

By Senator Storms

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1 A bill to be entitled
2 An act relating to seaport security; amending s.
3 311.12, F.S.; requiring the Department of Law
4 Enforcement to provide assessment briefings to the
5 governing boards of seaport authorities to address the
6 results of certain inspections; requiring assessment
7 briefings to be provided at least once per year;
8 requiring board members to attend assessment
9 briefings; authorizing the Department of Law
10 Enforcement to fine a seaport if an assessment
11 briefing is cancelled due to lack of attendance by
12 board members; providing for the fine to be paid to
13 the local regional domestic security task force;
14 providing an effective date.

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

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

20 311.12 Seaport security standards; inspections; compliance;
21 appeals.—

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

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

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

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

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59 recommended. The Department of Law Enforcement, or any entity
60 designated by the department, may conduct additional announced
61 or unannounced inspections or operations within or affecting any
62 affected seaport to test compliance with, or the effectiveness
63 of, security plans and operations at each seaport, to determine
64 compliance with physical facility requirements and standards, or
65 to assist the department in identifying changes or improvements
66 necessary to bring a seaport into compliance with the statewide
67 minimum security standards.

68 (d)1. After the Department of Law Enforcement completes an
69 unannounced seaport inspection as described in paragraph (c),
70 the department shall provide an assessment briefing to the board
71 members of the governing authority of the seaport and the local
72 regional domestic security task force co-chairs. The briefing
73 must address the findings from the inspection, areas of concern,
74 and recommendations for improvements.

75 2. Each board member of a governing authority having
76 responsibility for seaport oversight or operations shall attend
77 the assessment briefings by the Department of Law Enforcement.
78 The department shall provide assessment briefings at least once
79 per year during a meeting of the board. The board must make
80 transcripts and audio recordings of all proceedings during the
81 briefings. The assessment briefing must be cancelled if the
82 briefing is attended by fewer than three-fifths of the total
83 membership of the board. The department may fine the seaport
84 authority \$10,000 for each assessment briefing cancelled due to
85 lack of attendance by board members. The seaport authority shall
86 remove each board member who fails to attend two consecutive
87 assessment briefings. Fines collected under this paragraph shall

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88 be paid to the local regional domestic security task force. All
89 attendance records shall be published and announced at the next
90 regular meeting of the board.

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

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

114 (g)~~(f)~~ By December 31, 2004, the Legislature shall review
115 the ongoing costs of operational security on seaports, the
116 impacts of this section on those costs, mitigating factors that

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117 may reduce costs without reducing security, and methods by which
118 seaports may implement operational security using a combination
119 of sworn law enforcement officers and private security services.

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

125 Section 2. This act shall take effect July 1, 2009.