

By Senator Klein

30-1107B-06

1 A bill to be entitled

2 An act relating to seaport security; creating

3 s. 311.126, F.S.; providing legislative

4 findings; providing that authorized seaport

5 security personnel have full access at all

6 reasonable hours to inspect all railroad cars,

7 trucks, cargo containers, motor vehicles, truck

8 and motor vehicle trailers, and vessels that

9 are leaving or preparing to leave a seaport in

10 this state; authorizing seaport security

11 personnel or law enforcement officers to

12 examine any container, to open any container,

13 and to forcibly open containers if access to a

14 vehicle or container is denied by the owner,

15 driver, operator, or other person in charge of

16 the container; providing that any person who is

17 authorized to enforce or assist in enforcement

18 of the act and who lawfully engages in that

19 activity is immune from civil or criminal

20 liability; providing that a person who violates

21 the act commits a felony of the third degree;

22 providing criminal penalties; providing that

23 local seaport security personnel and law

24 enforcement agencies may request assistance

25 from state law enforcement agencies having

26 expertise in cargo security to provide

27 specialized training on cargo security;

28 requiring each seaport to set performance

29 measures for inspecting outbound vehicles;

30 authorizing ports having specific performance

31 goals and plans to receive additional funding

1 for increased security costs and equipment;
2 requiring that all services and equipment
3 purchased conform to the approved security plan
4 of the seaport and the area maritime security
5 plan and be approved by the Department of Law
6 Enforcement and the Office of Drug Control;
7 providing an appropriation; limiting the
8 funding each seaport may receive; providing an
9 effective date.

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

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13 Section 1. Section 311.126, Florida Statutes, is
14 created to read:

15 311.126 Outbound container and vehicle inspections.--

16 (1) The Legislature finds that each year approximately
17 16 million shipping containers come into ports of the United
18 States and that 6 million are from overseas but fewer than 2
19 percent are inspected. The Legislature further finds that, in
20 total, the ports of this country handle more than 800 million
21 tons of cargo that is valued at approximately \$600 billion.
22 The Legislature also finds that, excluding trade with Mexico
23 and Canada, the ports of this country handle 95 percent of the
24 trade of this country. In order to protect the residents of
25 this state, the Legislature finds that the inspection of
26 outbound vehicles leaving the ports of this state must be
27 increased in order to detect possible illegal activity. The
28 Legislature further finds that additional security personnel
29 and more comprehensive training in cargo security methods and
30 operations for security personnel will increase the
31 effectiveness of seaport security for the state. The

1 Legislature finds that increasing the number of security
2 personnel and providing appropriate training requires
3 additional funding for the seaport security mission.

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

7 1. All railroad cars, trucks, cargo containers, motor
8 vehicles, truck and motor vehicle trailers, and vessels that
9 are used or could be used in the transportation within the
10 state of any article or product that might endanger the safety
11 or security of the residents of this state; and

12 2. All records or documents pertaining to an
13 inspection conducted under subparagraph 1.

14 (b) Any seaport security personnel or law enforcement
15 officer, as defined in s. 943.10, may examine any vehicle,
16 container, or trailer that is leaving or is preparing to leave
17 the seaport and may open any package, article, or container of
18 any kind. Such inspection may be conducted after the vehicle,
19 container, or trailer has been cleared for entry into this
20 country by federal officials.

21 (c) If access to any vehicle, container, or trailer is
22 refused by the owner, driver, operator, or other person in
23 charge of a vehicle, container, or trailer, or if the owner,
24 driver, operator, or other person refuses to open a package,
25 article, or container of any kind, the seaport security
26 personnel or law enforcement officer may seize the vehicle,
27 container, or trailer and forcibly open the vehicle,
28 container, or trailer.

29 (d) Each law enforcement officer may assist seaport
30 security personnel in enforcing this section. Each law
31 enforcement officer may stop and detain any vehicle, trailer,

1 or container and its driver if the driver fails to comply with
2 this section until seaport security personnel arrive to
3 conduct the inspection required or authorized by law. The law
4 enforcement officer may require the driver to accompany the
5 vehicle to the seaport for inspection of the vehicle, trailer,
6 or container.

7 (e) Any person who is authorized to enforce or assist
8 in enforcing the provisions of this section and who is
9 lawfully engaged in such activity is immune from civil or
10 criminal liability.

11 (3) An owner, driver, operator, or other person in
12 charge of a vehicle, container, or trailer may not refuse to
13 allow access to the vehicle, container, or trailer, or to a
14 package, article, or container inside the vehicle, container,
15 or trailer. An owner, driver, operator, or other person who
16 violates this section commits a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.

19 (4) Local seaport security personnel and law
20 enforcement agencies may request assistance from state law
21 enforcement agencies having expertise in cargo security, such
22 as the Department of Transportation or the Department of Law
23 Enforcement, for the purpose of designing efficient and
24 effective inspection methods, providing specialized training
25 in cargo security, and enhancing the presence of local
26 security personnel on a seaport, as needed. The Department of
27 Transportation may formalize cargo security task forces within
28 the regional domestic security task forces in order to perform
29 unannounced inspections on seaports in this state or at other
30 intermodal inspection stations across the state.

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1 (5) Each seaport shall set performance measures for
2 inspecting outbound vehicles which are designed to ensure a
3 reasonable balance between cargo security and commerce. Ports
4 that have specific performance goals and plans to reach those
5 goals are eligible for additional funding to pay for increased
6 security costs and equipment. Activities and equipment that
7 are eligible for additional funding include additional
8 security personnel, specialized cargo security training for
9 seaport security and law enforcement personnel, purchase and
10 installation of monitoring equipment, including the purchase
11 of nonintrusive inspection technology that is capable of
12 inspecting and monitoring outbound vehicles, containers, and
13 trailers and specialized trained animals that are capable of
14 performing inspection or monitoring activities. All services
15 and equipment purchased must conform to the approved security
16 plan of the seaport and the area maritime security plan and be
17 approved by the Department of Law Enforcement and the Office
18 of Drug Control.

19 (6) A minimum of \$10 million per year shall be made
20 available from the General Revenue Fund for additional seaport
21 security. Cargo-security programs for seaports shall be
22 administered by the Department of Transportation and funds
23 shall be distributed by the Division of Law Enforcement of the
24 department. Each seaport in this state shall receive a minimum
25 of \$100,000 for each fiscal year and a port may not receive
26 more than \$2 million during a single fiscal year. Funds must
27 be distributed according to need as determined by the
28 Department of Transportation as well as by the ability of the
29 seaport to show an ongoing improvement in the percentage of
30 outbound vehicles inspected over each ensuing year.

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

SENATE SUMMARY

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3 Provides that any authorized seaport security personnel
4 have full access at all reasonable hours to inspect all
5 railroad cars, trucks, cargo containers, motor vehicles,
6 truck and motor vehicle trailers, and vessels that are
7 leaving or preparing to leave a seaport in this state.
8 Authorizes seaport security personnel and law enforcement
9 officers to examine any container, to open any package,
10 and, if necessary, to forcibly open containers if access
11 to a vehicle or container is denied by a person in charge
12 of the container. Provides that a person who violates the
13 act commits a felony of the third degree. Provides that
14 local seaport security personnel and law enforcement
15 agencies may request assistance from state law
16 enforcement agencies having expertise in cargo security
17 in order to provide specialized training on cargo
18 security. Requires each seaport to set performance
19 measures for outbound-vehicle inspection. Authorizes
20 ports that have specific performance goals and plans to
21 receive additional funding for increased security costs
22 and equipment. Requires that all services and equipment
23 purchased conform to the approved security plan of the
24 seaport and the area maritime security plan and be
25 approved by the Department of Law Enforcement and the
26 Office of Drug Control.
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