

Committee Substitute for Senate Bill No. 1820

An act relating to domestic security; amending s. 311.12, F.S.; providing for legislative review of seaports not in substantial compliance with statewide minimum security standards by November 2005; requiring the Legislature to review certain security costs; prohibiting the expenditure of state funds without certification of need by the Office of Ports Administrator within the Department of Law Enforcement; creating s. 1004.63, F.S.; creating the Florida Institute for Nuclear Detection and Security at the Department of Nuclear Engineering and Radiological Sciences at the University of Florida; specifying the purpose of the institute; authorizing the institute to accept funds and grant allocations; providing for the appointment of a board of advisors; providing for members; providing an effective date.

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

Section 1. Subsection (4) of section 311.12, Florida Statutes, is amended to read:

311.12 Seaport security standards.—

(4)(a) Subject to the provisions of subsection (6), each affected seaport shall begin to implement its security plan developed under this section by July 1, 2001.

(b) The Office of Drug Control and the Department of Law Enforcement may modify or waive any physical facility or other requirement contained in the statewide minimum standards for seaport security upon a finding or other determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver. Such modifications or waivers shall be noted in the annual report submitted by the Department of Law Enforcement pursuant to this subsection.

(c) Beginning with the 2001-2002 fiscal year, the Department of Law Enforcement, or any entity designated by the department, shall conduct no less than one annual unannounced inspection of each seaport listed in s. 311.09 to determine whether the seaport is meeting the minimum standards established pursuant to this section, and to identify seaport security changes or improvements necessary or otherwise recommended. The Department of Law Enforcement, or any entity designated by the department, may conduct additional announced or unannounced inspections or operations within or affecting any affected seaport to test compliance with, or the effectiveness of, security plans and operations at each seaport, to determine compliance with physical facility requirements and standards, or to assist the department in identifying changes or improvements necessary to bring a seaport into compliance with the statewide minimum security standards.

(d) By December 31, 2001, and annually thereafter, the Department of Law Enforcement, in consultation with the Office of Drug Control, shall

complete a report indicating the observations and findings of all inspections or operations conducted during the year and any recommendations developed by reason of such inspections. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chief administrator of each seaport inspected. The report shall include responses from the chief administrator of any seaport indicating what actions, if any, have been taken or are planned to be taken in response to the recommendations, observations, and findings reported by the department.

(e) In making security project or other funding decisions applicable to each seaport listed in s. 311.09, the Legislature may consider as authoritative the annual report of the Department of Law Enforcement required by this section, especially regarding each seaport's degree of substantial compliance with the statewide minimum security standards established by this section. The Legislature shall review any seaport that is not in substantial compliance with the statewide minimum security standards by November 2005, as reported by the Department of Law Enforcement.

(f) By December 31, 2004, the Legislature shall review the ongoing costs of operational security on seaports, the impacts of this section on those costs, mitigating factors that may reduce costs without reducing security, and methods by which seaports may implement operational security using a combination of sworn law enforcement officers and private security services.

(g) Subject to the provisions of this chapter and appropriations made for seaport security, state funds may not be expended for operational security costs without certification of need for such expenditures by the Office of Ports Administrator within the Department of Law Enforcement.

Section 2. Section 1004.63, Florida Statutes, is created to read:

1004.63 Florida Institute for Nuclear Detection and Security (FINDS).—

(1) There is created the Florida Institute for Nuclear Detection and Security at the University of Florida to serve as a design-basis center for research, development, testing, and engineering projects that directly address and satisfy critical nuclear detection and security needs facing the state and the nation. The institute shall be established within the Department of Nuclear Engineering and Radiological Sciences at the university and shall consist of faculty, support staff, and other staff funded by state, federal, and private funds collected for the purposes of the institute. The institute shall be headed by a director who shall be appointed by the Dean of the University of Florida College of Engineering, serving at the pleasure of the Dean, and who shall possess a national reputation in the field of nuclear sciences.

(2) The institute shall solicit and receive state, federal, and private funds for the purpose of conducting research and development in the area of nuclear security technology. The board shall ensure that the institute maintains accurate records of any funds received by the institute.

(3) Activities of the institute shall include, but not be limited to, the design and testing of innovative interrogation, detection, and assessment devices for monitoring nuclear material. Application areas shall include, but not be limited to: portal monitoring, wide area search and cargo screening applications; structural monitoring for post-tensioned bridges; biological and agricultural monitoring; and the development of nonproliferation policies.

(4) The institute shall explore development of devices for identification of isotopes and materials in structural, agricultural, and biological systems of various types.

(5) Through research and instructional programs, the faculty associated with the institute shall also contribute to the education and training of high-quality scientists and engineers in the application of engineering solutions in homeland security, detection, imaging, and interrogation of systems, and nonproliferation policy.

(6)(a) The activities of the institute shall be directed by the Florida Institute of Nuclear Detection and Security (FINDS) Board of Advisors, who shall serve without compensation and shall consist of eight members. Members of the board of advisors shall include, but are not limited to, a citizen of the State of Florida with interest in the area of public security; a faculty member from FINDS; a scientist of national reputation in the field of nuclear sciences; a representative of the nuclear energy industry in Florida; a representative of the national nuclear energy industry; a representative of the Federal government programs in nuclear energy or homeland security; a member of the Florida Senate Committee on Home Defense, Public Security, and Ports or other Senate standing committee of similar jurisdiction; and a member of the Florida House Coordinating Committee on Public Security or other House of Representatives standing committee of similar jurisdiction.

(b) Appointments for the initial terms shall be as follows:

1. Two members shall be appointed by the chair of the University of Florida Department of Nuclear Engineering and Radiological Sciences and shall be appointed to a term of 3 years;

2. Two members shall be appointed by the Dean of the University of Florida College of Engineering and shall be appointed to a term of 2 years;

3. Two members shall be appointed by the President of the University of Florida and shall be appointed to a term of 3 years; and

4. Two members shall be appointed by the Governor and shall be appointed to a term of 4 years.

(c) Members may serve one additional 4-year term.

(d) Board members shall serve without additional compensation or honorarium and are authorized to receive only per diem and reimbursement for travel expenses as provided in s. 112.061.

(e) The board may employ a director of the institute who serves at the pleasure of the board. The director of FINDS will be an ex officio member of the board of advisors.

(7) At the FINDS Board of Advisors first meeting, the chair of the Department of Nuclear Engineering at the University of Florida will act as chair for the purpose of convening the meeting, establishing the by-laws of the board, and electing the chair of the board.

(8) FINDS, through its board of advisors, shall submit an annual report on its progress, with recommendations on nuclear security and detection, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. A copy of the report shall also be delivered to the United States National Nuclear Security Administration and the United States Department of Homeland Security. The report must also include financial statements that include an accounting of all state, federal, and private funds that are received by the institute, as well as an accounting of the expenditures of the institute. A copy of the financial statement shall also be provided to the Auditor General.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 28, 2004.

Filed in Office Secretary of State May 28, 2004.