

STORAGE NAME: h0111Ba.sec.doc
DATE: October 29, 2001

**HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON SECURITY
ANALYSIS**

BILL #: HB 111-B
RELATING TO: Domestic Security
SPONSOR(S): Representative Goodlette and others
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) SELECT COMMITTEE ON SECURITY YEAS 11 NAYS 0
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I. SUMMARY:

The State Emergency Management Act provides for the coordination of activities relating to emergency preparedness, response, and recovery including natural, technological and man-made disasters that threaten the life, health, and safety of the people of Florida. For purposes of emergency management, this bill expands legislative findings to include acts of terrorism within or affecting the state of Florida. The bill includes findings with respect to counterterrorism efforts and responses and provides that such efforts should be coordinated by the Florida Department of Law Enforcement (FDLE), and the Division of Emergency Management (DEM). The bill amends the Division of Emergency Management's powers to provide that the responsibilities and duties related to terrorism shall be performed under the direction or with the approval of, and in coordination with the FDLE and the Chief of Florida Domestic Security Initiatives.

The bill specifies the duties of the FDLE with regard to counterterrorism efforts, responses to acts of terrorism and other domestic security matters. It provides for the executive director of FDLE, or his appointee, to serve as the Chief of Florida Domestic Security Initiatives and sets forth domestic security responsibilities.

House Bill 111-B establishes Regional Domestic Security Task Forces in each of the FDLE's seven operational regions to serve as advisors to the department and the Chief of Florida Domestic Security Initiatives. The bill establishes the goals and objectives of the task forces and provides for equipment, training and funding recommendations by the task forces. The bill provides for the task forces to work to assure that hate-driven acts resulting from acts of terrorism are appropriately investigated.

The bill provides for a Counterterrorism Intelligence Center and a database within the FDLE to gather, document and analyze criminal intelligence and criminal investigative information related to terrorism and extremist groups.

The bill is effective upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

After the terrorist attacks on the United States on September 11, 2001, Governor Bush directed the Florida Department of Law Enforcement and the Florida Division of Emergency Management to assess Florida's capability to prevent, mitigate and respond to a terrorist attack. Under the State plan, FDLE is the lead agency for crisis management and DEM is the lead agency for consequence management. For purposes of the assessment, primary workgroups were formed around the state's existing emergency support functions: Emergency Services, Human Services, Critical Infrastructure and Public Information and Awareness. These workgroups collected information about Florida's existing capabilities and capacities and identified areas in which the state's preparedness could be enhanced.

Based on the recommendations in the Assessment of Florida's Anti-Terrorism Capabilities, the Governor issued Executive Order 01-300 on October 11, 2001 relating to domestic security. This order set forth specific actions to be taken based on recommendations made in the Assessment. The Governor directed that certain actions be taken immediately, or when necessary, upon legislative approval of funding. Those actions directed under Section One of the Governor's Executive Order will be implemented with the passage of this legislation.

C. EFFECT OF PROPOSED CHANGES:

Section 1: Amends s. 252.311, F.S.; expands the State Emergency Act to include acts of terrorism. Provides findings relating to counterterrorism efforts and responses that require specialized efforts of emergency management, and provides that such efforts should be coordinated by and through the Florida Department of Law Enforcement, working closely with the Division of Emergency Management.

Section 2: Amends s. 252.35, F.S.; revises the emergency management powers of the Division of Emergency Management and provides that division responsibilities, duties and efforts applicable to terrorism must be performed under the direction or with the approval of, and in coordination with the FDLE and the Chief of Florida Domestic Security Initiatives. All reports and plans relating to terrorism are subject to the same coordination provisions.

Section 3: Adds subsection (14) to s. 943.03, F.S.; provides for the executive director of FDLE or his designee to serve as the Chief of Florida Domestic Security Initiatives to direct and coordinate the counterterrorism efforts and terrorism responses of all agencies involved in the preparation against and response to acts of terrorism.

Section 4: Creates s. 943.0311, F.S.; provides for a Chief of Florida Domestic Security Initiatives within the FDLE, provides the duties of the chief, and requires the chief to use the Regional Domestic Security Task Forces to support the department's role in domestic security initiatives. This section provides for the chief to conduct specific security assessments of buildings and facilities and to make recommendations for minimum security standards or security enhancements to the Governor and the Legislature. It provides for the coordination of the department's collection of proposals from public agencies, the private sector and volunteer organizations involved in domestic security assessment preparations. The bill provides for annual reporting on domestic security to the Governor and Legislature by November 1 of each year, and requires that funding priorities be clearly identified in the report.

Section 5: Creates s. 943.0312, F.S.; provides for the creation of Regional Domestic Security Task Forces in FDLE's seven operational regions to address preparation and response efforts for dealing with potential or actual terrorist acts. This section provides for FDLE to provide employee support for each task force, subject to an annual appropriation. The bill designates that each task force will be co-chaired by a regional director of FDLE and a local sheriff or police chief. It also establishes membership of each task force to include representatives from the DEM, the Department of Health, state and local law enforcement, fire and rescue or first responder personnel and others as deemed appropriate.

This section also sets forth the goals of each task force to include: coordination of federal, state and local resources; coordination of the collection and dissemination of investigative and intelligence information; and facilitation of responses to terrorist incidents. It provides for the establishment of training standards for law enforcement officers, fire and emergency personnel, and first responder service personnel. Each task force must work to assure that hate-driven acts against ethnic groups as a result of terrorism are appropriately investigated.

Section 6: Creates s. 943.0321, F.S.; creates a Domestic Security Counterterrorism Intelligence Center and database within the FDLE to gather, document, and analyze intelligence and criminal investigative information about terrorist and extremist groups which will be available to law enforcement agencies and prosecutors. The bill provides for the database to be maintained by FDLE and identifies specific capabilities of the database. It further provides an exemption for all information developed or provided by the center and for all information contained in the database under s. 119.011, F.S.

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

D. SECTION-BY-SECTION ANALYSIS:

See Effect of Proposed Changes.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

House Bill 31-B, providing appropriations and reductions in appropriations for the 2001-2002 Fiscal Year, contains the following provisions:

- FDLE Regional Anti-Terrorism Task Forces - 30 positions and \$1,799,571 from the General Revenue Fund.
- Terrorist Intelligence Database – 5 positions and \$200,429 from the General Revenue Fund; \$300,000 from the Grants and Donations Trust Fund.
- Responder and Incident Training - \$2,000,000 from the Criminal Justice Standards and Training Trust Fund.
- Critical Infrastructure Security Assessment and Standards - \$500,000 from the Grants and Donations Trust Fund.
- Domestic Preparedness Program/Equipment - \$9,000,000 from the Grants and Donations Trust Fund.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Local governments will incur expenditures for the salaries and benefits, and any associated overtime costs for affected employees.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

None.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

None.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

None.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On 10-29-01, the House Select Committee on Security heard the bill and adopted a strike-all amendment and an amendment to the amendment.

The strike-all amendment expands the Regional Domestic Security Task Force membership to provide that a representative of a local emergency planning committee may be appointed as a task force member. The amendment clarifies language in the State Emergency Management Act to provide that responsibilities of the Division of Emergency Management relating to terrorism shall be performed in coordination with the Department of Law Enforcement. The amendment clarifies language in reference to the Florida Domestic Security and Counter-Terrorism Database and clarifies the terms "criminal intelligence" and "criminal investigative information" to conform to Section 119.07, F.S.

The amendment to the amendment deletes Section 2 of the strike-all relating to expansion of the emergency management powers of the Division of Emergency Management under s. 252.35, F.S.

VII. SIGNATURES:

COMMITTEE ON SELECT COMMITTEE ON SECURITY:

Prepared by:

Staff Director:

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Tom Randle/Richard Hixson