

By Senator Storms

10-1442A-07

1                                   A bill to be entitled  
2           An act relating to seaport security; amending  
3           s. 311.12, F.S.; requiring the Department of  
4           Law Enforcement to brief specified officials  
5           concerning the results of unannounced seaport  
6           inspections; requiring board members of  
7           governing authorities having responsibility for  
8           seaport operations or oversight to attend  
9           briefings; providing for removal from office of  
10          members having two unexcused absences;  
11          providing for a fine against the authority for  
12          missed sessions; requiring that a quorum of the  
13          board be present for a briefing to be  
14          conducted; providing for publication and  
15          announcement of attendance records; providing  
16          an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:  
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20           Section 1. Subsection (4) of section 311.12, Florida  
21 Statutes, is amended to read:

22           311.12 Seaport security standards; inspections;  
23 compliance; appeals.--

24           (4)(a) Subject to the provisions of subsection (6),  
25 each affected seaport shall begin to implement its security  
26 plan developed under this section by July 1, 2001.

27           (b) The Office of Drug Control and the executive  
28 director of the Department of Law Enforcement may modify or  
29 waive any physical facility requirement or other requirement  
30 contained in the statewide minimum standards for seaport  
31 security upon a finding or other determination that the

1 | purposes of the standards have been reasonably met or exceeded  
2 | by the seaport requesting the modification or waiver.  
3 | Alternate means of compliance may not in any way diminish the  
4 | safety or security of the seaport and shall be verified  
5 | through an extensive risk analysis conducted by the port  
6 | director. Waivers shall be submitted in writing with  
7 | supporting documentation to the Office of Drug Control and the  
8 | Department of Law Enforcement. The Office of Drug Control and  
9 | the Department of Law Enforcement shall have 90 days to  
10 | jointly grant the waiver or reject the waiver in whole or in  
11 | part. Waivers not granted within 90 days or jointly rejected  
12 | shall be submitted by the seaport to the Domestic Security  
13 | Oversight Council for review. The Domestic Security Oversight  
14 | Council shall recommend that the Office of Drug Control and  
15 | the Department of Law Enforcement grant the waiver or reject  
16 | the waiver in whole or in part. The Office of Drug Control and  
17 | the Department of Law Enforcement shall give great weight to  
18 | any recommendations of the Domestic Security Oversight  
19 | Council. Waivers submitted for standards established under s.  
20 | 311.122(3) shall not be granted for percentages below 10  
21 | percent. Such modifications or waivers shall be noted in the  
22 | annual report submitted by the Department of Law Enforcement  
23 | pursuant to this subsection.

24 |       (c) Beginning with the 2001-2002 fiscal year, the  
25 | Department of Law Enforcement, or any entity designated by the  
26 | department, shall conduct no less than one annual unannounced  
27 | inspection of each seaport listed in s. 311.09 to determine  
28 | whether the seaport is meeting the minimum standards  
29 | established pursuant to this section, and to identify seaport  
30 | security changes or improvements necessary or otherwise  
31 | recommended. The Department of Law Enforcement, or any entity

1 designated by the department, may conduct additional announced  
2 or unannounced inspections or operations within or affecting  
3 any affected seaport to test compliance with, or the  
4 effectiveness of, security plans and operations at each  
5 seaport, to determine compliance with physical facility  
6 requirements and standards, or to assist the department in  
7 identifying changes or improvements necessary to bring a  
8 seaport into compliance with the statewide minimum security  
9 standards.

10 (d) Following completion of each unannounced seaport  
11 inspection as described in paragraph (c), the Department of  
12 Law Enforcement shall provide an assessment briefing to the  
13 board members of the governing authority of the seaport and  
14 the local regional domestic security task force co-chairs. The  
15 briefing shall include findings from the inspection, areas of  
16 concern, and recommendations for improvements based on the  
17 findings.

18 (e) Each board member of a governing authority having  
19 responsibility for seaport oversight or operations, pursuant  
20 to s. 311.09(1) or paragraph (1)(b), must attend a session of  
21 the board to receive the Department of Law Enforcement's  
22 briefing. The board must keep written and audio recordings of  
23 all proceedings at such a session. Sessions to receive  
24 security briefings shall be held at least once a year, and a  
25 quorum of board members is no less than three-fifths of the  
26 total membership. The briefing may not proceed unless a quorum  
27 is present. Any member who fails to attend the executive  
28 session shall be removed from the board after two consecutive  
29 unexcused absences, or the seaport authority may be fined  
30 \$10,000 per missed session under this paragraph. Fines  
31 collected under this paragraph shall be paid to the seaport

1 and the local regional domestic security task force. All  
2 attendance records shall be published and announced at the  
3 next regular meeting of the board.

4 ~~(f)(d)~~ By December 31, 2001, and annually thereafter,  
5 the Department of Law Enforcement, in consultation with the  
6 Office of Drug Control, shall complete a report indicating the  
7 observations and findings of all inspections or operations  
8 conducted during the year and any recommendations developed by  
9 reason of such inspections. A copy of the report shall be  
10 provided to the Governor, the President of the Senate, the  
11 Speaker of the House of Representatives, and the chief  
12 administrator of each seaport inspected. The report shall  
13 include responses from the chief administrator of any seaport  
14 indicating what actions, if any, have been taken or are  
15 planned to be taken in response to the recommendations,  
16 observations, and findings reported by the department.

17 ~~(g)(e)~~ In making security project or other funding  
18 decisions applicable to each seaport listed in s. 311.09, the  
19 Legislature may consider as authoritative the annual report of  
20 the Department of Law Enforcement required by this section,  
21 especially regarding each seaport's degree of substantial  
22 compliance with the statewide minimum security standards  
23 established by this section. The Legislature shall review any  
24 seaport that is not in substantial compliance with the  
25 statewide minimum security standards by November 2005, as  
26 reported by the Department of Law Enforcement.

27 ~~(h)(f)~~ By December 31, 2004, the Legislature shall  
28 review the ongoing costs of operational security on seaports,  
29 the impacts of this section on those costs, mitigating factors  
30 that may reduce costs without reducing security, and methods  
31 by which seaports may implement operational security using a

1 combination of sworn law enforcement officers and private  
2 security services.

3         (i)~~(g)~~ Subject to the provisions of this chapter and  
4 appropriations made for seaport security, state funds may not  
5 be expended for operational security costs without  
6 certification of need for such expenditures by the Office of  
7 Ports Administrator within the Department of Law Enforcement.

8             Section 2. This act shall take effect July 1, 2007.

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11   SENATE SUMMARY

12         Requires that Department of Law Enforcement briefings on  
13 the results of unannounced seaport inspections be given  
14 to board members of the governing body of the seaport and  
15 local regional domestic security task force co-chairs.  
16         Requires members of the governing body's board to attend  
17 such briefings, with them being subject to removal from  
18 office upon two unexcused absences. Provides for a fine  
19 for the board for missed sessions.  
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