

1                                   A bill to be entitled  
2           An act relating to domestic security; amending  
3           s. 311.12, F.S.; providing for legislative  
4           review of seaports not in substantial  
5           compliance with statewide minimum security  
6           standards by November 2005; requiring the  
7           Legislature to review certain security costs;  
8           prohibiting the expenditure of state funds  
9           without certification of need by the Office of  
10          Ports Administrator within the Department of  
11          Law Enforcement; creating s. 1004.63, F.S.;  
12          creating the Florida Institute for Nuclear  
13          Detection and Security at the Department of  
14          Nuclear Engineering and Radiological Sciences  
15          at the University of Florida; specifying the  
16          purpose of the institute; authorizing the  
17          institute to accept funds and grant  
18          allocations; providing for the appointment of a  
19          board of advisors; providing for members;  
20          providing an effective date.

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

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

26           311.12 Seaport security standards.--

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

30           (b) The Office of Drug Control and the Department of  
31   Law Enforcement may modify or waive any physical facility or

1 other requirement contained in the statewide minimum standards  
2 for seaport security upon a finding or other determination  
3 that the purposes of the standards have been reasonably met or  
4 exceeded by the seaport requesting the modification or waiver.  
5 Such modifications or waivers shall be noted in the annual  
6 report submitted by the Department of Law Enforcement pursuant  
7 to this subsection.

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

25 (d) By December 31, 2001, and annually thereafter, the  
26 Department of Law Enforcement, in consultation with the Office  
27 of Drug Control, shall complete a report indicating the  
28 observations and findings of all inspections or operations  
29 conducted during the year and any recommendations developed by  
30 reason of such inspections. A copy of the report shall be  
31 provided to the Governor, the President of the Senate, the

1 Speaker of the House of Representatives, and the chief  
2 administrator of each seaport inspected. The report shall  
3 include responses from the chief administrator of any seaport  
4 indicating what actions, if any, have been taken or are  
5 planned to be taken in response to the recommendations,  
6 observations, and findings reported by the department.

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

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

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

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

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1           1004.63 Florida Institute for Nuclear Detection and  
2 Security (FINDS).--

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

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

23           (3) Activities of the institute shall include, but not  
24 be limited to, the design and testing of innovative  
25 interrogation, detection, and assessment devices for  
26 monitoring nuclear material. Application areas shall include,  
27 but not be limited to: portal monitoring, wide area search and  
28 cargo screening applications; structural monitoring for  
29 post-tensioned bridges; biological and agricultural  
30 monitoring; and the development of nonproliferation policies.  
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1       (4) The institute shall explore development of devices  
2 for identification of isotopes and materials in structural,  
3 agricultural, and biological systems of various types.

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

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

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

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

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

6 3. Two members shall be appointed by the President of  
7 the University of Florida and shall be appointed to a term of  
8 3 years; and

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

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

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

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

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

24 (8) FINDS, through its board of advisors, shall submit  
25 an annual report on its progress, with recommendations on  
26 nuclear security and detection, to the Governor, the President  
27 of the Senate, and the Speaker of the House of  
28 Representatives. A copy of the report shall also be delivered  
29 to the United States National Nuclear Security Administration  
30 and the United States Department of Homeland Security. The  
31 report must also include financial statements that include an

1 accounting of all state, federal, and private funds that are  
2 received by the institute, as well as an accounting of the  
3 expenditures of the institute. A copy of the financial  
4 statement shall also be provided to the Auditor General.

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

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