

HB 7147

2006

1 A bill to be entitled
2 An act relating to seaport security; amending s. 311.12,
3 F.S.; requiring the Department of Law Enforcement to
4 establish a waiver process to grant certain individuals
5 unescorted access to seaports or restricted access areas
6 under certain circumstances; providing waiver process
7 requirements; requiring the administrative staff of the
8 Parole Commission to review the waiver application and
9 transmit the findings to the department; requiring the
10 department to make a final disposition of the application
11 and notify the applicant and the seaport; exempting the
12 waiver process from administrative procedures
13 requirements; creating s. 311.1244, F.S.; authorizing the
14 state to refuse seaport access to certain operators and
15 vendors; authorizing the department to request information
16 for certain purposes; authorizing the department to
17 disqualify certain operators or vendors from eligibility
18 for access to seaports; providing severability; providing
19 an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Paragraph (e) is added to subsection (3) of
24 section 311.12, Florida Statutes, to read:

25 311.12 Seaport security standards.--

26 (3)

27 (e) The Department of Law Enforcement shall establish a
28 waiver process to allow unescorted access to seaports in this

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29 state to an individual who is found to be unqualified under
30 paragraph (c) and denied employment by a seaport. A waiver shall
31 be based upon the circumstances of any disqualifying act or
32 offense, any restitution made by the individual, or other
33 factors from which it may be determined that the individual does
34 not pose a risk of harming any person or engaging in theft, drug
35 trafficking, or terrorism within the public seaports regulated
36 under this chapter. The waiver process shall begin when an
37 individual who has been denied initial employment within or
38 regular unescorted access to restricted areas of a public
39 seaport as described in paragraph (c) submits to the department
40 an application for a waiver and a notarized letter or affidavit
41 from the individual's employer or union representative which
42 states the mitigating reasons for initiating the waiver process.
43 Upon receiving the application, the department shall immediately
44 transmit the application to the Parole Commission for review. No
45 later than 90 days after receiving the application from the
46 department, the administrative staff of the commission shall
47 conduct a factual review of the waiver application. Findings of
48 fact shall be transmitted to the department for review. The
49 department shall provide a copy of those findings to the
50 applicant before a final disposition of the waiver application.
51 The department shall make a final disposition of the waiver
52 application based on the factual findings of the investigation
53 by the commission. The seaport that originally denied employment
54 and the waiver applicant shall be notified of the final
55 disposition of the waiver application by the department. The
56 waiver process established under this paragraph is exempt from

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57 chapter 120.

58 Section 2. Section 311.1244, Florida Statutes, is created
59 to read:

60 311.1244 Refusal of access to seaports.--The state may
61 reserve the right to refuse access to seaport operators and
62 third-party vendors the Department of Law Enforcement reasonably
63 believes may pose a threat to the security interests of the
64 citizens of the state. The department may request from any
65 potential seaport contractor all information the department
66 deems necessary to make a determination of that contractor's
67 potential or creditable threat to seaport security. The failure
68 of any potential seaport contractor to timely provide any
69 requested information may be used by the department to
70 disqualify the contractor from eligibility to be granted access
71 to any seaport in this state.

72 Section 3. If any provision of this act or its application
73 to any person or circumstance is held invalid, the invalidity
74 does not affect other provisions or applications of the act
75 which can be given effect without the invalid provision or
76 application, and to this end the provisions of this act are
77 severable.

78 Section 4. This act shall take effect July 1, 2006.