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MEMORANDUM

DATE: February 18, 2009

TO: Florida Port Directors

FROM: Michael L. Rubin

SUBJECT: **FLORIDA LEGISLATIVE REPORT – FEBRUARY 18, 2009**

The Senate Committee on Military Affairs and Domestic Security met on Tuesday, February 17, 2009, to discuss potential legislation to revise Florida's seaport security laws. In our opinion, this committee hearing reflected a recognition and change in legislative policy towards Florida's seaport security laws – a recognition that these laws are unnecessary and duplicative and place an unnecessary burden on Florida's maritime industry.

In addition to testimony from FPC staff, the members heard concerns from the Port of Tampa Maritime Industry Association, the Florida Maritime Leadership Coalition, Associated Industries of Florida, and the Port of Palm Beach. Together, we presented a unified position on the need to repeal state credentialing and background check requirements and the need to review out-dated state seaport security laws. As noted above, we believe that the Senators on the Committee were very receptive of this position.

The Florida Department of Law Enforcement and the Director of the Office of Drug Control also testified before the committee. They expressed the opinion that an additional state background check is necessary because the National Criminal database does not contain all of the data from the Florida Criminal database and because the federal government will not share information on individuals that receive a threat assessment waiver under the Transportation Workers Identification Credential (TWIC). The Senators expressed concerns over similar situations around the U.S., and why Florida should treat its maritime workers differently than those workers are treated in states such as Alabama, Georgia, South Carolina, and Texas. The Senators specifically asked whether there was crime data to show whether the additional check in Florida provided any additional security than acceptance of just the TWIC around the U.S.

Because of Senate rules and procedures, the Committee had to introduce some type of legislation to ensure that a bill could be heard this Regular Session. The Committee voted to formally introduce the legislation – Senate Proposed Bill 7054, as proposed. Senator Aronberg, (D -Greenacres), Chair of the Committee, specifically stated that the language currently contained in PCB 7054 would change the next time the Committee met on the bill during the first weeks of the Regular Session

beginning March 3, 2009. . We expect that the Committee will introduce language at that time to repeal the state credentialing and background check requirements and to introduce a requirement to study the state seaport security laws to determine what additional changes are necessary. We will be working with members of the Committee on suggestions for amendatory language.

We also expect additional hearings on seaport security issues during the first two weeks of Regular Session – in both the Senate and House. Because specific calendars and agendas have not been developed for the Regular Session to date, we do not have any specifics on dates and times. However, there will be opportunities for port directors, tenants, labor organizations and others to present their concerns to Senate and House members. Again, we urge you to taken any opportunity to talk with your legislative delegation members and request their support to remove state credentialing and background check requirements. We will keep you informed of any specifics when they become available.

If you have any questions or comments, please call us at (850) 222-8028.

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