

**Seaport Security Standards Council Meeting
Minutes for April 18, 2008**

Members Present:

Chuck White for Frederick R. Ferrin	Jacksonville Port Authority
Stanley Payne	Canaveral Port Authority
David Binder	Motor Carrier Compliance of DOT
Kenneth L. Hern	Port of Palm Beach District
David St. Pierre for Frank L. Holden	Manatee County Port Authority
Mark Zadra	Florida Department of Law Enforcement
Bill Stewart	Office of the Attorney General
Darrell Liford	Office of Agriculture Law Enforcement
William Janes	Florida Office of Drug Control
CDR Tony Curry for Captain Englebert	United States Coast Guard

1. Welcome and Introductions by Director William Janes:
 - a. Captain Englebert will be replaced by Captain Scott Ferguson.

2. **Sunshine State Law:**
 - a. Any item or discussion that could come before the council may not be discussed by any two members without the rest of the council being present. If any two members have a discussion concerning port matters without the full council being present, we are in violation of the Sunshine Law.

3. **Review of Minimum Security Standards for Florida Seaports:**
 - a. Stan Payne - Florida Department of Law Enforcement: FDLE will send separate letter to Legislature concerning the recommended changes made by the council that represents their position to these proposed changes.
 - i. Definition of Docks and Berths of ID Badges – There may be a large security gap with the current wording of this change as access may be granted to some areas that would be considered restricted areas.
 - b. A Sub-Workgroup, chaired by David St. Pierre of Manatee County Port Authority will be created to discuss areas which “should” be regarded as restricted areas. Members of this sub-workgroup are Glenn Wiltshire, Peter Hoffman, Jeff Smith, Steve Fidler, Mike Merrifield, Nevin Smith, Stan Payne and J.R. Klaman.

Motion: B (a) Access Control: Physical and Personnel Security

Motion made to change Seaport Director to Port Manager and delete the word “should” in the first sentence.
Motion made by Ken Hern and seconded by David St. Pierre. Motion carried by full council.

Motion: B.1 (b) Access Control: Physical and Personnel Security – ID Badges

Motion made to add sentence, “This limitation does not apply to individuals pending approval of their Transportation Worker Identification Credential”.

Motion made by Ken Hern and seconded by Bill Stewart. Motion carried by full council.

Motion: B.1 (d) Access Control: Physical and Personnel Security – ID Badges

Motion to change language to read as, “Issuance of the Picture ID card will comply with the requirements in ss.311.12 and 311.125, Florida Statutes, including those related to fingerprint-based criminal history background checks and disqualifying criminal history factors, except that when a port chooses to issue a credential a sworn or non-sworn federal, state and local law enforcement employee. Employment will be verified by a method acceptable to the Port that the worker is employed by the agency through the agency head or designee.

Motion made by David St. Pierre and seconded by David Binder. Motion carried by full council.

Discussion:

- There is no need for a notarized letter as the signature of a sworn law enforcement officer in the capacity of carrying out his duties is deemed the same as being notarized.
- We don't have the authority to deny Federal Officers from accessing our ports.
- There should be some independent form of verification of the law enforcement officer from his/her home agency. The port still needs to validate the letter and the person.
- This section only applies if the port decides to issue a port credential.
- A notarized letter is too burdensome for the port. Acquiring a letter from the agency head is not practical.

Motion: B.4 (c) Access Control: Physical and Personnel Security – Access Gates & Gate Houses

Motion to change language to read, “Gates/gate houses should be staffed, monitored or locked at all times”.

Motion made by Mark Zadra and seconded by Chuck White. Motion carried by full council.

Grammar corrections made to sections e, f, g of Access gates & Gate Houses

Motion: B.7 (d) Access Control: Physical and Personnel Security - Lighting

Motion made to delete the words “high-mast” from the sentence.

Motion made by David St. Pierre and seconded by Ken Hern. Motion carried by full council.

Motion: C.5 (g) Operational and Procedural Security – Security Guards
Motion made to add a reference to 33 CFR to added bullet to read

- **Federal security procedures (DOD 5225.22M, 33 CFR Part 105.210, etc.), U.S. Customs and Border Protection, Immigration and Customs Enforcement, and U.S. Coast Guard requirements.**

Motion made by Mark Zadra and seconded by Ken Hern. Motion carried by full council.

Motion: D.1 (a) Cargo Security – Cargo Interchange

Motion to strike the word “have” in first sentence and replace it with the word “shall”.

Motion made by David Binder and seconded by Mark Zadra. Motion carried by full council.

Motion: D.1 (b & c) Cargo Security – Cargo Interchange

Motion made to delete the words “Seaport Directors” at the beginning of each section and replace them with the words “Port Management.”

Motion made by Stanley Payne and seconded by Ken Hern. Motion carried by full council.

Discussion: E. Passenger Vessel Operations Security - Nevin Smith – Florida Department of Law Enforcement (FDLE)

Does this remove law enforcement from the port?

There has been an ongoing argument within the security community in some cases that the port has no responsibility for an active cruise terminal. The responsibility for an active cruise terminal lies with the cruise operator and the port should step away and law enforcement should be outside the terminal and on road patrol. The current language you do the walk-through and hand the cruise terminal over to the cruise industry (this happens in other states) the landlord would step away. FDLE’s position is that this language leaves a lot to be interpreted. There is no clear expectation.

4. Restricted Area Alignment Document – Nevin Smith - FDLE

- The document does not contain a recommendation as the group did not operate according to the Sunshine Law. They were not in a position to work through that because of time constraints. They did a factual determination of the differences because there were governance issues involved that were set up by the Legislature and other issues outside of simple terminology alignments.
- It aligns the similarities and differences
- Address issues of governance under Florida law
- There is a Board for authorities that sets boundaries under Federal laws
- There are some differences in approach to boundaries under Federal law – A cargo area may or may not be included, based on an analysis of the type of cargo, where its landed, where its moved to, how much risk it is at the vessel cargo interchange.

- The tenant would set some boundaries for those areas of least attendance for the port and the Captain of the Port for those areas that are congregant facilities or controlled by the port.
- There are port by port issues; relative complex problems that the group could not provide technical solutions to at this time.

Motion:

**Motion was made to request the Legislature to review the provisions of 311.111 for possible alignment with the federal Security Area Definitions.
Motion made by Mark Zadra, seconded by David St. Pierre. Motion carried by full council.**

5. Discussion: Nevin Smith - FDLE

The areas are not where on the port fits an area, but the fact that there are areas on the port that shall be secure and restricted from public access are found in law. That occurred with the changes in July 2006 in statute. The difference in going to MTSA is that certain cargo areas will not be covered as area for which access control restriction and other forms of restriction would necessarily occur on some ports. It would be a definition between the tenant and the Captain of the Port that would make that determination under MTSA, based on the terrorism threat in the ship interface. When the Legislature addresses this issue as they go to move to a common set of definitions, the question of difference in purpose and whether or not you are going to release certain areas is going to occur. If every single was covered in both cases, in the same way and we simply had difference in terminology, we could address this. We have substantial policy differences and those differences need to be addressed by the policy body; the Legislature. The Council should provide the Legislature with recommendations of policy.

David St. Pierre – Manatee County Port Authority

These definitions are recent changes. We operated for 5 years under the MTSA definitions. The standards are what should be considered a restricted area, so the standards provide an outline on what should be a restricted area. We have utilized those and incorporated those as part of our federal plans. By adding these various levels of descriptions, we do is rather than providing protections based on assessments to give us the best spent money, we find ourselves providing things based on definitions. We do not spend our money efficiently. We spend money on meeting statutory requirements that could be better spent used mitigating risk. By allowing us to use the federal definitions we designate our area based upon risk assessment and we are better able to do both.

6. Transportation Worker Identification card and Florida Uniform Port Access Credential (TWIC/FUPAC) Update

a. See handout

- i. We don't need two credentials
- ii. The TWIC will be adjudicated in Florida for port workers

- iii. FDLE will continue to work with FBI to align information from FCIC into NCIC database.
- iv. Problem is disagreement on disqualifying criminal offenses
- v. Changes in Florida law may impact security
- vi. We need a centralized data base to determine who is coming onto our Florida ports.
- vii. FS 311.125 says ports need onsite verification of access authority

Discussion: Wayne Stubbs, Chairman of Florida Ports Council

The Human Resource part of establishing and maintaining a data base and finger printing is tremendous. The State burden for maintaining this system is nothing compared to the cost the ports will bear. There are two processes that we can't get around (TWIC & FUPAC). There is an element of port security that hard to put a value on. That's the good will of your employees and tenants believing in what you do as being logical and uses common sense and is effective. If they believe that, they will help you and fall in line. They will wait for their background checks to come back and pay their fees and so forth without complaining. But once they completely lose confidence in you, they won't work with you. I'm sounding a warning to suggest further study of all port cards, whether it be a smart TWIC card or something else. There are other issues; if the TWIC card holder with prior convictions of disqualifying offenses gets onto the port, we still have spent millions on security to watch this individual. He doesn't have the keys to the vault just because he is allowed on the port. I'm advising caution about trying to reach a conclusion out of frustration.

Mark Zadra: All of what we (the council) have done is based on providing safety to our ports.

Mike Rubin: There will always be persons entering our Florida ports without being vetted; without a full criminal history being completed on them whether we are using a TWIC or FUPAC. They will have a product to deliver and the port will have to make a decision to allow entry or not, as we allow 5/90. The TWIC is not a port access card. Only the ports can determine access.

7. Consultation with Area Maritime Security Committees (Draft Letter)

- a. Florida Statute tells us our charter and that we must consult with the Area Maritime Security Committees to assess possible impact to commerce and trade contained in our council's non-classified recommendations and findings. We must do this before we send our recommendations to the Legislature for consideration. CDR Curry will provide letter to AMSC's and ask them to appear before the council if they wish. CDR Curry advised that some AMSC's meet quarterly and may have already met for the quarter. We will have to wait for their response.

Motion:

Motion made by Ken Hern to accept draft letter to AMSC. Bill Stewart seconded the motion. Motion carried by full council.

8. Public Comment

- a. None

9. Next Meeting

- a. Will be determined after the Area Maritime Security Committee's review of the recommended changes to Minimum Security Standards for Florida Ports. Commander Curry will make contact with them and disseminate the necessary documents for review.

10. Adjournment