexpired term.
- 344 (d) The Seaport Security Standards Advisory Council shall
345 be chaired by a designee from the Office of Drug Control. The
346 council shall meet upon the call of the chair and at least once
347 every 5 years.
- 348 (e) Commencing on January 15, 2007, and at least every 4
349 years thereafter, the Office of Drug Control shall convene the

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

350 Seaport Security Standards Advisory Council to review the
351 statewide minimum standards. The Seaport Security Standards
352 Advisory Council shall review the statewide minimum standards
353 for seaport security for applicability to and effectiveness in
354 combating current narcotics and terrorism threats to Florida's
355 seaports. All sources of information allowed by law shall be
356 utilized in assessing the applicability and effectiveness of the
357 standards.

358 (f) Seaport Security Standards Advisory Council members
359 shall serve without pay; however, per diem and travel allowances
360 may be claimed for attendance of officially called meetings as
361 provided by s. 112.061.

362 (g) The Seaport Security Standards Advisory Council shall
363 consult with the appropriate area maritime security committees
364 to assess possible impacts to commerce and trade contained in
365 the council's non-classified recommendations and findings.

366 (h) Recommendations and findings of the council shall be
367 transmitted to the Governor, the Speaker of the House of
368 Representatives, and the President of the Senate.

369 Section 3. Section 311.121, Florida Statutes, is created
370 to read:

371 311.121 Qualifications, training, and certification of
372 licensed security officers at Florida seaports.--

373 (1) It is the intent of the Legislature that seaports in
374 the state be able to mitigate operational security costs without
375 reducing security levels by employing a combination of certified
376 law enforcement officers and certified private security service

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

377 officers. In order to accomplish this intent, seaports shall
378 have the option to recruit and employ seaport security officers
379 who are trained and certified pursuant to the provisions of this
380 section. The Department of Law Enforcement shall adhere to this
381 intent in the approval and certification process for seaport
382 security required under s. 311.12.

383 (2) The authority or governing board of each seaport
384 identified under s. 311.09 that is subject to the statewide
385 minimum seaport security standards established in s. 311.12
386 shall require that a candidate for certification as a seaport
387 security officer:

388 (a) Has received a Class D license as a security officer
389 under chapter 493.

390 (b) Has successfully completed the certified training
391 curriculum for a Class D license or has been determined by the
392 Department of Agriculture and Consumer Services to have
393 equivalent experience as established by rule of the department.

394 (c) Has completed the training or training equivalency and
395 testing process established by this section for becoming a
396 certified seaport security officer.

397 (3) (a) The Seaport Security Officer Qualification,
398 Training, and Standards Coordinating Council is created under
399 the Department of Law Enforcement.

400 (b)1. The executive director of the Department of Law
401 Enforcement shall appoint 11 members to the council which shall
402 include:

ENROLLED
 HB 7145, Engrossed 1

2006 Legislature

- 403 a. The seaport administrator of the Department of Law
 404 Enforcement.
- 405 b. The chancellor of the Community College System.
- 406 c. The director of the Division of Licensing of the
 407 Department of Agriculture and Consumer Services.
- 408 d. The administrator of the Florida Seaport Transportation
 409 and Economic Development Council.
- 410 e. Two seaport security directors from seaports designated
 411 under s. 311.09.
- 412 f. One director of a state law enforcement academy.
- 413 g. One representative of a local law enforcement agency.
- 414 h. Two representatives of contract security services.
- 415 i. One representative of the Division of Driver Licenses
 416 of the Department of Highway Safety and Motor Vehicles.
- 417 2. In addition to the members designated in subparagraph
 418 1., the executive director may invite a representative of the
 419 United States Coast Guard to attend and participate in council
 420 meetings as an ex officio, nonvoting member of the council.
- 421 (c) Council members designated in sub-subparagraphs
 422 (b)1.a.-d. shall serve for the duration of their employment or
 423 appointment. Council members designated under sub-subparagraphs
 424 (b)1.e.-i.. shall serve 4-year terms, except that the initial
 425 appointment for the representative of a local law enforcement
 426 agency, one representative of a contract security agency, and
 427 one seaport security director from a seaport designated in s.
 428 311.09 shall serve for terms of 2 years.

ENROLLED
 HB 7145, Engrossed 1

2006 Legislature

429 (d) The chancellor of the Community College System shall
 430 serve as chair of the council.

431 (e) The council shall meet upon the call of the chair, and
 432 at least once a year to update or modify curriculum
 433 recommendations.

434 (f) Council members shall serve without pay; however, per
 435 diem and travel allowances may be claimed for attendance of
 436 officially called meetings as provided by s. 112.061.

437 (g) By December 1, 2006, the council shall identify the
 438 qualifications, training, and standards for seaport security
 439 officer certification and recommend a curriculum for the seaport
 440 security officer training program that shall include no less
 441 than 218 hours of initial certification training and that
 442 conforms to or exceeds model courses approved by the Federal
 443 Maritime Act under Section 109 of the Federal Maritime
 444 Transportation Security Act of 2002 for facility personnel with
 445 specific security duties.

446 (h) The council may recommend training equivalencies that
 447 may be substituted for portions of the required training.

448 (i) The council shall recommend a continuing education
 449 curriculum of no less than 8 hours of additional training for
 450 each annual licensing period.

451 (4) (a) The Department of Education shall develop the
 452 curriculum recommendations and classroom-hour specifications of
 453 the Seaport Security Officer Qualifications, Training, and
 454 Standards Coordinating Council into initial and continuing

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

455 education and training programs for seaport security officer
456 certification.

457 (b) Such training programs shall be used by schools
458 licensed under s. 493.6304, and each instructor providing
459 training must hold a Class D license pursuant to s. 493.6301.

460 (c) A seaport authority or other organization involved in
461 seaport-related activities may apply to become a school licensed
462 under s. 493.6304.

463 (d) The training programs shall include proficiency
464 examinations that must be passed by each candidate for
465 certification who successfully completes the required hours of
466 training or provides proof of authorized training equivalencies.

467 (e) A candidate for certification must be provided with a
468 list of authorized training equivalencies in advance of
469 training; however, each candidate for certification must
470 successfully complete 20 hours of study specific to Florida
471 Maritime Security and pass the related portion of the
472 proficiency examination.

473 (5) Seaport security officer certificates shall be
474 provided by the Department of Agriculture and Consumer Services
475 for issuance by a school licensed under s. 493.6304 and such
476 school may issue the certificate to an applicant who has
477 successfully completed the training program. A school shall
478 notify the Division of Licensing within the department upon the
479 issuance of each certificate. The notification must include the
480 name and Class D license number of the certificate holder and a
481 copy of the certificate. The department shall place the

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

482 notification with the licensee's file. Notification may be
483 provided by electronic or paper format pursuant to instruction
484 of the Department of Agriculture and Consumer Services.

485 (6) (a) Upon completion of the certification process, a
486 person holding a Class D license must apply for a revised
487 license pursuant to s. 493.6107(2), which license shall state
488 that the licensee is certified as a seaport security officer.

489 (b) A person who has been issued a seaport security
490 officer certificate is authorized to perform duties specifically
491 required of a seaport security officer.

492 (c) The certificate is valid for the duration of the
493 seaport security officer's Class D license and shall be renewed
494 upon renewal of the license.

495 (d) The certificate shall become void if the seaport
496 security officer's Class D license is revoked or allowed to
497 lapse for more than 1 year or if the licensee fails to complete
498 the annual continuing education requirement prior to expiration
499 of the Class D license.

500 (e) Renewal of certification following licensure
501 revocation or a lapse of longer than 1 year requires, at a
502 minimum, 20 hours of recertification training and reexamination
503 of the applicant.

504 Section 4. Section 311.122, Florida Statutes, is created
505 to read:

506 311.122 Seaport law enforcement agency; authorization;
507 requirements; powers; training.--

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

508 (1) Each seaport in the state is authorized to create a
509 seaport law enforcement agency for its facility, which authority
510 in no way precludes the seaport from contracting with local
511 governments or law enforcement agencies to comply with the
512 security standards required by this chapter.

513 (2) Each seaport law enforcement agency shall meet all of
514 the standards set by the state under certified law enforcement
515 guidelines and requirements and shall be certified as provided
516 under chapter 943.

517 (3) If a seaport creates a seaport law enforcement agency
518 for its facility, a minimum of 30 percent of the aggregate
519 personnel of each seaport law enforcement agency shall be sworn
520 state-certified law enforcement officers with additional
521 Maritime Transportation Security Act seaport training; a minimum
522 of 30 percent of on-duty personnel of each seaport law
523 enforcement agency shall be sworn state-certified law
524 enforcement officers with additional Maritime Transportation
525 Security Act seaport training; and at least one on-duty
526 supervisor must be a sworn state-certified law enforcement
527 officer with additional Maritime Transportation Security Act
528 seaport training.

529 (4) For the purposes of this chapter, where applicable,
530 seaport law enforcement agency officers shall have the same
531 powers as university police officers as provided in s. 1012.97;
532 however, such powers do not extend beyond the property of the
533 seaport except in connection with an investigation initiated on

ENROLLED
 HB 7145, Engrossed 1

2006 Legislature

534 seaport property or in connection with an immediate, imminent
 535 threat to the seaport.

536 (5) For the purposes of this chapter, sworn state-
 537 certified seaport security officers shall have the same law
 538 enforcement powers with respect to the enforcement of traffic
 539 laws on seaport property as university police officers under s.
 540 1012.97, community college police officers under s. 1012.88, and
 541 airport police officers under the provisions of s.
 542 316.640(1)(a)1.d.(I)-(II).

543 (6) Certified seaport security officers shall have the
 544 authority to immediately tow any vehicle parked illegally as
 545 indicated by an existing sign or during an emergency as deemed
 546 necessary to maintain seaport security.

547 Section 5. Section 311.123, Florida Statutes, is created
 548 to read:

549 311.123 Maritime domain security awareness training
 550 program.--

551 (1) The Florida Seaport Transportation and Economic
 552 Development Council, in conjunction with the Department of Law
 553 Enforcement and the Office of Drug Control within the Executive
 554 Office of the Governor, shall create a maritime domain security
 555 awareness training program to instruct all personnel employed
 556 within a seaport's boundaries about the security procedures
 557 required of them for implementation of the seaport security
 558 plan.

559 (2) The training program curriculum must include security
 560 training required pursuant to 33 C.F.R. part 105 and must be

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

561 designed to enable the seaports in this state to meet the
 562 training, drill, and exercise requirements of 33 C.F.R. part 105
 563 and individual seaport security plans and to comply with the
 564 requirements of s. 311.12 relating to security awareness.

565 Section 6. Section 311.124, Florida Statutes, is created
 566 to read:

567 311.124 Trespassing; detention by a certified seaport
 568 security officer.--

569 (1) Any Class D or Class G seaport security officer
 570 certified under the Maritime Transportation Security Act
 571 guidelines and s. 311.121 or any employee of the seaport
 572 security force certified under the Maritime Transportation
 573 Security Act guidelines and s. 311.121 who has probable cause to
 574 believe that a person is trespassing pursuant to the provisions
 575 of s. 810.08 or s. 810.09 or this chapter in a designated
 576 restricted area pursuant to s. 311.111 is authorized to detain
 577 such person in a reasonable manner for a reasonable period of
 578 time pending the arrival of a law enforcement officer, and such
 579 action shall not render the security officer criminally or
 580 civilly liable for false arrest, false imprisonment, or unlawful
 581 detention.

582 (2) Upon detaining a person for trespass, the seaport
 583 security officer shall immediately call a certified law
 584 enforcement officer to the scene.

585 Section 7. Section 817.021, Florida Statutes, is created
 586 to read:

ENROLLED

HB 7145, Engrossed 1

2006 Legislature

587 817.021 False information to obtain a seaport security
588 identification card.--A person who willfully and knowingly
589 provides false information in obtaining or attempting to obtain
590 a seaport security identification card commits a felony of the
591 third degree, punishable as provided in s. 775.082 or s.
592 775.083.

593 Section 8. This act shall take effect July 1, 2006.