

By Senator Hill

1-1906-04

1                                   A bill to be entitled  
2           An act relating to seaport security standards;  
3           amending s. 311.12, F.S.; requiring that each  
4           seaport security plan have a procedure that  
5           notifies an individual that he or she is  
6           disqualified from employment within, or regular  
7           access to, a seaport or a seaport's restricted  
8           access area; requiring each plan to include a  
9           procedure by which the individual may appeal  
10          the decision of the seaport; directing a  
11          seaport to have its procedures in substantial  
12          compliance with federal regulations; providing  
13          criteria for seaports to consider for inclusion  
14          in procedures for appeals and waivers from  
15          disqualification; providing that an individual  
16          remain free from subsequent convictions for 5  
17          years before seeking employment in, or access  
18          to, a seaport; requiring each seaport to report  
19          to the Department of Law Enforcement by a  
20          specified date the number of waivers from  
21          disqualification issued in the previous 12  
22          months; amending s. 311.125, F.S.; conforming  
23          provisions to changes made by the act;  
24          providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28           Section 1. Section 311.12, Florida Statutes, is  
29 amended to read:

30           311.12 Seaport security standards.--

31

1           (1)(a) The statewide minimum standards for seaport  
2 security for each seaport identified in s. 311.09 shall be  
3 those based upon the Florida Seaport Security Assessment 2000  
4 and set forth in the "Port Security Standards--Compliance  
5 Plan" delivered to the Speaker of the House of Representatives  
6 and the President of the Senate on December 11, 2000, under  
7 ~~pursuant to~~ this section. The statewide minimum standards are  
8 hereby adopted. The Office of Drug Control within the  
9 Executive Office of the Governor shall maintain a sufficient  
10 number of copies of the standards for use of the public, at  
11 its offices, and shall provide copies to each affected seaport  
12 upon request.

13           (b) The Department of Law Enforcement may exempt any  
14 seaport identified in s. 311.09 from all or part of the  
15 requirements of subsections (1)-(5) if the department  
16 determines that the seaport is not active. The department  
17 shall periodically review exempted seaports to determine if  
18 there is maritime activity at the seaport. A change in status  
19 from inactive to active may warrant removal of all or part of  
20 any exemption provided by the department.

21           (2) Each seaport identified in s. 311.09 shall  
22 maintain a security plan relating to the specific and  
23 identifiable needs of the seaport which assures that the  
24 seaport is in substantial compliance with the statewide  
25 minimum standards established under ~~pursuant to~~ subsection  
26 (1). Each plan adopted or revised under ~~pursuant to~~ this  
27 subsection must be reviewed and approved by the Office of Drug  
28 Control and the Department of Law Enforcement. All ~~such~~  
29 seaports shall allow unimpeded access by the Department of Law  
30 Enforcement to the affected facilities for purposes of  
31 inspections or other operations authorized by this section.

1 Each seaport security plan may establish restricted access  
2 areas within the seaport consistent with the requirements of  
3 the statewide minimum standards. In these ~~such~~ cases, a  
4 Uniform Port Access Credential Card, authorizing  
5 restricted-area access, shall be required for any individual  
6 working within or authorized to regularly enter a restricted  
7 access area and the requirements in subsection (3) relating to  
8 criminal history checks and employment restrictions shall be  
9 applicable only to employees or other persons working within  
10 or authorized to regularly enter a restricted access area.  
11 Every seaport security plan shall set forth the conditions and  
12 restrictions to be imposed upon others visiting the port or  
13 any restricted access area sufficient to provide substantial  
14 compliance with the statewide minimum standards.

15 (3)(a) A fingerprint-based criminal history check  
16 shall be performed on any applicant for employment, every  
17 current employee, and other persons as designated under  
18 ~~pursuant to~~ the seaport security plan for each seaport. The  
19 criminal history check shall be performed in connection with  
20 employment within or other authorized regular access to a  
21 restricted access area or the entire seaport if the seaport  
22 security plan does not designate one or more restricted access  
23 areas. With respect to employees or others with regular  
24 access, the ~~such~~ checks shall be performed at least once every  
25 5 years or at other more frequent intervals as provided by the  
26 seaport security plan. Each individual subject to the  
27 background criminal history check shall file a complete set of  
28 fingerprints taken in a manner required by the Department of  
29 Law Enforcement and the seaport security plan. Fingerprints  
30 shall be submitted to the Department of Law Enforcement for  
31 state processing and to the Federal Bureau of Investigation

1 for federal processing. The results of each fingerprint-based  
2 check shall be reported to the requesting seaport. The costs  
3 of the checks, consistent with s. 943.053(3), shall be paid by  
4 the seaport or other employing entity or by the person  
5 checked.

6 (b) By January 1, 2002, each seaport security plan  
7 shall identify criminal convictions or other criminal history  
8 factors consistent with paragraph (e) ~~(c)~~ which shall  
9 disqualify a person from either initial seaport employment or  
10 new authorization for regular access to seaport property or to  
11 a restricted access area. These ~~Such~~ factors shall be used to  
12 disqualify all applicants for employment or others seeking  
13 regular access to the seaport or restricted access area on or  
14 after January 1, 2002, and may be used to disqualify all those  
15 employed or authorized for regular access on that date. ~~Each~~  
16 ~~seaport security plan may establish a procedure to appeal a~~  
17 ~~denial of employment or access based upon procedural~~  
18 ~~inaccuracies or discrepancies regarding criminal history~~  
19 ~~factors established pursuant to this paragraph. A seaport may~~  
20 ~~allow waivers on a temporary basis to meet special or~~  
21 ~~emergency needs of the seaport or its users. Policies,~~  
22 ~~procedures, and criteria for implementation of this subsection~~  
23 ~~shall be included in the seaport security plan. All waivers~~  
24 ~~granted pursuant to this paragraph must be reported to the~~  
25 ~~Department of Law Enforcement within 30 days of issuance.~~

26 (c) Each seaport security plan shall establish a  
27 procedure that notifies an individual that he or she is  
28 disqualified for employment within or regular access to a  
29 seaport or restricted access area. The plan shall also include  
30 a procedure by which the individual may appeal the decision of  
31 the seaport. The procedures must be in substantial compliance

1 with 49 C.F.R., Part 1572, and must include, but need not be  
2 limited to, the following:

3 1. The seaport must notify the individual, in writing,  
4 that he or she poses a security threat to the seaport and is  
5 disqualified for employment in or access to the seaport. The  
6 notification must include a statement that the seaport has  
7 determined that the individual poses a security threat  
8 warranting disqualification, the basis for the determination,  
9 and information about the correction of records and appeal  
10 procedures.

11 2. An individual may appeal a disqualification  
12 determination only if the individual asserts that he or she  
13 meets the qualifications set by the seaport for the position  
14 for which he or she is applying. If the disqualification  
15 determination is based on a conviction for a disqualifying  
16 crime listed in paragraph (e), the individual may present  
17 evidence that the underlying criminal record is incorrect, or  
18 that the conviction was pardoned, expunged, or overturned on  
19 appeal. An executive pardon, expungement, or overturned  
20 conviction may nullify a disqualifying conviction if the  
21 pardon, expungement, or overturned conviction does not impose  
22 any restrictions on the individual.

23 3. An individual may initiate an appeal of a  
24 disqualification determination by submitting a written request  
25 for materials or a written reply to the seaport within 15 days  
26 after receiving notification of the disqualification  
27 determination. If the individual does not initiate an appeal  
28 within that time, the decision of the seaport is final.

29 4. The individual may serve upon the seaport a written  
30 request for copies of the materials upon which the  
31 disqualification determination was based. If the

1 disqualification determination was based on a state or Federal  
2 Bureau of Investigation criminal history record that the  
3 individual believes is erroneous, the individual may correct  
4 the record and submit the corrections to the seaport. The  
5 seaport must respond within 30 days after receiving the  
6 individual's request for materials. The seaport must give the  
7 individual a copy of the releasable materials upon which the  
8 disqualification determination was based. The seaport may not  
9 include any classified information as provided by federal law.

10 5. The individual may also serve on the seaport a  
11 written reply to the disqualification determination stating  
12 that the seaport made errors when it issued the  
13 disqualification determination.

14 6. The seaport must respond to the individual's appeal  
15 no later than 30 days after the seaport receives an  
16 individual's request. If the seaport determines that the  
17 individual does pose a security threat, the seaport shall give  
18 written notice to the individual of its final decision that  
19 the individual is disqualified for employment in or access to  
20 the seaport. If, upon reconsideration, the seaport concludes  
21 that the individual does not pose a security threat to the  
22 seaport, the seaport must notify the individual in writing of  
23 its decision. Thereafter, the seaport shall issue to the  
24 individual the appropriate Uniform Port Access Credential  
25 Card.

26 7. If the seaport determines that the individual does  
27 pose a security threat, the seaport must include in its  
28 written notice of disqualification that the seaport's decision  
29 is final agency action subject to judicial review under s.  
30 120.68.

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1           (d) A seaport may allow waivers on a temporary basis  
2 to meet special or emergency needs of the seaport or its  
3 users. Policies, procedures, and criteria for implementation  
4 of this paragraph must be included in the seaport security  
5 plan. The seaport must consider, when determining whether to  
6 grant a waiver, if the disqualification is based on a  
7 disqualifying criminal offense, the circumstances of the  
8 disqualifying act or offense, whether restitution was made by  
9 the individual, and other factors that indicate that the  
10 individual does not otherwise pose a security threat  
11 warranting disqualification for access to the seaport. The  
12 seaport must send a written notice to the individual informing  
13 the individual whether the seaport granted or denied the  
14 request for a waiver. All waivers granted under this paragraph  
15 must be reported to the Department of Law Enforcement within  
16 30 days after issuance.

17           (e)~~(c)~~ In addition to other requirements for  
18 employment or access established by each seaport under  
19 ~~pursuant to~~ its seaport security plan, each seaport security  
20 plan shall provide that:

21           1. Any person who has within the past 7 years been  
22 convicted, regardless of whether adjudication was withheld,  
23 for a forcible felony as defined in s. 776.08; an act of  
24 terrorism as defined in s. 775.30; planting of a hoax bomb as  
25 provided in s. 790.165; any violation involving the  
26 manufacture, possession, sale, delivery, display, use, or  
27 attempted or threatened use of a weapon of mass destruction or  
28 hoax weapon of mass destruction as provided in s. 790.166;  
29 dealing in stolen property; any violation of s. 893.135; any  
30 violation involving the sale, manufacturing, delivery, or  
31 possession with intent to sell, manufacture, or deliver a

1 controlled substance; burglary; robbery; any felony violation  
2 of s. 812.014; any violation of s. 790.07; any crime an  
3 element of which includes use or possession of a firearm; any  
4 conviction for any similar offenses under the laws of another  
5 jurisdiction; or conviction for conspiracy to commit any of  
6 the listed offenses is ~~shall~~ not ~~be~~ qualified for initial  
7 employment within or regular access to a seaport or restricted  
8 access area; and

9           2. Any person who has at any time been convicted for  
10 any of the listed offenses is ~~shall~~ not ~~be~~ qualified for  
11 initial employment within or authorized regular access to a  
12 seaport or restricted access area unless, after release from  
13 incarceration and any supervision imposed as a sentence, the  
14 person remained free from a subsequent conviction, regardless  
15 of whether adjudication was withheld, for any of the listed  
16 offenses for a period of 5 ~~at least 7~~ years before ~~prior to~~  
17 the employment or access date under consideration.

18           (f)~~(d)~~ By October 1 of each year, each seaport shall  
19 report to the Department of Law Enforcement each determination  
20 of denial of employment or access, and any determination to  
21 authorize employment or access after an appeal of a denial and  
22 any determination to issue a waiver made during the previous  
23 12 months. The report shall include the identity of the  
24 individual affected, the factors supporting the determination,  
25 and any other material factors used in making the  
26 determination.

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

30           (b) The Office of Drug Control and the Department of  
31 Law Enforcement may modify or waive any physical facility or

1 other requirement contained in the statewide minimum standards  
2 for seaport security upon a finding or other determination  
3 that the purposes of the standards have been reasonably met or  
4 exceeded by the seaport requesting the modification or waiver.  
5 ~~The~~ Such modifications or waivers shall be noted in the annual  
6 report submitted by the Department of Law Enforcement under  
7 ~~pursuant to~~ this subsection.

8 (c) Beginning with the 2001-2002 fiscal year, the  
9 Department of Law Enforcement, or any entity designated by the  
10 department, shall conduct no less than one annual unannounced  
11 inspection of each seaport listed in s. 311.09 to determine  
12 whether the seaport is meeting the minimum standards  
13 established under ~~pursuant to~~ this section, and to identify  
14 seaport security changes or improvements necessary or  
15 otherwise recommended. The Department of Law Enforcement, or  
16 any entity designated by the department, may conduct  
17 additional announced or unannounced inspections or operations  
18 within or affecting any affected seaport to test compliance  
19 with, or the effectiveness of, security plans and operations  
20 at each seaport, to determine compliance with physical  
21 facility requirements and standards, or to assist the  
22 department in identifying changes or improvements necessary to  
23 bring a seaport into compliance with the statewide minimum  
24 security standards.

25 (d) By December 31, 2001, and annually thereafter, the  
26 Department of Law Enforcement, in consultation with the Office  
27 of Drug Control, shall complete a report indicating the  
28 observations and findings of all inspections or operations  
29 conducted during the year and any recommendations developed by  
30 reason of these ~~such~~ inspections. A copy of the report shall  
31 be provided to the Governor, the President of the Senate, the

1 Speaker of the House of Representatives, and the chief  
2 administrator of each seaport inspected. The report shall  
3 include responses from the chief administrator of any seaport  
4 indicating what actions, if any, have been taken or are  
5 planned to be taken in response to the recommendations,  
6 observations, and findings reported by the department.

7 (e) In making security project or other funding  
8 decisions applicable to each seaport listed in s. 311.09, the  
9 Legislature may consider as authoritative the annual report of  
10 the Department of Law Enforcement required by this section,  
11 especially regarding each seaport's degree of substantial  
12 compliance with the statewide minimum security standards  
13 established by this section.

14 (5) ~~Nothing in This section does not prevent shall be~~  
15 ~~construed as preventing~~ any seaport from implementing security  
16 measures that are more stringent, greater than, or  
17 supplemental to the statewide minimum standards established by  
18 this section except that, for purposes of employment and  
19 access, each seaport shall adhere to the requirements provided  
20 in paragraph(3)(e)(3)(c)and may ~~shall~~ not exceed statewide  
21 minimum requirements.

22 (6) When funds are appropriated for seaport security,  
23 the Office of Drug Control and the Florida Seaport  
24 Transportation and Economic Development Council shall mutually  
25 determine the allocation of these ~~such~~ funds for security  
26 project needs identified in the approved seaport security  
27 plans required by this section. Any seaport that receives  
28 state funds for security projects must enter into a joint  
29 participation agreement with the appropriate state entity and  
30 must use the seaport security plan developed under ~~pursuant to~~  
31 this section as the basis for the agreement. If funds are made

1 available over more than one fiscal year, the ~~such~~ agreement  
2 must reflect the entire scope of the project approved in the  
3 security plan and, as practicable, allow for reimbursement for  
4 authorized projects over more than 1 year. The joint  
5 participation agreement may include specific timeframes for  
6 completion of a security project and the applicable funding  
7 reimbursement dates. The joint participation agreement may  
8 also require a contractual penalty, not to exceed \$1,000 per  
9 day, to be imposed for failure to meet project completion  
10 dates provided state funding is available. Any ~~such~~ penalty  
11 shall be deposited into the State Transportation Trust Fund to  
12 be used for seaport security operations and capital  
13 improvements.

14 Section 2. Section 311.125, Florida Statutes, is  
15 amended to read:

16 311.125 Uniform Port Access Credential System.--

17 (1) By July 1, 2004, each seaport identified in s.  
18 311.09 and subject to the statewide minimum seaport security  
19 standards set forth in s. 311.12 shall ~~be required to~~ use a  
20 Uniform Port Access Credential Card that is to be used  
21 ~~utilized~~ in the operation of the state Uniform Port Access  
22 Credential System as required herein. All Uniform Port Access  
23 Credential Cards shall be issued by the Department of Highway  
24 Safety and Motor Vehicles to the designated port authority, or  
25 recognized governing board, of the requesting seaport for  
26 distribution to the credential applicant.

27 (2)(a) The Department of Highway Safety and Motor  
28 Vehicles, in consultation with the Department of Law  
29 Enforcement, the Florida Seaport Transportation and Economic  
30 Development Council, the Florida Trucking Association, and the  
31 United States Transportation Security Administration shall

1 develop a Uniform Port Access Credential System for use in  
2 onsite verification of access authority for all persons on a  
3 seaport as defined in s. 311.12(2), using ~~utilizing~~ the  
4 Uniform Port Access Credential Card as authorized herein. Each  
5 seaport, in a manner consistent with the "Port Security  
6 Standards Compliance Plan" delivered to the Speaker of the  
7 House of Representatives and the President of the Senate on  
8 December 11, 2000, under ~~pursuant to~~ s. 311.12, and this  
9 section, is responsible for granting, restricting, or  
10 modifying access authority provided to each Uniform Port  
11 Access Credential Card holder and promptly communicating the  
12 levels of access or changes in the level of access to the  
13 department for its use in administering the Uniform Port  
14 Access Credential System. Each seaport is responsible for the  
15 proper operation and maintenance of the Uniform Port Access  
16 Credential Card reader and access verification utilizing the  
17 Uniform Port Access Credential System at its location. The  
18 Uniform Port Access Credential Card reader and Uniform Port  
19 Access Credential System shall be used ~~utilized~~ by each  
20 seaport to ensure compliance with the access restrictions  
21 provided by s. 311.12.

22 (b) The system shall be designed to conform, as  
23 closely as possible, with criteria established by the United  
24 States Transportation Security Administration for a  
25 Transportation Worker Identification Card, or similar  
26 identification, as required by federal law. The system shall,  
27 at a minimum, consist of:

28 1. A centralized, secure database for collecting and  
29 maintaining fingerprints and other biometric means of  
30 identity, and other information pertaining to personal  
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1 identification of persons working on, or doing business at, a  
2 Florida seaport as set forth in s. 311.12;

3 2. A methodology for receiving data from each port and  
4 transmitting data to each port regarding access permissions;

5 3. Technology required for each gate and portal at  
6 each seaport to be interactive with the Uniform Port Access  
7 Credential System during all hours of operation;

8 4. The ability to identify persons who have violated  
9 the access requirements of s. 311.12 and to deactivate the  
10 access permissions of those persons; and

11 5. The ability to use ~~utilize~~ the Uniform Port Access  
12 Credential Card in a manner consistent herein.

13

14 The ~~Such~~ system shall be designed to ensure the credentialed  
15 cardholders' privacy in a manner consistent with the state's  
16 security requirements as provided herein.

17 (3) The Uniform Port Access Credential Card must  
18 include at a minimum a digital fullface photograph, a digital  
19 fingerprint, a multilayered security process, a  
20 two-dimensional barcode with technology specifications that  
21 will allow the unique biometric identifiers to reside in the  
22 barcode, a unique identifying code or number, scanning  
23 capability to compare required identifiers with information on  
24 file in the central database, and background color  
25 differentials for visual identification of access permissions.

26 (4) A fingerprint-based criminal history check shall  
27 be performed on an applicant for a Uniform Port Access  
28 Credential Card as provided in s. 311.12(3). Based upon review  
29 of the criminal history check, each seaport may determine the  
30 specific access permissions that will be granted to that  
31 applicant. Upon receipt of a port authority "Notification of

1 Access Permission" form and a verification of the criminal  
2 history check, the department shall issue a Uniform Port  
3 Access Credential Card to the port authority for distribution  
4 to the applicant.

5 (5) A Uniform Port Access Credential Card is valid for  
6 4 years following the date of issuance. Criminal history  
7 checks may be performed on a random basis, but at least once a  
8 year, during the period that the ~~such~~ credential card is  
9 active to ensure that the credential holder complies with the  
10 requirements for access to restricted areas provided in s.  
11 311.12(3). Failure to complete any part of the required  
12 credential application process, or failure to comply with the  
13 criminal history clearances, shall be grounds for immediate  
14 denial of access. In addition to access authority granted to  
15 seaports, access authority may be restricted or revoked by the  
16 Department of Highway Safety and Motor Vehicles or the  
17 Department of Law Enforcement if the cardholder is suspected  
18 of criminal violations that could affect the security of a  
19 port or that otherwise render the cardholder ineligible for  
20 port access, upon suspicion that the person in possession of  
21 the card is using it, or attempting to use it, fraudulently,  
22 or if restriction or revocation is done to assure the security  
23 of any port or portion thereof.

24 (6) Corporations, persons, or other business entities  
25 that employ persons to work on, or do business at, seaports  
26 regulated in s. 311.12 shall notify those seaports for which  
27 those employees have access permissions in the event of the  
28 employee's termination, resignation, work-related  
29 incapacitation, or death. Uniform Port Access Credential Card  
30 accesses for persons not currently employed to perform a job  
31 on a seaport shall be placed in an inactive status. Upon

1 notification of a work status change, the port authority, or  
2 recognized governing board, shall notify the department to  
3 have the credential card placed in an inactive status.  
4 Inactive status shall continue until the expiration of the  
5 credential card or reactivation of the card by petition. The  
6 former employee may have the credential card reactivated by  
7 petitioning a seaport. The port authority, or recognized  
8 governing board, of any seaport may determine that the  
9 individual is employed by another appropriate entity or is  
10 self-employed for purposes of performing work on the seaport.  
11 Upon that determination, the port authority, or recognized  
12 governing board, may request reactivation of credentialing  
13 permissions. All these ~~such~~ cards may be restricted or revoked  
14 as provided in subsection (5).

15 (7) Failure to report a change in work status, as  
16 defined in this section, within 7 days after the action may  
17 result in revocation of the business entity's access to the  
18 seaport.

19 (8) Each person working on a seaport, as regulated in  
20 s. 311.12(2), shall be issued a Uniform Port Access Credential  
21 Card upon completion of the application process. Upon issuance  
22 of the Uniform Port Access Credential Card, the cardholder is  
23 eligible to enter a seaport in the system based on the level  
24 of permission allowed by each respective seaport. A person  
25 working in a restricted access area must meet the requirements  
26 of s. 311.12(3). The Uniform Port Access Credential Card shall  
27 be clearly marked for visual verification of the cardholder's  
28 permission for access to a restricted area, under ~~pursuant to~~  
29 subsection (3). The card must contain biometric verification  
30 of the cardholder's identity and proper access permissions.  
31 Entrance to a restricted access area, as defined in s.

1 311.12(2), shall require a machine check and fingerprint  
2 verification of each person's Uniform Port Access Credential  
3 Card for proper identification. Exit from any restricted  
4 access area of a seaport shall require a machine check of the  
5 credential card.

6 (9) Each person not producing a Uniform Port Access  
7 Credential Card upon arrival at a restricted area of a seaport  
8 must, at a minimum, stop at a check point, show valid  
9 identification, and receive a visitor's pass in order to  
10 proceed. The visitor's pass must be plainly displayed on the  
11 person of the visitor or in the windshield of the vehicle and  
12 designate what area of the seaport may be accessed by the  
13 visitor. Failure to display the visitor's pass shall result in  
14 revocation of a worker's permission to work on the seaport.  
15 Public conveyances such as buses carrying passengers into  
16 restricted access areas must be able to verify that all  
17 passengers have legitimate business on the seaport. Procedures  
18 for implementation of this process are the responsibility of  
19 each seaport.

20 (10) The price of a Uniform Port Access Credential  
21 Card shall be set by the department and shall reflect the cost  
22 of the required criminal history checks, including the cost of  
23 the initial state and federal fingerprint check and the annual  
24 criminal history check and the cost of production and issuance  
25 of the card by the department. A seaport may charge an  
26 additional administrative fee to cover the costs of issuing  
27 credentials to its employees and persons doing business at the  
28 seaport.

29 (11) Each Uniform Port Access Credential Card remains  
30 the property of the State of Florida. Any person possessing  
31 ~~such~~ a card shall provide it to any law enforcement officer

1 upon request. A law enforcement officer having reasonable  
2 suspicion to believe that a card is possessed or is being used  
3 in violation of law or the standards provided by this section,  
4 or in any other manner that raises a concern about the safety  
5 and security of a seaport, may seize the card. A cardholder  
6 has no cause of action against any law enforcement officer who  
7 seizes a Uniform Port Access Credential Card.

8 (12) Each seaport defined in s. 311.09 and required to  
9 meet the minimum security standards set forth in s. 311.12  
10 shall comply with technology improvement requirements for the  
11 activation of the Uniform Port Access Credential System no  
12 later than July 1, 2004. Equipment and technology requirements  
13 for the system shall be specified by the department no later  
14 than July 1, 2003. The system shall be implemented at the  
15 earliest possible time that all seaports have active  
16 technology in place, but no later than July 1, 2004.

17 (13) The "Port Security Standards Compliance Plan"  
18 delivered to the Speaker of the House of Representatives and  
19 the President of the Senate on December 11, 2000, under  
20 ~~pursuant to~~ s. 311.12, shall be updated by the Department of  
21 Law Enforcement to reflect the changes made by this act.

22 (14) This section shall be contingent on the receipt  
23 of the federal grant funds necessary to implement the Uniform  
24 Port Access Credential System.

25 Section 3. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Requires each seaport security plan to have a procedure that notifies an individual that he or she is disqualified from employment within, or regular access to, a seaport or a seaport's restricted access area. Requires each plan to include a procedure by which the individual may appeal the decision of the seaport. Directs a seaport to have its procedures in substantial compliance with federal regulations. Provides criteria for seaports to consider for inclusion in procedures for appeals and waivers from disqualification. Provides that an individual remain free from subsequent convictions for 5 years before seeking employment in, or access to, a seaport. Requires each seaport to report to the Department of Law Enforcement by a specified date the number of waivers from disqualification issued in the previous 12 months.