

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Security, Select offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Section 252.311, Florida Statutes, is amended to read:

252.311 Legislative intent.--

(1) The Legislature finds and declares that the state is vulnerable to a wide range of emergencies, including natural, technological, and manmade disasters, including, but not limited to, acts of terrorism within or affecting this state, all of which threaten the life, health, and safety of its people; damage and destroy property; disrupt services and everyday business and recreational activities; and impede economic growth and development. The Legislature further finds that this vulnerability is exacerbated by the tremendous growth in the state's population, especially the growth in the number of persons residing in coastal areas, in the elderly population, in the number of seasonal vacationers, and in the

Amendment No. 01 (for drafter's use only)

1 number of persons with special needs. This growth has greatly  
2 complicated the state's ability to coordinate its emergency  
3 management resources and activities.

4 (2) It is the intent of the Legislature to reduce the  
5 vulnerability of the people and property of this state; to  
6 prepare for efficient evacuation and shelter of threatened or  
7 affected persons; to provide for the rapid and orderly  
8 provision of relief to persons and for the restoration of  
9 services and property; and to provide for the coordination of  
10 activities relating to emergency preparedness, response,  
11 recovery, and mitigation among and between agencies and  
12 officials of this state, with similar agencies and officials  
13 of other states, with local and federal governments, with  
14 interstate organizations, and with the private sector.

15 (3) The Legislature finds that with respect to  
16 counter-terrorism efforts and initial responses to acts of  
17 terrorism within or affecting this state, specialized efforts  
18 of emergency management that are unique to such situations are  
19 required and that these efforts intrinsically involve very  
20 close coordination of federal, state, and local law  
21 enforcement agencies with the efforts of all others involved  
22 in emergency-response efforts. In order to best provide this  
23 specialized effort with respect to counter-terrorism efforts  
24 and responses, the Legislature has determined that such  
25 efforts should be coordinated by and through the Department of  
26 Law Enforcement, working closely with the Division of  
27 Emergency Management and others involved in preparation  
28 against acts of terrorism in or affecting this state, and in  
29 the initial response to such acts.

30 (4)~~(3)~~ It is further the intent of the Legislature to  
31 promote the state's emergency preparedness, response,

Amendment No. 01 (for drafter's use only)

1 recovery, and mitigation capabilities through enhanced  
2 coordination, long-term planning, and adequate funding. State  
3 policy for responding to disasters is to support local  
4 emergency response efforts. In the case of a major or  
5 catastrophic disaster, however, the needs of residents and  
6 communities will likely be greater than local resources. In  
7 these situations, the state must be capable of providing  
8 effective, coordinated, and timely support to communities and  
9 the public. Therefore, the Legislature hereby determines and  
10 declares that the provisions of this act fulfill an important  
11 state interest.

12 Section 2. Subsection (14) is added to section 943.03,  
13 Florida Statutes, to read:

14 943.03 Department of Law Enforcement.--

15 (14) The department, with respect to counter-terrorism  
16 efforts, responses to acts of terrorism within or affecting  
17 this state, and other matters related to the domestic security  
18 of Florida as it relates to terrorism, shall coordinate and  
19 direct the law enforcement, initial emergency, and other  
20 initial responses. The department shall work closely with the  
21 Division of Emergency Management, other federal, state, and  
22 local law enforcement agencies, fire and rescue agencies,  
23 first-responder agencies, and others involved in preparation  
24 against acts of terrorism in or affecting this state and in  
25 the response to such acts. The executive director of the  
26 department, or another member of the department designated by  
27 the director, shall serve as Chief of Domestic Security  
28 Initiatives for the purpose of directing and coordinating such  
29 efforts. The department and Chief of Domestic Security  
30 Initiatives shall use the regional domestic security task  
31 forces as established in this chapter to assist in such

Amendment No. 01 (for drafter's use only)

1 efforts.

2 Section 3. Section 943.0311, Florida Statutes, is  
3 amended to read:

4 943.0311 Chief of Domestic Security Initiatives and  
5 the department's duties with respect to domestic  
6 security.--The executive director of the department, or a  
7 member of the department designated by the executive director,  
8 shall serve as the Chief of Domestic Security Initiatives.

9 (1) The Chief of Domestic Security Initiatives shall:

10 (a) Coordinate the efforts of the department in the  
11 ongoing assessment of this state's vulnerability to, and  
12 ability to detect and respond to, acts of terrorism, as  
13 defined in s. 775.30, within or affecting this state.

14 (b) Prepare recommendations for the Executive Office  
15 of the Governor, the President of the Senate, and the Speaker  
16 of the House of Representatives which are based upon ongoing  
17 assessments to limit the vulnerability of the state to  
18 terrorism.

19 (c) Coordinate the collection of proposals to limit  
20 the vulnerability of the state to terrorism.

21 (d) Use regional task forces to support the duties of  
22 the department set forth in this section.

23 (e) Use public or private resources to perform the  
24 duties assigned to the department under this section.

25 (f) Perform other duties assigned by law.

26 (2)(a) The chief shall conduct specific security  
27 assessments of buildings and facilities owned or leased by  
28 state agencies or local governments. All state agencies and  
29 local governments shall cooperate with the department and  
30 provide requested information and resources to assist the  
31 department in meeting its responsibilities under this section.

Amendment No. 01 (for drafter's use only)

1           (b) Based upon the security assessments, the chief  
2 shall prepare recommendations to enhance the security of  
3 buildings and facilities owned or leased by state agencies or  
4 local governments.

5           (c) The chief shall report to the Executive Office of  
6 the Governor, the President of the Senate, and the Speaker of  
7 the House of Representatives recommended minimum security  
8 standards or security-enhancement needs for any building or  
9 facility owned or leased by a state agency or local  
10 government. The report must identify and prioritize the  
11 recommended security enhancements and provide recommendations  
12 to maximize federal funding in support of building and  
13 facility security.

14           (3) The chief shall develop and submit to the  
15 Executive Office of the Governor, the President of the Senate,  
16 and the Speaker of the House of Representatives recommended  
17 best practices for safety and security. The recommended best  
18 practices are not a rule as defined in chapter 120. The chief  
19 shall review the recommended best practices as necessary, but  
20 at least once each year, and shall submit any recommended  
21 changes to the Executive Office of the Governor, the President  
22 of the Senate, and the Speaker of the House of  
23 Representatives.

24           (4) The chief may conduct specific security  
25 assessments of a building or facility owned by a private  
26 entity upon the request of that private entity. The chief may  
27 prioritize requests, and such prioritization is not agency  
28 action that is subject to review under chapter 120. The chief  
29 may solicit private entities for the purpose of receiving  
30 requests to perform security assessments of buildings or  
31 facilities. Private entities are urged to cooperate with and

Amendment No. 01 (for drafter's use only)

1 assist the department in meeting its responsibilities for  
2 domestic security.  
3 (5) By November 1 of each year, the executive director  
4 shall compile, coordinate, and prioritize recommendations and  
5 proposals concerning security and shall present the  
6 recommendations and proposals to the Executive Office of the  
7 Governor, the President of the Senate, and the Speaker of the  
8 House of Representatives. All recommendations seeking funding  
9 shall be prioritized, with critical domestic security needs  
10 requiring immediate or top-priority funding being clearly  
11 identified. Such recommendations shall include recommendations  
12 to maximize federal funding in support of the state's  
13 domestic-security efforts.

14 Section 4. Section 943.0312, Florida Statutes, is  
15 created to read:

16 943.0312 Regional domestic security task forces.--The  
17 Legislature finds that there is a need to develop and  
18 implement a statewide strategy to address preparation and  
19 response efforts by federal, state, and local law enforcement  
20 agencies, emergency management agencies, fire and rescue  
21 departments, first-responder personnel, and others in dealing  
22 with potential or actual terrorist acts within or affecting  
23 this state.

24 (1) To assist the department and the Chief of Domestic  
25 Security Initiatives in performing their roles and duties in  
26 this regard, the department shall establish a regional  
27 domestic security task force in each of the department's  
28 operational regions. The task forces shall serve in an  
29 advisory capacity to the department and the Chief of Domestic  
30 Security Initiatives.

31 (a) Subject to annual appropriation, the department

Amendment No. 01 (for drafter's use only)

1 shall provide dedicated employees to support the function of  
2 each regional domestic security task force.

3 (b) Each task force shall be co-chaired by the  
4 department's regional director of the operational region in  
5 which the task force is located and by a local sheriff or  
6 chief of police from within the operational region.

7 (c) Each task force membership may also include an  
8 available representative from the Division of Emergency  
9 Management; an available representative from the Department of  
10 Health; an available representative of a local emergency  
11 planning committee; representatives of state and local law  
12 enforcement agencies, fire and rescue departments, or  
13 first-responder personnel; and other persons as deemed  
14 appropriate and necessary by the task force co-chairs.

15 (2) The goals of each task force shall include  
16 coordinating efforts to counter terrorism, as defined by s.  
17 775.30, among local, state, and federal resources to ensure  
18 that such efforts are not fragmented or unnecessarily  
19 duplicated; coordinating training for local and state  
20 personnel to counter terrorism as defined by s. 775.30;  
21 coordinating the collection and dissemination of investigative  
22 and intelligence information, including promoting the  
23 appropriate use of the department's domestic security and  
24 counter-terrorism database; and facilitating responses to  
25 terrorist incidents within or affecting each region. With the  
26 approval of the Chief of Domestic Security Initiatives, the  
27 task forces may incorporate other objectives reasonably  
28 related to the goals of enhancing the state's domestic  
29 security and ability to detect, prevent, and respond to acts  
30 of terrorism within or affecting this state. Each task force  
31 shall take into account the variety of conditions and

Amendment No. 01 (for drafter's use only)

1 resources present within its region.  
2 (3) The Chief of Domestic Security Initiatives, in  
3 conjunction with the Division of Emergency Management, the  
4 regional domestic security task forces, and the various state  
5 entities responsible for establishing training standards  
6 applicable to state law enforcement officers and fire,  
7 emergency, and first-responder personnel, shall identify  
8 appropriate equipment and training needs, curricula, and  
9 materials related to the effective response to suspected or  
10 actual acts of terrorism or incidents involving real or hoax  
11 weapons of mass destruction as defined in s. 790.166.  
12 Recommendations for funding for purchases of equipment,  
13 delivery of training, implementation of, or revision to basic  
14 or continued training required for state licensure or  
15 certification, or other related responses shall be made by the  
16 Chief of Domestic Security Initiatives to the Executive Office  
17 of the Governor, the President of the Senate, and the Speaker  
18 of the House of Representatives as necessary to assure that  
19 the needs of this state with regard to the equipping,  
20 outfitting, and training of response personnel are identified  
21 and addressed. In making such recommendations, the Chief of  
22 Domestic Security Initiatives and the Division of Emergency  
23 Management shall identify all funding sources that may be  
24 available to fund such equipping, outfitting, and training.  
25 (4) Each regional domestic security task force,  
26 working in conjunction with the department, the Office of the  
27 Attorney General, and other public or private entities, shall  
28 work to ensure that hate-driven acts against ethnic groups  
29 that may have been targeted as a result of acts of terrorism  
30 in or affecting this state are appropriately investigated and  
31 responded to.



Amendment No. 01 (for drafter's use only)

1           (5) Members of each regional domestic security task  
2 force may not receive any pay other than their salaries  
3 normally received from their employers, but are entitled to  
4 reimbursement for per diem and travel expenses in accordance  
5 with s. 112.061.

6           (6) Subject to annual appropriation, the Department of  
7 Law Enforcement shall provide staff and administrative support  
8 for the regional domestic security task forces.

9           Section 5. Section 775.30, Florida Statutes, is  
10 created to read:

11           775.30 Terrorism; defined.--As used in the criminal  
12 code of this state, the term "terrorism" means an activity  
13 that:

14           (1) Involves a violent act or act dangerous to human  
15 life which is a violation of the criminal laws of this state  
16 or of the United States; and

17           (2) Appears to be intended to:

18           (a) Intimidate, injure, or coerce a civilian  
19 population;

20           (b) Influence the policy of a government by  
21 intimidation or coercion; or

22           (c) Affect the conduct of government through  
23 destruction of property, assassination, murder, or kidnapping.

24           Section 6. Section 943.0321, Florida Statutes, is  
25 created to read:

26           943.0321 The Florida Domestic Security and  
27 Counter-Terrorism Intelligence Center and the Florida Domestic  
28 Security and Counter-Terrorism Database.--

29           (1)(a) There is created within the Department of Law  
30 Enforcement the Florida Domestic Security and  
31 Counter-Terrorism Intelligence Center.

Amendment No. 01 (for drafter's use only)

1           (b) The Florida Domestic Security and  
2 Counter-Terrorism Database is created within the Florida  
3 Domestic Security and Counter-Terrorism Intelligence Center.

4           (2) The intelligence center shall:

5           (a) Gather, document, and analyze active criminal  
6 intelligence and criminal investigative information related to  
7 terrorism, as defined in s. 775.30, including information  
8 related to individuals or groups that plot, plan, or  
9 coordinate acts of terrorism, as defined in s. 775.30, and  
10 that operate within this state or otherwise commit acts  
11 affecting this state;

12           (b) Maintain and operate the domestic security and  
13 counter-terrorism database; and

14           (c) Provide support and assistance to federal, state,  
15 and local law enforcement agencies and prosecutors that  
16 investigate or prosecute terrorism, as defined in s. 775.30.

17           (3)(a) The database shall include active criminal  
18 intelligence information and active criminal investigative  
19 information submitted by federal, state, or local law  
20 enforcement agencies and prosecutors and information that is  
21 available from other law-enforcement databases.

22           (b) The database shall be capable of performing data  
23 review and processing that may reveal patterns, trends, and  
24 correlations indicative of potential or actual terrorism  
25 activity within or affecting this state.

26           (c) The department shall establish methods and  
27 parameters by which information and data is transferred to the  
28 department for inclusion in the database. Information  
29 developed in or through the use of the database shall be made  
30 available to federal, state, and local law enforcement  
31 agencies and prosecutors in a manner defined by the department

Amendment No. 01 (for drafter's use only)

1 and as allowed by state or federal law or rule.

2 (4)(a) Information that is exempt from public  
3 disclosure under chapter 119 when in the possession of the  
4 intelligence center retains its exemption from public  
5 disclosure after such information is revealed to a federal,  
6 state, or local law enforcement agency or prosecutor, except  
7 as otherwise provided by law.

8 (b) Information obtained by the intelligence center  
9 from a federal, state, or local law enforcement agency or  
10 prosecutor which is exempt from public disclosure under state  
11 or federal law when in the possession of a federal, state, or  
12 local law enforcement agency or prosecutor retains its  
13 exemption from public disclosure after such information is  
14 revealed to the intelligence center, except as otherwise  
15 provided by law.

16 Section 7. This act shall take effect upon becoming a  
17 law.

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 remove from the title of the bill: the entire title

23

24 and insert in lieu thereof:

25

A bill to be entitled

26

An act relating to domestic security; amending

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s. 252.311, F.S.; providing legislative intent

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with respect to counter-terrorism efforts and

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initial responses to acts of terrorism within

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or affecting this state; amending s. 252.35,

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F.S.; requiring the Division of Emergency

Amendment No. 01 (for drafter's use only)

1 Management within the Department of Community  
2 Affairs to coordinate its responsibilities and  
3 duties with respect to counter-terrorism with  
4 the Department of Law Enforcement and the Chief  
5 of Domestic Security Initiatives; amending s.  
6 943.03, F.S.; requiring the Department of Law  
7 Enforcement to coordinate and direct the  
8 response to acts of terrorism; requiring the  
9 executive director of the department to serve  
10 as or designate a Chief of Domestic Security  
11 Initiatives; creating s. 943.0311, F.S.;  
12 specifying duties of the Chief of Domestic  
13 Security Initiatives; requiring the chief to  
14 conduct security assessments of buildings and  
15 facilities owned or leased by state agencies or  
16 local governments; requiring that the chief  
17 recommend minimum security standards or needs  
18 for security enhancement to the Governor and  
19 the Legislature; requiring the chief to develop  
20 recommended best practices for safety and  
21 security; authorizing security assessments of  
22 buildings or facilities owned by private  
23 entities; requiring the executive director of  
24 the department to submit recommendations  
25 concerning security to the Governor and the  
26 Legislature; creating s. 943.0312, F.S.;  
27 requiring the Department of Law Enforcement to  
28 establish a regional domestic security task  
29 force in each of the department's operational  
30 regions; providing for membership of the task  
31 forces; providing duties of the task forces

Amendment No. 01 (for drafter's use only)

1 with respect to coordinating training and the  
2 collection of investigative and intelligence  
3 information; requiring the Chief of Domestic  
4 Security Initiatives to recommend funding and  
5 training requirements to the Governor and the  
6 Legislature; requiring the regional task forces  
7 to provide for investigating and responding to  
8 certain hate crimes; providing for per diem and  
9 travel expenses; requiring the department to  
10 provide staff and administrative support for  
11 the task forces; creating s. 775.30, F.S.;  
12 defining the term "terrorism" for use in the  
13 criminal code; creating s. 943.0321, F.S.;  
14 creating the Florida Domestic Security and  
15 Counter-Terrorism Intelligence Center within  
16 the Department of Law Enforcement; creating the  
17 Florida Domestic Security and Counter-Terrorism  
18 Database within the intelligence center;  
19 providing functions of the intelligence center  
20 with respect to gathering and analyzing active  
21 criminal intelligence information and criminal  
22 investigative information; requiring the  
23 intelligence center to maintain and operate the  
24 database; providing requirements for the  
25 database; requiring that the Department of Law  
26 Enforcement establish methods for providing  
27 information from the database to law  
28 enforcement agencies and prosecutors; providing  
29 that information that is exempt from public  
30 disclosure and is released to another agency or  
31 prosecutor by the intelligence center retains

Amendment No. 01 (for drafter's use only)

1           such exemption; providing that information that  
2           is exempt from public disclosure and is  
3           obtained by the intelligence center retains  
4           such exemption; providing an effective date.  
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