

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7147 PCB DS 06-04 Seaport Employee Security Access/Credentialing Waiver Process

SPONSOR(S): Domestic Security Committee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Domestic Security Committee	9 Y, 0 N	Newton	Newton
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill establishes a waiver review process for persons who have been disqualified for unescorted access to seaports.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty

The bill provides for a mechanism to safeguard the rights of individuals to maintain or gain employment on seaports through a waiver process of currently disqualifying circumstances.

Maintain Public Security

The bill provides public protections through due process ensuring that security credentialing on seaports is not compromised or usurped.

B. EFFECT OF PROPOSED CHANGES:

The bill amends s. 311.12, F.S., in order to provide a review process for individuals who have been found unqualified for unescorted access and denied employment by a seaport. Under this provision, the Department of Law Enforcement will conduct a review based on a request for waiver from an individual who has been found unqualified according to the provisions of s. 311.12 (3) (e), F.S. The review will be based on the information submitted by the applicant and the findings from the Parole Commission administrative staff. Such a review is exempt from procedures required under the Administrative Procedures Act, Chapter 120, F.S.

C. SECTION DIRECTORY:

Section 1. Creates Subsection 3 paragraph (e) of s. 311.12, F.S., authorizing the Department of Law Enforcement to establish a waiver process for individuals who are determined unqualified for unescorted access credentials and denied employment by a seaport and provides for notification of final disposition of the case.

Section 2. Provides that the provisions of the bill shall take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See the Fiscal Comments section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The possible number of waivers to be processed is currently unknown and therefore associated costs can not be determined.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional grant of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its meeting on March 8, 2006, the Domestic Security Committee adopted an amendment providing that the State of Florida may reserve the right to refuse access to port operators and third party vendors who the Florida Department of Law Enforcement reasonably believes may pose a threat to the security interests of the citizens of the state.

The amendment does not provide for a method of review.