

1 A bill to be entitled
2 An act relating to seaport security; creating s. 311.126,
3 F.S.; providing legislative findings; providing that
4 authorized seaport security personnel have full access at
5 all reasonable hours to inspect all railroad cars, trucks,
6 cargo containers, motor vehicles, truck and motor vehicle
7 trailers, and vessels that are leaving or preparing to
8 leave a seaport in this state; authorizing seaport
9 security personnel or law enforcement officers to examine
10 any container, to open any container, and to forcibly open
11 containers if access to a vehicle or container is denied
12 by the owner, driver, operator, or other person in charge
13 of the container; providing that any person who is
14 authorized to enforce or assist in enforcement of the act
15 and who lawfully engages in that activity is immune from
16 civil or criminal liability; providing that a person who
17 violates the act commits a felony of the third degree;
18 providing criminal penalties; providing that local seaport
19 security personnel and law enforcement agencies may
20 request assistance from state law enforcement agencies
21 having expertise in cargo security to provide specialized
22 training on cargo security; requiring each seaport to set
23 performance measures for inspecting outbound vehicles;
24 authorizing ports having specific performance goals and
25 plans to receive additional funding for increased security
26 costs and equipment; requiring that all services and
27 equipment purchased conform to the approved security plan
28 of the seaport and the area maritime security plan and be

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29 approved by the Department of Law Enforcement and the
30 Office of Drug Control; providing an appropriation;
31 limiting the funding each seaport may receive; providing
32 an effective date.

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34 Be It Enacted by the Legislature of the State of Florida:

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36 Section 1. Section 311.126, Florida Statutes, is created
37 to read:

38 311.126 Outbound container and vehicle inspections.--

39 (1) The Legislature finds that each year approximately 16
40 million shipping containers come into ports of the United States
41 and that 6 million are from overseas but fewer than 2 percent
42 are inspected. The Legislature further finds that, in total, the
43 ports of this country handle more than 800 million tons of cargo
44 that is valued at approximately \$600 billion. The Legislature
45 also finds that, excluding trade with Mexico and Canada, the
46 ports of this country handle 95 percent of the trade of this
47 country. In order to protect the residents of this state, the
48 Legislature finds that the inspection of outbound vehicles
49 leaving the ports of this state must be increased in order to
50 detect possible illegal activity. The Legislature further finds
51 that additional security personnel and more comprehensive
52 training in cargo security methods and operations for security
53 personnel will increase the effectiveness of seaport security
54 for the state. The Legislature finds that increasing the number
55 of security personnel and providing appropriate training
56 requires additional funding for the seaport security mission.

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57 (2) (a) Any authorized seaport security personnel employed
58 by seaports identified in s. 311.09 has full access at all
59 reasonable hours to inspect:

60 1. All railroad cars, trucks, cargo containers, motor
61 vehicles, truck and motor vehicle trailers, and vessels that are
62 used or could be used in the transportation within the state of
63 any article or product that might endanger the safety or
64 security of the residents of this state; and

65 2. All records or documents pertaining to an inspection
66 conducted under subparagraph 1.

67 (b) Any seaport security personnel or law enforcement
68 officer, as defined in s. 943.10, may examine any vehicle,
69 container, or trailer that is leaving or is preparing to leave
70 the seaport and may open any package, article, or container of
71 any kind. Such inspection may be conducted after the vehicle,
72 container, or trailer has been cleared for entry into this
73 country by federal officials.

74 (c) If access to any vehicle, container, or trailer is
75 refused by the owner, driver, operator, or other person in
76 charge of a vehicle, container, or trailer, or if the owner,
77 driver, operator, or other person refuses to open a package,
78 article, or container of any kind, the seaport security
79 personnel or law enforcement officer may seize the vehicle,
80 container, or trailer and forcibly open the vehicle, container,
81 or trailer.

82 (d) Each law enforcement officer may assist seaport
83 security personnel in enforcing this section. Each law
84 enforcement officer may stop and detain any vehicle, trailer, or

85 container and its driver if the driver fails to comply with this
86 section until seaport security personnel arrive to conduct the
87 inspection required or authorized by law. The law enforcement
88 officer may require the driver to accompany the vehicle to the
89 seaport for inspection of the vehicle, trailer, or container.

90 (e) Any person who is authorized to enforce or assist in
91 enforcing the provisions of this section and who is lawfully
92 engaged in such activity is immune from civil or criminal
93 liability.

94 (3) An owner, driver, operator, or other person in charge
95 of a vehicle, container, or trailer may not refuse to allow
96 access to the vehicle, container, or trailer, or to a package,
97 article, or container inside the vehicle, container, or trailer.
98 An owner, driver, operator, or other person who violates this
99 section commits a felony of the third degree, punishable as
100 provided in s. 775.082, s. 775.083, or s. 775.084.

101 (4) Local seaport security personnel and law enforcement
102 agencies may request assistance from state law enforcement
103 agencies having expertise in cargo security, such as the
104 Department of Transportation or the Department of Law
105 Enforcement, for the purpose of designing efficient and
106 effective inspection methods, providing specialized training in
107 cargo security, and enhancing the presence of local security
108 personnel on a seaport, as needed. The Department of
109 Transportation may formalize cargo security task forces within
110 the regional domestic security task forces in order to perform
111 unannounced inspections on seaports in this state or at other
112 intermodal inspection stations across the state.

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113 (5) Each seaport shall set performance measures for
114 inspecting outbound vehicles which are designed to ensure a
115 reasonable balance between cargo security and commerce. Ports
116 that have specific performance goals and plans to reach those
117 goals are eligible for additional funding to pay for increased
118 security costs and equipment. Activities and equipment that are
119 eligible for additional funding include additional security
120 personnel, specialized cargo security training for seaport
121 security and law enforcement personnel, purchase and
122 installation of monitoring equipment, including the purchase of
123 nonintrusive inspection technology that is capable of inspecting
124 and monitoring outbound vehicles, containers, and trailers and
125 specialized trained animals that are capable of performing
126 inspection or monitoring activities. All services and equipment
127 purchased must conform to the approved security plan of the
128 seaport and the area maritime security plan and be approved by
129 the Department of Law Enforcement and the Office of Drug
130 Control.

131 (6) A minimum of \$10 million per year shall be made
132 available from the General Revenue Fund for additional seaport
133 security. Cargo-security programs for seaports shall be
134 administered by the Department of Transportation and funds shall
135 be distributed by the Division of Law Enforcement of the
136 department. Each seaport in this state shall receive a minimum
137 of \$100,000 for each fiscal year and a port may not receive more
138 than \$2 million during a single fiscal year. Funds must be
139 distributed according to need as determined by the Department of
140 Transportation as well as by the ability of the seaport to show

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141 | an ongoing improvement in the percentage of outbound vehicles
142 | inspected over each ensuing year.

143 | Section 2. This act shall take effect July 1, 2006.