

Minutes
Seaport Security Standards Council Meeting
The Capitol, Tallahassee Florida
PL04
March 1, 2007

Attending

Attorney General/Deputy Chief of Staff	Bill Stewart
Port of Jacksonville	Chris Kauffman
Port Canaveral	Stan Payne
Strategic Initiatives	Pamela Dana
Port Manatee	Frank Holden David Pierre
Florida Department of Agriculture and Consumer Services	Darrell Liford
Department of Transportation	David Binder
Florida Department of Law Enforcement	Mark Zadra Thomas Wheeler Nevin Smith
Port of Palm Beach	Kenneth Hern
United States Coast Guard	Captain Suzanne Englebert
	Mike Rubin
Florida Petroleum Council	Mike Rubin David Mica
Port of Tampa	Peter Miller
Port of Miami	James Maes
Palm Beach County Sherriff's Office	Daniel McBride
Port of Pensacola	Clyde Mathis
Port Everglades	Glenn Wiltshire
Department of Education Guest Speaker	Mary Crew

Note: Agenda Items in Bold

I. Welcome and Introduction

The meeting was opened by Mr. Bill Janes at 10:00 AM. All members were introduced.

II. Review of Florida Statutes that established the Council

- a. Mr. Janes informed the council that the Florida Statutes and Sunshine Law apply, as noted in previous meeting
- b. New appointments were acknowledged, but have not been confirmed by the Governor's office
- c. Mr. Janes also stated that Colonel Binder would be attending the meeting, representing the Office of Motor Compliance
- d. Captain Engelbert is not a voting member.
- e. Non-Council Members were acknowledged

III. Follow-up from the last meeting

- a. Update from last meeting: Director Janes informed the council that a letter has been sent to the Department of Highway Safety and Motor Vehicles (DHSMV) expressing the council's

concern that the Florida Uniform Port Access Credential (FUPAC) might be issued before adequate testing was completed. The perception was that Florida wanted to issue the FUPAC prior to the Transportation Worker Identification Credential (TWIC). Mr. Janes indicated that in all his discussions with DHSMV this had never been an issue; however, in accordance with direction from the council, a formal letter was provided DHSMV.

- b. Also noted was the posting of the last meeting minutes (verbatim transcript) online. Mr. Janes informed that council that in the future the minutes would not be posted online.
- c. Mr. Janes informed the council that he and Mark Zadra visited the Port of Tampa, and it is their intent to visit at least one port on a quarterly basis. The visits are not intended as an law enforcement visit, but to meet with port staff, private vendors and community leaders. We will also be able to monitor the implementation of port security standards and hear concerns first hand.

IV. TWIC/FUPAC Update

- There is an ongoing effort to present Florida's position to the federal government to maintain one card
- We should continue to support endeavors for one card, without duplication of cost
- The council was informed that the Governor's Office in Washington has participated in staff briefings for Congressional delegations.
- There is a concerted effort by committee members, ports, our legislature, congressional delegation, and communities to present Florida's position on the FUPAC/TWIC issue. This has resulted in the Office of Drug Control receiving a call from Steve Sadler, Transportation Security Administration TWIC project officer, to discuss possible alignment of the TWIC and FUPAC.
- Florida has worked with TSA since 2004 to design "one credential". The TSA/Florida partnership dissolved in late 2005/early 2006. Dialogue since then has been minimal. Mr. Sadler believes the federal rule precludes many of the alignments requested by Florida.
- It is important that the card meet the requirements of Florida law and there is no TWIC/FUPAC issuance until July 1st. We are working hard to resolve inconsistencies between the two cards. The FUPAC is technically ready to be issued.
- A request has been made to meet with Mr. Sadler.
- A recommendation was raised that the Port of Miami not be first to implement the credential.
- Technicalities regarding the FUPAC were discussed and issues regarding image retention were of specific interest to the council.

V. TWIC Update

- The schedule for the "TWIC rollout" has not yet been released. TSA will publish the schedule.
- The Coast Guard has discussed TWIC implementation issues with TSA. TSA is in charge of rolling it out. A request for guidance on secure or restricted areas has been submitted.
- The council discussed the legality of taking an image and retaining it. Due to privacy issues there are certain aspects of the card no one has access to; retaining an image after the card is swiped is not allowed. These privacy concerns will be discussed in future meetings.
- An implementation schedule for TWIC has not been published.
- TWIC will not be used as a biometric credential initially. However, it has these capabilities. Reader requirements have not been implemented yet by the federal registry.
- Traffic issues are also a key concern of the council in regards to the thousands of truck drivers that pass through the ports daily. Specifically, if the biometric technology is not durable, ports could be overwhelmed with traffic congestion. The dependability of the technology was discussed.

Questions & Concerns:

- Seaport concerns: adjudication, integration, cost, number of personnel, and implications with respect to the port access system currently in place.
- Fees at the port are needed for operational costs to implement a port access system. Specific elements on an access credential are needed for ports, they affect design and use; may need implementation of color coding system.
- FUPAC is an upgrade to port card. Not every port uses the same color code.
- If FUPAC is accepted nationally could private ports use the card? Are there situations where public ports are involved with private terminals? Private partners must be kept in mind.
- Discussion ensued regarding interpretations of law pertaining to inspections to include the drafting of legislation regarding use of force in law enforcement, both public and private to man security points on a port.
- The council discussed the allocation of funds adequate to meet security requirements:
 - a. Threat analysis—this should determine the requirement.
 - b. The strategy determines how the threat will be addressed. There was considerable discussion regarding the role of the Regional Domestic Security Task Force (RDSTF) role. They could be consulted to evaluate the port recommendations. The process currently in place allows for multiple review with FDLE/Office of Drug Control and the RDSTF/Domestic Security Oversight Board.
- The council discussed:
 - a. Who should carry weapons?
 - b. When do you need sworn officers and how to use escalation of force because of perceived threat?

VII. Continue Review of FS 311.12

- The council discussed the arrest authorization.
 - a. Reclassification of arrest authority at the ports 24 hours per day
 - b. How many armed officers are needed?
 - c. What do you do regarding the private ports that have no weapons right next door to public port that have all kinds of weapons?
- The council discussed law enforcement presence at seaports as a major item including:
 - a. The need for more than one armed officer at a location for backup
 - b. Evaluation of threat assessment

Motions

Motion 1: Move that the council recommend to the legislature the issue that private ports are ignored in the TWIC/FUPAC discussion. Port workers often visit public and private ports. This has economic impact and causes coordination issues.

- First: Stan Payne
- Second: Ken Hern

Motion 2: Move that the council recommend to the Florida legislature that there is a lack of standards in the implementation of the TWIC, specifically technical specifications, implementation schedule, and equipment standards which have not been available for ports to use.

- First: Ken Hern
- Second: Pam Dana

Motion 3: Move that clarification of what is the role of the Regional Domestic Security Task Force should be provided to Florida ports.

- First: Ken Hern
- Second: Payne

Motion 4: Move that the council recommend to the legislature that at the appropriate time FS 311.12 be amended to provide for a mechanism to add, modify, or delete relevant statutory requirements pertaining to inspection related elements. This would include prior changes to the law to ensure that the minimum standards remain current. Further, recommend they identify the entity, timing and method for maintaining and updating the minimum standards.

- First: SAC Mark Zadra representative
- Second: Darrell Liffard

VIII. Public Comment

Mr. Janes stated the rules of discussion regarding public comments; establishing the method appropriate to present subjects and the role of the council in reviewing the presentation..

XI. Next meeting

Mr. Janes stated that the next meeting should be scheduled within the next 40 days

- a. Continue examining FS 311.12
- b. Examine the Minimum Seaport Security Standards.
- c. Acknowledge the concerns of the council regarding the standards
- d. Obtain information regarding an interim report to be presented to the legislature on the meetings to date

Meeting is adjourned.