

1 A bill to be entitled
2 An act relating to seaports; amending s. 311.12, F.S.;
3 deleting provisions relating to statewide minimum
4 standards for seaport security; deleting provisions
5 authorizing the Department of Law Enforcement to exempt
6 all or part of a seaport from specified requirements in
7 certain circumstances; revising provisions relating to
8 seaport security plans; revising requirements for certain
9 secure or restricted areas; revising provisions relating
10 to when a part of a seaport property may temporarily be
11 designated as a secure or restricted area; deleting
12 provisions requiring that the Department of Law
13 Enforcement administer a statewide seaport access
14 eligibility reporting system; deleting provisions
15 requiring that persons seeking authorization to access
16 secure and restricted areas of a seaport execute an
17 affidavit; prohibiting a seaport from charging any fee for
18 administration or production of access control credentials
19 that require or are associated with a fingerprint-based
20 background check, in addition to the fee for the federal
21 TWIC; providing exceptions; providing for issuance of
22 seaport-specific access credentials; deleting provisions
23 requiring fingerprint-based state criminal history checks
24 on seaport employee applicants, current employees, and
25 other authorized persons; deleting provisions authorizing
26 waivers from security requirements in certain
27 circumstances; deleting provisions relating to
28 inspections; deleting reporting requirements; deleting the

29 provisions relating to the allocation of appropriated
30 funds for security project needs; amending s. 311.121,
31 F.S.; conforming provisions to changes made by the act;
32 amending s. 311.123, F.S.; revising who may create a
33 maritime domain security awareness training program;
34 conforming provisions to changes made by the act; amending
35 s. 311.124, F.S.; conforming provisions to changes made by
36 the act; repealing s. 311.115, F.S., relating to the
37 Seaport Security Standards Advisory Council; amending s.
38 310.002, F.S.; redefining the term "port" for specified
39 provisions to include Port Citrus; amending s. 311.09,
40 F.S.; including a representative of Port Citrus as a
41 member of the Florida Seaport Transportation and Economic
42 Development Council; amending s. 374.976, F.S.; including
43 Port Citrus in provisions relating to the authority of
44 inland navigation districts; amending s. 403.021, F.S.;
45 including Port Citrus in legislative declarations relating
46 to environmental control; amending s. 403.061, F.S.;
47 including Port Citrus in provisions relating to powers of
48 the Department of Environmental Protection; amending s.
49 403.813, F.S.; including Port Citrus in provisions
50 relating to permits issued at Department of Environmental
51 Protection district centers; amending s. 403.816, F.S.;
52 including Port Citrus in provisions relating to certain
53 maintenance projects at deepwater ports and beach
54 restoration projects; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Section 311.12, Florida Statutes, is amended to
59 read:

60 311.12 Seaport security.—

61 (1) SECURITY STANDARDS.—

62 ~~(a) The statewide minimum standards for seaport security~~
63 ~~applicable to seaports listed in s. 311.09 shall be those based~~
64 ~~on the Florida Seaport Security Assessment 2000 and set forth in~~
65 ~~the Port Security Standards Compliance Plan delivered to the~~
66 ~~Speaker of the House of Representatives and the President of the~~
67 ~~Senate on December 11, 2000. The Office of Drug Control within~~
68 ~~the Executive Office of the Governor shall maintain a sufficient~~
69 ~~number of copies of the standards at its offices for~~
70 ~~distribution to the public and provide copies to each affected~~
71 ~~seaport upon request.~~

72 (a) ~~(b)~~ A seaport may implement security measures that are
73 more stringent, more extensive, or supplemental to the
74 applicable federal security regulations, including federal
75 facility security assessment requirements under 33 C.F.R. s.
76 105.305 ~~minimum security standards established by this~~
77 ~~subsection.~~

78 (b) ~~(c)~~ The provisions of s. 790.251 are not superseded,
79 preempted, or otherwise modified in any way by the provisions of
80 this section.

81 ~~(2) EXEMPTION. The Department of Law Enforcement may~~
82 ~~exempt all or part of a seaport listed in s. 311.09 from the~~
83 ~~requirements of this section if the department determines that~~
84 ~~activity associated with the use of the seaport or part of the~~

85 ~~seaport is not vulnerable to criminal activity or terrorism. The~~
 86 ~~department shall periodically review such exemptions to~~
 87 ~~determine if there is a change in use. Such change may warrant~~
 88 ~~removal of all or part of the exemption.~~

89 (2)~~(3)~~ SECURITY PLAN.—

90 (a) Each seaport listed in s. 311.09 shall adopt and
 91 maintain a security plan specific to that seaport which provides
 92 for a secure seaport infrastructure that promotes the safety and
 93 security of state residents and visitors and the flow of
 94 legitimate trade and travel.

95 (b)~~(a)~~ Each seaport ~~Every 5 years after January 1, 2007,~~
 96 ~~each seaport director, with the assistance of the Regional~~
 97 ~~Domestic Security Task Force and in conjunction with the United~~
 98 ~~States Coast Guard,~~ shall periodically revise the seaport's
 99 security plan based on the seaport's director's ongoing
 100 assessment of security risks, the risks of terrorist activities,
 101 and the specific and identifiable needs of the seaport for
 102 ensuring that the seaport is in substantial compliance with
 103 applicable federal security regulations, including federal
 104 facility security assessment requirements under 33 C.F.R. s.
 105 105.305 ~~the minimum security standards established under~~
 106 ~~subsection (1).~~

107 ~~(b)~~ ~~Each adopted or revised security plan must be reviewed~~
 108 ~~and approved by the Office of Drug Control and the Department of~~
 109 ~~Law Enforcement for compliance with federal facility security~~
 110 ~~assessment requirements under 33 C.F.R. s. 105.305 and the~~
 111 ~~minimum security standards established under subsection (1).~~
 112 ~~Within 30 days after completion, a copy of the written review~~

113 ~~shall be delivered to the United States Coast Guard, the~~
114 ~~Regional Domestic Security Task Force, and the Domestic Security~~
115 ~~Oversight Council.~~

116 (3)~~(4)~~ SECURE AND RESTRICTED AREAS.—Each seaport listed in
117 s. 311.09 must clearly designate in seaport security plans, and
118 clearly identify with appropriate signs and markers on the
119 premises of a seaport, all secure and restricted areas as
120 defined by 33 C.F.R. part 105 ~~the United States Department of~~
121 ~~Homeland Security—United States Coast Guard Navigation and~~
122 ~~Vessel Inspection Circular No. 03-07 and 49 C.F.R. part 1572.~~
123 ~~The plans must also address access eligibility requirements and~~
124 ~~corresponding security enforcement authorizations.~~

125 (a) ~~The seaport's security plan must set forth the~~
126 ~~conditions and restrictions to be imposed on persons employed~~
127 ~~at, doing business at, or visiting the seaport who have access~~
128 ~~to secure and restricted areas which are sufficient to provide~~
129 ~~substantial compliance with the minimum security standards~~
130 ~~established in subsection (1) and federal regulations.~~

131 1. All seaport employees and other persons working at the
132 seaport who have regular access to secure or restricted areas
133 must comply with federal access control regulations ~~and state~~
134 ~~criminal history checks~~ as prescribed in this section.

135 2. All persons and objects in secure and restricted areas
136 are subject to search by a sworn state-certified law enforcement
137 officer, a Class D seaport security officer certified under
138 Maritime Transportation Security Act of 2002 guidelines ~~and s.~~
139 ~~311.121~~, or an employee of the seaport security force certified
140 under the Maritime Transportation Security Act of 2002

141 guidelines and ~~s. 311.121~~.

142 3. Persons found in these areas without the proper
143 permission are subject to the trespass provisions of ss. 810.08
144 and 810.09.

145 ~~(b) As determined by the seaport director's most current~~
146 ~~risk assessment under paragraph (3) (a), any secure or restricted~~
147 ~~area that has a potential human occupancy of 50 persons or more,~~
148 ~~any cruise terminal, or any business operation that is adjacent~~
149 ~~to a public access area must be protected from the most probable~~
150 ~~and credible terrorist threat to human life.~~

151 (b) ~~(e)~~ The seaport must provide clear notice of the
152 prohibition against possession of concealed weapons and other
153 contraband material on the premises of the seaport. Any person
154 in a restricted area who has in his or her possession a
155 concealed weapon, or who operates or has possession or control
156 of a vehicle in or upon which a concealed weapon is placed or
157 stored, commits a misdemeanor of the first degree, punishable as
158 provided in s. 775.082 or s. 775.083. This paragraph does not
159 apply to active-duty certified federal or state law enforcement
160 personnel or persons so designated by the seaport director in
161 writing.

162 (c) ~~(d)~~ During a period of high terrorist threat level, as
163 designated by the United States Department of Homeland Security
164 ~~or the Department of Law Enforcement, or during an emergency~~
165 ~~declared at a port by the seaport security director due to~~
166 ~~events applicable to that particular seaport, the management or~~
167 controlling authority of the port may temporarily designate any
168 part of the seaport property as a secure or restricted area. The

169 duration of such designation is limited to the period in which
 170 the high terrorist threat level is in effect or a port emergency
 171 exists.

172 ~~(5) ACCESS ELIGIBILITY REPORTING SYSTEM. Subject to~~
 173 ~~legislative appropriations, the Department of Law Enforcement~~
 174 ~~shall administer a statewide seaport access eligibility~~
 175 ~~reporting system.~~

176 ~~(a) The system must include, at a minimum, the following:~~

177 ~~1. A centralized, secure method of collecting and~~
 178 ~~maintaining fingerprints, other biometric data, or other means~~
 179 ~~of confirming the identity of persons authorized to enter a~~
 180 ~~secure or restricted area of a seaport.~~

181 ~~2. A methodology for receiving from and transmitting~~
 182 ~~information to each seaport regarding a person's authority to~~
 183 ~~enter a secure or restricted area of the seaport.~~

184 ~~3. A means for receiving prompt notification from a~~
 185 ~~seaport when a person's authorization to enter a secure or~~
 186 ~~restricted area of a seaport has been suspended or revoked.~~

187 ~~4. A means to communicate to seaports when a person's~~
 188 ~~authorization to enter a secure or restricted area of a seaport~~
 189 ~~has been suspended or revoked.~~

190 ~~(b) Each seaport listed in s. 311.09 is responsible for~~
 191 ~~granting, modifying, restricting, or denying access to secure~~
 192 ~~and restricted areas to seaport employees, other persons working~~
 193 ~~at the seaport, visitors who have business with the seaport, or~~
 194 ~~other persons regularly appearing at the seaport. Based upon the~~
 195 ~~person's criminal history check, each seaport may determine the~~
 196 ~~specific access eligibility to be granted to that person. Each~~

197 ~~seaport is responsible for access eligibility verification at~~
198 ~~its location.~~

199 ~~(c) Upon determining that a person is eligible to enter a~~
200 ~~secure or restricted area of a port pursuant to subsections (6)~~
201 ~~and (7), the seaport shall, within 3 business days, report the~~
202 ~~determination to the department for inclusion in the system.~~

203 ~~(d) All information submitted to the department regarding~~
204 ~~a person's access eligibility screening may be retained by the~~
205 ~~department for subsequent use in promoting seaport security,~~
206 ~~including, but not limited to, the review of the person's~~
207 ~~criminal history status to ensure that the person has not become~~
208 ~~disqualified for such access.~~

209 ~~(e) The following fees may not be charged by more than one~~
210 ~~seaport and shall be paid by the seaport, another employing~~
211 ~~entity, or the person being entered into the system to the~~
212 ~~department or to the seaport if the seaport is acting as an~~
213 ~~agent of the department for the purpose of collecting the fees:~~

214 ~~1. The cost of the state criminal history check under~~
215 ~~subsection (7).~~

216 ~~2. A \$50 fee to cover the initial cost of entering the~~
217 ~~person into the system and an additional \$50 fee every 5 years~~
218 ~~thereafter to coincide with the issuance of the federal~~
219 ~~Transportation Worker Identification Credential described in~~
220 ~~subsection (6). The fee covers all costs for entering or~~
221 ~~maintaining the person in the system including the retention and~~
222 ~~use of the person's fingerprint, other biometric data, or other~~
223 ~~identifying information.~~

224 ~~3. The seaport entering the person into the system may~~

225 ~~charge an administrative fee to cover, but not exceed, the~~
226 ~~seaport's actual administrative costs for processing the results~~
227 ~~of the state criminal history check and entering the person into~~
228 ~~the system.~~

229 ~~(f) All fees identified in paragraph (e) must be paid~~
230 ~~before the person may be granted access to a secure or~~
231 ~~restricted area. Failure to comply with the criminal history~~
232 ~~check and failure to pay the fees are grounds for immediate~~
233 ~~denial of access.~~

234 ~~(g) Persons, corporations, or other business entities that~~
235 ~~employ persons to work or do business at seaports shall notify~~
236 ~~the seaport of the termination, resignation, work-related~~
237 ~~incapacitation, or death of an employee who has access~~
238 ~~permission.~~

239 ~~1. If the seaport determines that the person has been~~
240 ~~employed by another appropriate entity or is self-employed for~~
241 ~~purposes of performing work at the seaport, the seaport may~~
242 ~~reinstate the person's access eligibility.~~

243 ~~2. A business entity's failure to report a change in an~~
244 ~~employee's work status within 7 days after the change may result~~
245 ~~in revocation of the business entity's access to the seaport.~~

246 ~~(h) In addition to access permissions granted or denied by~~
247 ~~seaports, access eligibility may be restricted or revoked by the~~
248 ~~department if there is a reasonable suspicion that the person is~~
249 ~~involved in terrorism or criminal violations that could affect~~
250 ~~the security of a port or otherwise render the person ineligible~~
251 ~~for seaport access.~~

252 ~~(i) Any suspension or revocation of port access must be~~

253 ~~reported by the seaport to the department within 24 hours after~~
 254 ~~such suspension or revocation.~~

255 ~~(j) The submission of information known to be false or~~
 256 ~~misleading to the department for entry into the system is a~~
 257 ~~felony of the third degree, punishable as provided in s.~~
 258 ~~775.082, s. 775.083, or s. 775.084.~~

259 (4)(6) ACCESS TO SECURE AND RESTRICTED AREAS.-

260 (a) Any person seeking authorization for unescorted access
 261 to secure and restricted areas of a seaport must possess, ~~unless~~
 262 ~~waived under paragraph (7)(e),~~ a valid federal Transportation
 263 Worker Identification Credential (TWIC).

264 (b) A seaport may not charge a fee for the administration
 265 or production of any access control credential that requires or
 266 is associated with a fingerprint-based background check, in
 267 addition to the fee for the federal TWIC. Beginning July 1,
 268 2013, a seaport may not charge a fee for a seaport-specific
 269 access credential issued in addition to the federal TWIC, except
 270 under the following circumstances:

271 1. The individual seeking to gain secured access is a new
 272 hire as defined under 33 C.F.R. s. 105; or

273 2. The individual has lost or misplaced his or her federal
 274 TWIC. and execute an affidavit under oath which provides TWIC
 275 identification information and indicates the following:

276 1. The TWIC is currently valid and in full force and
 277 effect.

278 2. The TWIC was not received through the waiver process
 279 for disqualifying criminal history allowed by federal law.

280 3. He or she has not, in any jurisdiction, civilian or

281 ~~military, been convicted of, entered a plea of guilty or nolo~~
282 ~~contendere to, regardless of adjudication, or been found not~~
283 ~~guilty by reason of insanity, of any disqualifying felony under~~
284 ~~subsection (7) or any crime that includes the use or possession~~
285 ~~of a firearm.~~

286 ~~(b) Upon submission of a completed affidavit as provided~~
287 ~~in paragraph (a), the completion of the state criminal history~~
288 ~~check as provided in subsection (7), and payment of all required~~
289 ~~fees under subsection (5), a seaport may grant the person access~~
290 ~~to secure or restricted areas of the port.~~

291 ~~(c) Any port granting a person access to secure or~~
292 ~~restricted areas shall report the grant of access to the~~
293 ~~Department of Law Enforcement for inclusion in the access~~
294 ~~eligibility reporting system under subsection (5) within 3~~
295 ~~business days.~~

296 ~~(d) The submission of false information on the affidavit~~
297 ~~required by this section is a felony of the third degree,~~
298 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
299 ~~Upon conviction for a violation of this provision, the person~~
300 ~~convicted forfeits all privilege of access to secure or~~
301 ~~restricted areas of a seaport and is disqualified from future~~
302 ~~approval for access to such areas.~~

303 ~~(e) Any affidavit form created for use under this~~
304 ~~subsection must contain the following statement in conspicuous~~
305 ~~type: "SUBMISSION OF FALSE INFORMATION ON THIS AFFIDAVIT IS A~~
306 ~~FELONY UNDER FLORIDA LAW AND WILL, UPON CONVICTION, RESULT IN~~
307 ~~DISQUALIFICATION FOR ACCESS TO A SECURE OR RESTRICTED AREA OF A~~
308 ~~SEAPORT."~~

309 ~~(f) Upon each 5-year renewal of a person's TWIC, the~~
 310 ~~person must submit another affidavit as required by this~~
 311 ~~subsection.~~

312 ~~(7) CRIMINAL HISTORY SCREENING. A fingerprint-based~~
 313 ~~criminal history check must be performed on employee applicants,~~
 314 ~~current employees, and other persons authorized to regularly~~
 315 ~~enter a secure or restricted area, or the entire seaport if the~~
 316 ~~seaport security plan does not designate one or more secure or~~
 317 ~~restricted areas.~~

318 ~~(a) A person is disqualified from employment or unescorted~~
 319 ~~access if the person:~~

320 ~~1. Was convicted of, or entered a plea of guilty or nolo~~
 321 ~~contendere to, regardless of adjudication, any of the offenses~~
 322 ~~listed in paragraph (b) in any jurisdiction, civilian or~~
 323 ~~military, including courts-martial conducted by the Armed Forces~~
 324 ~~of the United States, during the 7 years before the date of the~~
 325 ~~person's application for access; or~~

326 ~~2. Was released from incarceration, or any supervision~~
 327 ~~imposed as a result of sentencing, for committing any of the~~
 328 ~~disqualifying crimes listed in paragraph (b) in any~~
 329 ~~jurisdiction, civilian or military, during the 5 years before~~
 330 ~~the date of the person's application for access.~~

331 ~~(b) Disqualifying offenses include:~~

332 ~~1. An act of terrorism as defined in s. 775.30.~~

333 ~~2. A violation involving a weapon of mass destruction or a~~
 334 ~~hoax weapon of mass destruction as provided in s. 790.166.~~

335 ~~3. Planting of a hoax bomb as provided in s. 790.165.~~

336 ~~4. A violation of s. 876.02 or s. 876.36.~~

- 337 ~~5. A violation of s. 860.065.~~
- 338 ~~6. Trafficking as provided in s. 893.135.~~
- 339 ~~7. Racketeering activity as provided in s. 895.03.~~
- 340 ~~8. Dealing in stolen property as provided in s. 812.019.~~
- 341 ~~9. Money laundering as provided in s. 896.101.~~
- 342 ~~10. Criminal use of personal identification as provided in~~
- 343 ~~s. 817.568.~~
- 344 ~~11. Bribery as provided in s. 838.015.~~
- 345 ~~12. A violation of s. 316.302, relating to the transport~~
- 346 ~~of hazardous materials.~~
- 347 ~~13. A forcible felony as defined in s. 776.08.~~
- 348 ~~14. A violation of s. 790.07.~~
- 349 ~~15. Any crime that includes the use or possession of a~~
- 350 ~~firearm.~~
- 351 ~~16. A felony violation for theft as provided in s.~~
- 352 ~~812.014.~~
- 353 ~~17. Robbery as provided in s. 812.13.~~
- 354 ~~18. Burglary as provided in s. 810.02.~~
- 355 ~~19. Any violation involving the sale, manufacture,~~
- 356 ~~delivery, or possession with intent to sell, manufacture, or~~
- 357 ~~deliver a controlled substance.~~
- 358 ~~20. Any offense under the laws of another jurisdiction~~
- 359 ~~that is similar to an offense listed in this paragraph.~~
- 360 ~~21. Conspiracy or attempt to commit any of the offenses~~
- 361 ~~listed in this paragraph.~~
- 362 ~~(c) Each individual who is subject to a criminal history~~
- 363 ~~check shall file a complete set of fingerprints taken in a~~
- 364 ~~manner acceptable to the Department of Law Enforcement for state~~

365 ~~processing. The results of the criminal history check must be~~
366 ~~reported to the requesting seaport and may be shared among~~
367 ~~seaports.~~

368 ~~(d) All fingerprints submitted to the Department of Law~~
369 ~~Enforcement shall be retained by the department and entered into~~
370 ~~the statewide automated fingerprint identification system~~
371 ~~established in s. 943.05(2)(b) and available for use in~~
372 ~~accordance with s. 943.05(2)(g) and (h). An arrest record that~~
373 ~~is identified with the retained fingerprints of a person subject~~
374 ~~to the screening shall be reported to the seaport where the~~
375 ~~person has been granted access to a secure or restricted area.~~
376 ~~If the fingerprints of a person who has been granted access were~~
377 ~~not retained, or are otherwise not suitable for use by the~~
378 ~~department, the person must be refingerprinted in a manner that~~
379 ~~allows the department to perform its functions as provided in~~
380 ~~this section.~~

381 ~~(e) The Department of Law Enforcement shall establish a~~
382 ~~waiver process for a person who does not have a TWIC, obtained a~~
383 ~~TWIC through a federal waiver process, or is found to be~~
384 ~~unqualified under paragraph (a) and denied employment by a~~
385 ~~seaport or unescorted access to secure or restricted areas. If~~
386 ~~the person does not have a TWIC and a federal criminal history~~
387 ~~record check is required, the Department of Law Enforcement may~~
388 ~~forward the person's fingerprints to the Federal Bureau of~~
389 ~~Investigation for a national criminal history record check. The~~
390 ~~cost of the national check must be paid by the seaport, which~~
391 ~~may collect it as reimbursement from the person.~~

392 ~~1. Consideration for a waiver shall be based on the~~

393 ~~circumstances of any disqualifying act or offense, restitution~~
394 ~~made by the individual, and other factors from which it may be~~
395 ~~determined that the individual does not pose a risk of engaging~~
396 ~~in any act within the public seaports regulated under this~~
397 ~~chapter that would pose a risk to or threaten the security of~~
398 ~~the seaport and the public's health, safety, or welfare.~~

399 ~~2. The waiver process begins when an individual who has~~
400 ~~been denied initial employment within or denied unescorted~~
401 ~~access to secure or restricted areas of a public seaport submits~~
402 ~~an application for a waiver and a notarized letter or affidavit~~
403 ~~from the individual's employer or union representative which~~
404 ~~states the mitigating reasons for initiating the waiver process.~~

405 ~~3. Within 90 days after receipt of the application, the~~
406 ~~administrative staff of the Parole Commission shall conduct a~~
407 ~~factual review of the waiver application. Findings of fact shall~~
408 ~~be transmitted to the department for review. The department~~
409 ~~shall make a copy of those findings available to the applicant~~
410 ~~before final disposition of the waiver request.~~

411 ~~4. The department shall make a final disposition of the~~
412 ~~waiver request based on the factual findings of the~~
413 ~~investigation by the Parole Commission. The department shall~~
414 ~~notify the waiver applicant of the final disposition of the~~
415 ~~waiver.~~

416 ~~5. The review process under this paragraph is exempt from~~
417 ~~chapter 120.~~

418 ~~6. By October 1 of each year, each seaport shall report to~~
419 ~~the department each instance of denial of employment within, or~~
420 ~~access to, secure or restricted areas, and each instance waiving~~

421 ~~a denial occurring during the last 12 months. The report must~~
422 ~~include the identity of the individual affected, the factors~~
423 ~~supporting the denial or waiver, and any other material factors~~
424 ~~used to make the determination.~~

425 ~~(f) In addition to the waiver procedure established by the~~
426 ~~Department of Law Enforcement under paragraph (e), each seaport~~
427 ~~security plan may establish a procedure to appeal a denial of~~
428 ~~employment or access based upon procedural inaccuracies or~~
429 ~~discrepancies regarding criminal history factors established~~
430 ~~pursuant to this subsection.~~

431 ~~(g) Each seaport may allow immediate waivers on a~~
432 ~~temporary basis to meet special or emergency needs of the~~
433 ~~seaport or its users. Policies, procedures, and criteria for~~
434 ~~implementation of this paragraph must be included in the seaport~~
435 ~~security plan. All waivers granted by the seaports pursuant to~~
436 ~~this paragraph must be reported to the department within 30 days~~
437 ~~after issuance.~~

438 ~~(8) WAIVER FROM SECURITY REQUIREMENTS. The Office of Drug~~
439 ~~Control and the Department of Law Enforcement may modify or~~
440 ~~wave any physical facility requirement or other requirement~~
441 ~~contained in the minimum security standards upon a determination~~
442 ~~that the purposes of the standards have been reasonably met or~~
443 ~~exceeded by the seaport requesting the modification or waiver.~~
444 ~~An alternate means of compliance must not diminish the safety or~~
445 ~~security of the seaport and must be verified through an~~
446 ~~extensive risk analysis conducted by the seaport director.~~

447 ~~(a) Waiver requests shall be submitted in writing, along~~
448 ~~with supporting documentation, to the Office of Drug Control and~~

449 ~~the Department of Law Enforcement. The office and the department~~
450 ~~have 90 days to jointly grant or reject the waiver, in whole or~~
451 ~~in part.~~

452 ~~(b) The seaport may submit any waivers that are not~~
453 ~~granted or are jointly rejected to the Domestic Security~~
454 ~~Oversight Council for review within 90 days. The council shall~~
455 ~~recommend that the Office of Drug Control and the Department of~~
456 ~~Law Enforcement grant the waiver or reject the waiver, in whole~~
457 ~~or in part. The office and the department shall give great~~
458 ~~weight to the council's recommendations.~~

459 ~~(c) A request seeking a waiver from the seaport law~~
460 ~~enforcement personnel standards established under s. 311.122(3)~~
461 ~~may not be granted for percentages below 10 percent.~~

462 ~~(d) Any modifications or waivers granted under this~~
463 ~~subsection shall be noted in the annual report submitted by the~~
464 ~~Department of Law Enforcement pursuant to subsection (10).~~

465 ~~(9) INSPECTIONS. It is the intent of the Legislature that~~
466 ~~the state's seaports adhere to security practices that are~~
467 ~~consistent with the risks assigned to each seaport through the~~
468 ~~ongoing risk assessment process established in paragraph (3)(a).~~

469 ~~(a) The Department of Law Enforcement, or any entity~~
470 ~~designated by the department, shall conduct at least one annual~~
471 ~~unannounced inspection of each seaport to determine whether the~~
472 ~~seaport is meeting the minimum security standards established~~
473 ~~pursuant to subsection (1) and to identify seaport security~~
474 ~~changes or improvements needed or otherwise recommended.~~

475 ~~(b) The Department of Law Enforcement, or any entity~~
476 ~~designated by the department, may conduct additional announced~~

477 ~~or unannounced inspections or operations within or affecting any~~
478 ~~seaport to test compliance with, or the effectiveness of,~~
479 ~~security plans and operations at each seaport, to determine~~
480 ~~compliance with physical facility requirements and standards, or~~
481 ~~to assist the department in identifying changes or improvements~~
482 ~~needed to bring a seaport into compliance with minimum security~~
483 ~~standards.~~

484 ~~(c) Within 30 days after completing the inspection report,~~
485 ~~the department shall submit a copy of the report to the Domestic~~
486 ~~Security Oversight Council.~~

487 ~~(d) A seaport may request that the Domestic Security~~
488 ~~Oversight Council review the findings in the department's report~~
489 ~~as they relate to the requirements of this section. The council~~
490 ~~may review only those findings that are in dispute by the~~
491 ~~seaport. In reviewing the disputed findings, the council may~~
492 ~~concur in the findings of the department or the seaport or may~~
493 ~~recommend corrective action to the seaport. The department and~~
494 ~~the seaport shall give great weight to the council's findings~~
495 ~~and recommendations.~~

496 ~~(e) All seaports shall allow the Department of Law~~
497 ~~Enforcement, or an entity designated by the department,~~
498 ~~unimpeded access to affected areas and facilities for the~~
499 ~~purpose of plan or compliance inspections or other operations~~
500 ~~authorized by this section.~~

501 ~~(10) REPORTS. The Department of Law Enforcement, in~~
502 ~~consultation with the Office of Drug Control, shall annually~~
503 ~~complete a report indicating the observations and findings of~~
504 ~~all reviews, inspections, or other operations relating to the~~

505 ~~seaports conducted during the year and any recommendations~~
506 ~~resulting from such reviews, inspections, and operations. A copy~~
507 ~~of the report shall be provided to the Governor, the President~~
508 ~~of the Senate, the Speaker of the House of Representatives, the~~
509 ~~governing body of each seaport or seaport authority, and each~~
510 ~~seaport director. The report must include each director's~~
511 ~~response indicating what actions, if any, have been taken or are~~
512 ~~planned to be taken pursuant to the observations, findings, and~~
513 ~~recommendations reported by the department.~~

514 ~~(11) FUNDING.—~~

515 ~~(a) In making decisions regarding security projects or~~
516 ~~other funding applicable to each seaport listed in s. 311.09,~~
517 ~~the Legislature may consider the Department of Law Enforcement's~~
518 ~~annual report under subsection (10) as authoritative, especially~~
519 ~~regarding each seaport's degree of substantial compliance with~~
520 ~~the minimum security standards established in subsection (1).~~

521 ~~(b) The Legislature shall regularly review the ongoing~~
522 ~~costs of operational security on seaports, the impacts of this~~
523 ~~section on those costs, mitigating factors that may reduce costs~~
524 ~~without reducing security, and the methods by which seaports may~~
525 ~~implement operational security using a combination of sworn law~~
526 ~~enforcement officers and private security services.~~

527 ~~(c) Subject to the provisions of this chapter and~~
528 ~~appropriations made for seaport security, state funds may not be~~
529 ~~expended for security costs without certification of need for~~
530 ~~such expenditures by the Office of Ports Administrator within~~
531 ~~the Department of Law Enforcement.~~

532 ~~(d) If funds are appropriated for seaport security, the~~

533 ~~Office of Drug Control, the Department of Law Enforcement, and~~
534 ~~the Florida Seaport Transportation and Economic Development~~
535 ~~Council shall mutually determine the allocation of such funds~~
536 ~~for security project needs identified in the approved seaport~~
537 ~~security plans. Any seaport that receives state funds for~~
538 ~~security projects must enter into a joint participation~~
539 ~~agreement with the appropriate state entity and use the seaport~~
540 ~~security plan as the basis for the agreement.~~

541 ~~1. If funds are made available over more than 1 fiscal~~
542 ~~year, the agreement must reflect the entire scope of the project~~
543 ~~approved in the security plan and, as practicable, allow for~~
544 ~~reimbursement for authorized projects over more than 1 year.~~

545 ~~2. The agreement may include specific timeframes for~~
546 ~~completion of a security project and the applicable funding~~
547 ~~reimbursement dates. The agreement may also require a~~
548 ~~contractual penalty of up to \$1,000 per day to be imposed for~~
549 ~~failure to meet project completion dates if state funding is~~
550 ~~available. Any such penalty shall be deposited into the State~~
551 ~~Transportation Trust Fund and used for seaport security~~
552 ~~operations and capital improvements.~~

553 Section 2. Subsection (2) of section 311.121, Florida
554 Statutes, is amended to read:

555 311.121 Qualifications, training, and certification of
556 licensed security officers at Florida seaports.—

557 (2) The authority or governing board of each seaport
558 identified under s. 311.09 that is subject to the ~~statewide~~
559 ~~minimum~~ seaport security standards referenced ~~established~~ in s.
560 311.12 shall require that a candidate for certification as a

561 seaport security officer:

562 (a) Has received a Class D license as a security officer
563 under chapter 493.

564 (b) Has successfully completed the certified training
565 curriculum for a Class D license or has been determined by the
566 Department of Agriculture and Consumer Services to have
567 equivalent experience as established by rule of the department.

568 (c) Has completed the training or training equivalency and
569 testing process established by this section for becoming a
570 certified seaport security officer.

571 Section 3. Subsection (1) of section 311.123, Florida
572 Statutes, is amended to read:

573 311.123 Maritime domain security awareness training
574 program.—

575 (1) The Florida Seaport Transportation and Economic
576 Development Council, ~~in conjunction with the Department of Law~~
577 ~~Enforcement and the Office of Drug Control within the Executive~~
578 ~~Office of the Governor,~~ shall create a maritime domain security
579 awareness training program to instruct all personnel employed
580 within a seaport's boundaries about the security procedures
581 required of them for implementation of the seaport security plan
582 required under s. 311.12(2)~~(3)~~.

583 Section 4. Subsection (1) of section 311.124, Florida
584 Statutes, is amended to read:

585 311.124 Trespassing; detention by a certified seaport
586 security officer.—

587 (1) Any Class D or Class G seaport security officer
588 certified under the federal Maritime Transportation Security Act

589 of 2002 guidelines ~~and s. 311.121~~ or any employee of the seaport
590 security force certified under the federal Maritime
591 Transportation Security Act of 2002 guidelines ~~and s. 311.121~~
592 who has probable cause to believe that a person is trespassing
593 pursuant to s. 810.08 or s. 810.09 or this chapter in a
594 designated secure or restricted area pursuant to s. 311.12(3)~~(4)~~
595 is authorized to detain such person in a reasonable manner for a
596 reasonable period of time pending the arrival of a law
597 enforcement officer, and such action does not render the
598 security officer criminally or civilly liable for false arrest,
599 false imprisonment, or unlawful detention.

600 Section 5. Section 311.115, Florida Statutes, is repealed.

601 Section 6. Subsection (4) of section 310.002, Florida
602 Statutes, is amended to read:

603 310.002 Definitions.—As used in this chapter, except where
604 the context clearly indicates otherwise:

605 (4) "Port" means any place in the state into which vessels
606 enter or depart and includes, without limitation, Fernandina,
607 Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Port
608 Citrus, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key
609 West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port
610 Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola,
611 Carrabelle, Panama City, Port St. Joe, and Pensacola.

612 Section 7. Subsection (1) of section 311.09, Florida
613 Statutes, is amended to read:

614 311.09 Florida Seaport Transportation and Economic
615 Development Council.—

616 (1) The Florida Seaport Transportation and Economic

617 Development Council is created within the Department of
 618 Transportation. The council consists of the following 18 ~~17~~
 619 members: the port director, or the port director's designee, of
 620 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
 621 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
 622 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
 623 West, and Fernandina; the secretary of the Department of
 624 Transportation or his or her designee; the director of the
 625 Office of Tourism, Trade, and Economic Development or his or her
 626 designee; and the secretary of the Department of Community
 627 Affairs or his or her designee.

628 Section 8. Paragraph (c) of subsection (1) of section
 629 374.976, Florida Statutes, is amended to read:

630 374.976 Authority to address impacts of waterway
 631 development projects.—

632 (1) Each inland navigation district is empowered and
 633 authorized to undertake programs intended to alleviate the
 634 problems associated with its waterway or waterways, including,
 635 but not limited to, the following:

636 (c) The district is authorized to aid and cooperate with
 637 the Federal Government; state; member counties; nonmember
 638 counties that contain any part of the intracoastal waterway
 639 within their boundaries; navigation districts; the seaports of
 640 Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm
 641 Beach, Port Everglades, Miami, Port Manatee, St. Petersburg,
 642 Tampa, Port St. Joe, Panama City, Pensacola, Key West, and
 643 Fernandina; and local governments within the district in
 644 planning and carrying out public navigation, local and regional

645 anchorage management, beach renourishment, public recreation,
 646 inlet management, environmental education, and boating safety
 647 projects, directly related to the waterways. The district is
 648 also authorized to enter into cooperative agreements with the
 649 United States Army Corps of Engineers, state, and member
 650 counties, and to covenant in any such cooperative agreement to
 651 pay part of the costs of acquisition, planning, development,
 652 construction, reconstruction, extension, improvement, operation,
 653 and maintenance of such projects.

654 Section 9. Paragraph (b) of subsection (9) of section
 655 403.021, Florida Statutes, is amended to read:

656 403.021 Legislative declaration; public policy.—

657 (9)

658 (b) The provisions of paragraph (a) apply only to the port
 659 waters, dredged-material management sites, port harbors,
 660 navigation channels, turning basins, and harbor berths used for
 661 deepwater commercial navigation in the ports of Jacksonville,
 662 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
 663 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
 664 Petersburg, Pensacola, Fernandina, and Key West.

665 Section 10. Paragraph (b) of subsection (26) of section
 666 403.061, Florida Statutes, is amended to read:

667 403.061 Department; powers and duties.—The department
 668 shall have the power and the duty to control and prohibit
 669 pollution of air and water in accordance with the law and rules
 670 adopted and promulgated by it and, for this purpose, to:

671 (26)

672 (b) The provisions of paragraph (a) apply only to the port

673 waters, spoil disposal sites, port harbors, navigation channels,
 674 turning basins, and harbor berths used for deepwater commercial
 675 navigation in the ports of Jacksonville, Tampa, Port Everglades,
 676 Miami, Port Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port
 677 Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow,
 678 Florida Power Corporation's Crystal River Canal, Boca Grande,
 679 Green Cove Springs, and Pensacola.

680
 681 The department shall implement such programs in conjunction with
 682 its other powers and duties and shall place special emphasis on
 683 reducing and eliminating contamination that presents a threat to
 684 humans, animals or plants, or to the environment.

685 Section 11. Subsection (3) of section 403.813, Florida
 686 Statutes, is amended to read:

687 403.813 Permits issued at district centers; exceptions.—

688 (3) For maintenance dredging conducted under this section
 689 by the seaports of Jacksonville, Port Canaveral, Port Citrus,
 690 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
 691 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
 692 West, and Fernandina or by inland navigation districts:

693 (a) A mixing zone for turbidity is granted within a 150-
 694 meter radius from the point of dredging while dredging is
 695 ongoing, except that the mixing zone may not extend into areas
 696 supporting wetland communities, submerged aquatic vegetation, or
 697 hardbottom communities.

698 (b) The discharge of the return water from the site used
 699 for the disposal of dredged material shall be allowed only if
 700 such discharge does not result in a violation of water quality

701 standards in the receiving waters. The return-water discharge
702 into receiving waters shall be granted a mixing zone for
703 turbidity within a 150-meter radius from the point of discharge
704 during and immediately after the dredging, except that the
705 mixing zone may not extend into areas supporting wetland
706 communities, submerged aquatic vegetation, or hardbottom
707 communities.

708 (c) The state may not exact a charge for material that
709 this subsection allows a public port or an inland navigation
710 district to remove.

711 (d) The use of flocculants at the site used for disposal
712 of the dredged material is allowed if the use, including
713 supporting documentation, is coordinated in advance with the
714 department and the department has determined that the use is not
715 harmful to water resources.

716 (e) This subsection does not prohibit maintenance dredging
717 of areas where the loss of original design function and
718 constructed configuration has been caused by a storm event,
719 provided that the dredging is performed as soon as practical
720 after the storm event. Maintenance dredging that commences
721 within 3 years after the storm event shall be presumed to
722 satisfy this provision. If more than 3 years are needed to
723 commence the maintenance dredging after the storm event, a
724 request for a specific time extension to perform the maintenance
725 dredging shall be submitted to the department, prior to the end
726 of the 3-year period, accompanied by a statement, including
727 supporting documentation, demonstrating that contractors are not
728 available or that additional time is needed to obtain

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729 authorization for the maintenance dredging from the United
730 States Army Corps of Engineers.

731 Section 12. Subsection (3) of section 403.816, Florida
732 Statutes, is amended to read:

733 403.816 Permits for maintenance dredging of deepwater
734 ports and beach restoration projects.-

735 (3) The provisions of this section relating to ports apply
736 only to the port waters, spoil disposal sites, port harbors,
737 navigation channels, turning basins, and harbor berths used for
738 deepwater commercial navigation in the ports of Jacksonville,
739 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
740 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
741 Petersburg, Port Bartow, Florida Power Corporation's Crystal
742 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

743 Section 13. This act shall take effect upon becoming a
744 law.