

By Senator Storms

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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 brief  
4 specified officials concerning the results of unannounced  
5 seaport inspections; requiring board members of governing  
6 authorities having responsibility for seaport operations  
7 or oversight to attend briefings; providing for removal  
8 from office of members having two unexcused absences;  
9 providing for a fine against the authority for missed  
10 sessions; requiring that a quorum of the board be present  
11 for a briefing to be conducted; providing for publication  
12 and announcement of attendance records; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Subsection (4) of section 311.12, Florida  
18 Statutes, is amended to read:

19 311.12 Seaport security standards; inspections; compliance;  
20 appeals.--

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

24 (b) The Office of Drug Control and the executive director  
25 of the Department of Law Enforcement may modify or waive any  
26 physical facility requirement or other requirement contained in  
27 the statewide minimum standards for seaport security upon a  
28 finding or other determination that the purposes of the standards  
29 have been reasonably met or exceeded by the seaport requesting

10-00448-08

2008808\_\_

30 | the modification or waiver. Alternate means of compliance may not  
31 | in any way diminish the safety or security of the seaport and  
32 | shall be verified through an extensive risk analysis conducted by  
33 | the port director. Waivers shall be submitted in writing with  
34 | supporting documentation to the Office of Drug Control and the  
35 | Department of Law Enforcement. The Office of Drug Control and the  
36 | Department of Law Enforcement shall have 90 days to jointly grant  
37 | the waiver or reject the waiver in whole or in part. Waivers not  
38 | granted within 90 days or jointly rejected shall be submitted by  
39 | the seaport to the Domestic Security Oversight Council for  
40 | review. The Domestic Security Oversight Council shall recommend  
41 | that the Office of Drug Control and the Department of Law  
42 | Enforcement grant the waiver or reject the waiver in whole or in  
43 | part. The Office of Drug Control and the Department of Law  
44 | Enforcement shall give great weight to any recommendations of the  
45 | Domestic Security Oversight Council. Waivers submitted for  
46 | standards established under s. 311.122(3) shall not be granted  
47 | for percentages below 10 percent. Such modifications or waivers  
48 | shall be noted in the annual report submitted by the Department  
49 | of Law Enforcement pursuant to this subsection.

50 | (c) Beginning with the 2001-2002 fiscal year, the  
51 | Department of Law Enforcement, or any entity designated by the  
52 | department, shall conduct no less than one annual unannounced  
53 | inspection of each seaport listed in s. 311.09 to determine  
54 | whether the seaport is meeting the minimum standards established  
55 | pursuant to this section, and to identify seaport security  
56 | changes or improvements necessary or otherwise recommended. The  
57 | Department of Law Enforcement, or any entity designated by the  
58 | department, may conduct additional announced or unannounced

10-00448-08

2008808\_\_

59 inspections or operations within or affecting any affected  
60 seaport to test compliance with, or the effectiveness of,  
61 security plans and operations at each seaport, to determine  
62 compliance with physical facility requirements and standards, or  
63 to assist the department in identifying changes or improvements  
64 necessary to bring a seaport into compliance with the statewide  
65 minimum security standards.

66 (d) Following completion of each unannounced seaport  
67 inspection as described in paragraph (c), the Department of Law  
68 Enforcement shall provide an assessment briefing to the board  
69 members of the governing authority of the seaport and the local  
70 regional domestic security task force co-chairs. The briefing  
71 shall include findings from the inspection, areas of concern, and  
72 recommendations for improvements based on the findings.

73 (e) Each board member of a governing authority having  
74 responsibility for seaport oversight or operations, pursuant to  
75 s. 311.09(1) or paragraph (1)(b), must attend a session of the  
76 board to receive the Department of Law Enforcement's briefing.  
77 The board must keep written and audio recordings of all  
78 proceedings at such a session. Sessions to receive security  
79 briefings shall be held at least once a year, and a quorum of  
80 board members is no less than three-fifths of the total  
81 membership. The briefing may not proceed unless a quorum is  
82 present. Any member who fails to attend the executive session  
83 shall be removed from the board after two consecutive unexcused  
84 absences, or the seaport authority may be fined \$10,000 per  
85 missed session under this paragraph. Fines collected under this  
86 paragraph shall be paid to the seaport and the local regional  
87 domestic security task force. All attendance records shall be

10-00448-08

2008808\_\_

88 published and announced at the next regular meeting of the board.

89 (f)~~(d)~~ By December 31, 2001, and annually thereafter, the  
90 Department of Law Enforcement, in consultation with the Office of  
91 Drug Control, shall complete a report indicating the observations  
92 and findings of all inspections or operations conducted during  
93 the year and any recommendations developed by reason of such  
94 inspections. A copy of the report shall be provided to the  
95 Governor, the President of the Senate, the Speaker of the House  
96 of Representatives, and the chief administrator of each seaport  
97 inspected. The report shall include responses from the chief  
98 administrator of any seaport indicating what actions, if any,  
99 have been taken or are planned to be taken in response to the  
100 recommendations, observations, and findings reported by the  
101 department.

102 (g)~~(e)~~ In making security project or other funding  
103 decisions applicable to each seaport listed in s. 311.09, the  
104 Legislature may consider as authoritative the annual report of  
105 the Department of Law Enforcement required by this section,  
106 especially regarding each seaport's degree of substantial  
107 compliance with the statewide minimum security standards  
108 established by this section. The Legislature shall review any  
109 seaport that is not in substantial compliance with the statewide  
110 minimum security standards by November 2005, as reported by the  
111 Department of Law Enforcement.

112 (h)~~(f)~~ By December 31, 2004, the Legislature shall review  
113 the ongoing costs of operational security on seaports, the  
114 impacts of this section on those costs, mitigating factors that  
115 may reduce costs without reducing security, and methods by which  
116 seaports may implement operational security using a combination

10-00448-08

2008808\_\_

117 | of sworn law enforcement officers and private security services.

118 |     (i)~~(g)~~ Subject to the provisions of this chapter and  
119 | appropriations made for seaport security, state funds may not be  
120 | expended for operational security costs without certification of  
121 | need for such expenditures by the Office of Ports Administrator  
122 | within the Department of Law Enforcement.

123 |     Section 2. This act shall take effect July 1, 2008.