

By Representatives Goodlette, Harrell, Green, Cusack,
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1 A bill to be entitled
2 An act relating to domestic security; amending
3 s. 252.311, F.S.; including legislative
4 findings with respect to acts of terrorism and
5 counterterrorism efforts under the State
6 Emergency Management Act; amending s. 252.35,
7 F.S.; providing that the responsibilities and
8 duties of the Division of Emergency Management
9 relating to counterterrorism efforts and
10 responses to acts of terrorism shall be
11 performed under the direction or with the
12 approval of and in coordination with the
13 Department of Law Enforcement and the Chief of
14 Florida Domestic Security Initiatives; amending
15 s. 943.03, F.S.; specifying the duties of the
16 Department of Law Enforcement with regard to
17 counterterrorism efforts, responses to acts of
18 terrorism, and other domestic security matters
19 related to terrorism; creating s. 943.0311,
20 F.S.; providing for a Chief of Florida Domestic
21 Security Initiatives within the department;
22 providing duties; providing for building and
23 facility security assessments; providing for
24 coordination of security proposals; providing
25 for annual recommendations; creating s.
26 943.0312, F.S.; providing for a Regional
27 Domestic Security Task Force in each of the
28 department's operational regions; providing for
29 membership; providing goals and objectives;
30 providing for identification of equipment and
31 training needs and for funding recommendations;

1 providing duties with respect to hate-driven
2 acts resulting from acts of terrorism;
3 providing for administrative support; creating
4 s. 943.0321, F.S.; creating a Counterterrorism
5 Intelligence Center within the department and
6 providing its duties; creating the Florida
7 Domestic Security Counterterrorism Database
8 within the department and providing for its
9 contents and use; providing an 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 252.311, Florida Statutes, is
14 amended to read:

15 252.311 Legislative intent.--

16 (1) The Legislature finds and declares that the state
17 is vulnerable to a wide range of emergencies, including
18 natural, technological, and manmade disasters, including, but
19 not limited to, acts of terrorism within or affecting this
20 state,all of which threaten the life, health, and safety of
21 its people; damage and destroy property; disrupt services and
22 everyday business and recreational activities; and impede
23 economic growth and development. The Legislature further
24 finds that this vulnerability is exacerbated by the tremendous
25 growth in the state's population, especially the growth in the
26 number of persons residing in coastal areas, in the elderly
27 population, in the number of seasonal vacationers, and in the
28 number of persons with special needs. This growth has greatly
29 complicated the state's ability to coordinate its emergency
30 management resources and activities.

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

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

27 ~~(4)~~⁽³⁾ It is further the intent of the Legislature to
28 promote the state's emergency preparedness, response,
29 recovery, and mitigation capabilities through enhanced
30 coordination, long-term planning, and adequate funding. State
31 policy for responding to disasters is to support local

1 emergency response efforts. In the case of a major or
2 catastrophic disaster, however, the needs of residents and
3 communities will likely be greater than local resources. In
4 these situations, the state must be capable of providing
5 effective, coordinated, and timely support to communities and
6 the public. Therefore, the Legislature hereby determines and
7 declares that the provisions of this act fulfill an important
8 state interest.

9 Section 2. Section 252.35, Florida Statutes, is
10 amended to read:

11 252.35 Emergency management powers; Division of
12 Emergency Management.--

13 (1) Other than as provided in this section with regard
14 to terrorism-related responsibilities,the division is
15 responsible for maintaining a comprehensive statewide program
16 of emergency management. The division is responsible for
17 coordination with efforts of the Federal Government with other
18 departments and agencies of state government, with county and
19 municipal governments and school boards, and with private
20 agencies that have a role in emergency management. Any
21 division responsibilities, duties, or efforts described or
22 detailed in ss. 252.31-252.62 that are applicable to or
23 otherwise related to counterterrorism efforts and responses to
24 acts of terrorism within or affecting this state shall be
25 performed under the direction or with the approval of, and in
26 coordination with, the Department of Law Enforcement and the
27 Chief of Florida Domestic Security Initiatives within the
28 department.

29 (2) The division is responsible for carrying out the
30 provisions of ss. 252.31-252.90 as provided in this section.

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1 In performing its duties under ss. 252.31-252.90, the division
2 shall:

3 (a) Prepare a state comprehensive emergency management
4 plan, which shall be integrated into and coordinated with the
5 emergency management plans and programs of the Federal
6 Government. The division must adopt the plan as a rule in
7 accordance with chapter 120. The plan shall be implemented by
8 a continuous, integrated comprehensive emergency management
9 program. The plan must contain provisions to ensure that the
10 state is prepared for emergencies and minor, major, and
11 catastrophic disasters, and the division shall work closely
12 with local governments and agencies and organizations with
13 emergency management responsibilities in preparing and
14 maintaining the plan. The state comprehensive emergency
15 management plan shall be operations oriented and:

16 1. Include an evacuation component that includes
17 specific regional and interregional planning provisions and
18 promotes intergovernmental coordination of evacuation
19 activities. This component must, at a minimum: contain
20 guidelines for lifting tolls on state highways; ensure
21 coordination pertaining to evacuees crossing county lines; set
22 forth procedures for directing people caught on evacuation
23 routes to safe shelter; establish strategies for ensuring
24 sufficient, reasonably priced fueling locations along
25 evacuation routes; and establish policies and strategies for
26 emergency medical evacuations.

27 2. Include a shelter component that includes specific
28 regional and interregional planning provisions and promotes
29 coordination of shelter activities between the public,
30 private, and nonprofit sectors. This component must, at a
31 minimum: contain strategies to ensure the availability of

1 adequate public shelter space in each region of the state;
2 establish strategies for refuge-of-last-resort programs;
3 provide strategies to assist local emergency management
4 efforts to ensure that adequate staffing plans exist for all
5 shelters, including medical and security personnel; provide
6 for a postdisaster communications system for public shelters;
7 establish model shelter guidelines for operations,
8 registration, inventory, power generation capability,
9 information management, and staffing; and set forth policy
10 guidance for sheltering people with special needs.

11 3. Include a postdisaster response and recovery
12 component that includes specific regional and interregional
13 planning provisions and promotes intergovernmental
14 coordination of postdisaster response and recovery activities.
15 This component must provide for postdisaster response and
16 recovery strategies according to whether a disaster is minor,
17 major, or catastrophic. The postdisaster response and recovery
18 component must, at a minimum: establish the structure of the
19 state's postdisaster response and recovery organization;
20 establish procedures for activating the state's plan; set
21 forth policies used to guide postdisaster response and
22 recovery activities; describe the chain of command during the
23 postdisaster response and recovery period; describe initial
24 and continuous postdisaster response and recovery actions;
25 identify the roles and responsibilities of each involved
26 agency and organization; provide for a comprehensive
27 communications plan; establish procedures for monitoring
28 mutual aid agreements; provide for rapid impact assessment
29 teams; ensure the availability of an effective statewide urban
30 search and rescue program coordinated with the fire services;
31 ensure the existence of a comprehensive statewide medical care

1 and relief plan administered by the Department of Health; and
2 establish systems for coordinating volunteers and accepting
3 and distributing donated funds and goods.

4 4. Include additional provisions addressing aspects of
5 preparedness, response, recovery, and mitigation as determined
6 necessary by the division.

7 5. Address the need for coordinated and expeditious
8 deployment of state resources, including the Florida National
9 Guard. In the case of an imminent major disaster, procedures
10 should address predeployment of the Florida National Guard,
11 and, in the case of an imminent catastrophic disaster,
12 procedures should address predeployment of the Florida
13 National Guard and the United States Armed Forces.

14 6. Establish a system of communications and warning to
15 ensure that the state's population and emergency management
16 agencies are warned of developing emergency situations and can
17 communicate emergency response decisions.

18 7. Establish guidelines and schedules for annual
19 exercises that evaluate the ability of the state and its
20 political subdivisions to respond to minor, major, and
21 catastrophic disasters and support local emergency management
22 agencies. Such exercises shall be coordinated with local
23 governments and, to the extent possible, the Federal
24 Government.

25 8. Assign lead and support responsibilities to state
26 agencies and personnel for emergency support functions and
27 other support activities.

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29 The complete state comprehensive emergency management plan
30 shall be submitted to the President of the Senate, the Speaker
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1 of the House of Representatives, and the Governor on February
2 1 of every even-numbered year.

3 (b) Adopt standards and requirements for county
4 emergency management plans. The standards and requirements
5 must ensure that county plans are coordinated and consistent
6 with the state comprehensive emergency management plan. If a
7 municipality elects to establish an emergency management
8 program, it must adopt a city emergency management plan that
9 complies with all standards and requirements applicable to
10 county emergency management plans.

11 (c) Assist political subdivisions in preparing and
12 maintaining emergency management plans.

13 (d) Review periodically political subdivision
14 emergency management plans for consistency with the state
15 comprehensive emergency management plan and standards and
16 requirements adopted under this section.

17 (e) Cooperate with the President, the heads of the
18 Armed Forces, the various federal emergency management
19 agencies, and the officers and agencies of other states in
20 matters pertaining to emergency management in the state and
21 the nation and incidents thereof and, in connection therewith,
22 take any measures that it deems proper to carry into effect
23 any request of the President and the appropriate federal
24 officers and agencies for any emergency management action,
25 including the direction or control of:

26 1. Emergency management drills, tests, or exercises of
27 whatever nature.

28 2. Warnings and signals for tests and drills, attacks,
29 or other imminent emergencies or threats thereof and the
30 mechanical devices to be used in connection with such warnings
31 and signals.

1 (f) Make recommendations to the Legislature, building
2 code organizations, and political subdivisions for zoning,
3 building, and other land use controls; safety measures for
4 securing mobile homes or other nonpermanent or semipermanent
5 structures; and other preparedness, prevention, and mitigation
6 measures designed to eliminate emergencies or reduce their
7 impact.

8 (g) In accordance with the state comprehensive
9 emergency management plan and program for emergency
10 management, ascertain the requirements of the state and its
11 political subdivisions for equipment and supplies of all kinds
12 in the event of an emergency; plan for and either procure
13 supplies, medicines, materials, and equipment or enter into
14 memoranda of agreement or open purchase orders that will
15 ensure their availability; and use and employ from time to
16 time any of the property, services, and resources within the
17 state in accordance with ss. 252.31-252.90.

18 (h) Anticipate trends and promote innovations that
19 will enhance the emergency management system.

20 (i) Institute statewide public awareness programs.
21 This shall include an intensive public educational campaign on
22 emergency preparedness issues.

23 (j) Prepare and distribute to appropriate state and
24 local officials catalogs of federal, state, and private
25 assistance programs.

26 (k) Coordinate federal, state, and local emergency
27 management activities and take all other steps, including the
28 partial or full mobilization of emergency management forces
29 and organizations in advance of an actual emergency, to ensure
30 the availability of adequately trained and equipped forces of
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1 emergency management personnel before, during, and after
2 emergencies and disasters.

3 (l) Establish a schedule of fees that may be charged
4 by local emergency management agencies for review of emergency
5 management plans on behalf of external agencies and
6 institutions. In establishing such schedule, the division
7 shall consider facility size, review complexity, and other
8 factors.

9 (m) Implement training programs to improve the ability
10 of state and local emergency management personnel to prepare
11 and implement emergency management plans and programs. This
12 shall include a continuous training program for agencies and
13 individuals that will be called on to perform key roles in
14 state and local postdisaster response and recovery efforts and
15 for local government personnel on federal and state
16 postdisaster response and recovery strategies and procedures.

17 (n) Review periodically emergency operating procedures
18 of state agencies and recommend revisions as needed to ensure
19 consistency with the state comprehensive emergency management
20 plan and program.

21 (o) Make such surveys of industries, resources, and
22 facilities within the state, both public and private, as are
23 necessary to carry out the purposes of ss. 252.31-252.90.

24 (p) Prepare, in advance whenever possible, such
25 executive orders, proclamations, and rules for issuance by the
26 Governor as are necessary or appropriate for coping with
27 emergencies and disasters.

28 (q) Cooperate with the Federal Government and any
29 public or private agency or entity in achieving any purpose of
30 ss. 252.31-252.90 and in implementing programs for mitigation,
31 preparation, response, and recovery.

1 (r) Assist political subdivisions with the creation
2 and training of urban search and rescue teams and promote the
3 development and maintenance of a state urban search and rescue
4 program.

5 (s) Delegate, as necessary and appropriate, authority
6 vested in it under ss. 252.31-252.90 and provide for the
7 subdelegation of such authority.

8 (t) Report biennially to the President of the Senate,
9 the Speaker of the House of Representatives, and the Governor,
10 no later than February 1 of every odd-numbered year, the
11 status of the emergency management capabilities of the state
12 and its political subdivisions.

13 (u) In accordance with chapter 120, create, implement,
14 administer, adopt, amend, and rescind rules, programs, and
15 plans needed to carry out the provisions of ss. 252.31-252.90
16 with due consideration for, and in cooperating with, the plans
17 and programs of the Federal Government. In addition, the
18 division may adopt rules in accordance with chapter 120 to
19 administer and distribute federal financial predisaster and
20 postdisaster assistance for prevention, mitigation,
21 preparedness, response, and recovery.

22 (v) Do other things necessary, incidental, or
23 appropriate for the implementation of ss. 252.31-252.90.

24 (3) With regard to any efforts described in this
25 section that relate to counterterrorism efforts and responses
26 to acts of terrorism within or affecting this state, all
27 reports, plans, and responsibilities developed by the division
28 as provided in this section shall be in coordination with and
29 with the approval of the Department of Law Enforcement and the
30 Chief of Florida Domestic Security Initiatives within the
31 department.

1 Section 3. Subsection (14) is added to section 943.03,
2 Florida Statutes, to read:

3 943.03 Department of Law Enforcement.--

4 (14) With regard to counterterrorism efforts,
5 responses to acts of terrorism within or affecting this state,
6 and other matters related to the domestic security of Florida
7 as it relates to terrorism, the department shall coordinate
8 and direct law enforcement, emergency, and other responses,
9 working closely with the Division of Emergency Management,
10 other law enforcement agencies, fire and rescue agencies,
11 first responder agencies, and others involved in the
12 preparation against and response to acts of terrorism within
13 or affecting this state. The executive director of the
14 department, or another member of the department as may be
15 appointed by the director, shall serve as the Chief of Florida
16 Domestic Security Initiatives for the purpose of directing and
17 coordinating such efforts. The department and the Chief of
18 Florida Domestic Security Initiatives shall utilize the
19 Regional Domestic Security Task Forces established under s.
20 943.0312 to assist in such efforts.

21 Section 4. Section 943.0311, Florida Statutes, is
22 created to read:

23 943.0311 Chief of Florida Domestic Security
24 Initiatives; domestic security responsibilities.--

25 (1) The executive director of the department, or
26 another member of the department as may be appointed by the
27 executive director, shall serve as the Chief of Florida
28 Domestic Security Initiatives.

29 (2) The chief shall coordinate the efforts of the
30 department in the ongoing assessment of this state's
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1 vulnerability to, and ability to detect and respond to, acts
2 of terrorism within or affecting this state.

3 (3) The chief shall coordinate the efforts of the
4 department, and may utilize public or private resources, to
5 conduct specific security assessments of buildings and
6 facilities within this state and to prepare recommendations
7 based upon such assessments for the enhancement of domestic
8 security. The department is authorized to determine, define,
9 and present to the Executive Office of the Governor, the
10 President of the Senate, and the Speaker of the House of
11 Representatives recommended minimum security standards or
12 security enhancement needs for any building or facility within
13 this state. All such recommendations shall be prioritized to
14 first identify and address the most crucial domestic security
15 building and facility needs. Such recommendations shall
16 include recommendations to maximize federal funding in support
17 of the state's domestic security efforts.

18 (4) The chief shall coordinate the department's
19 collection of specific implementation proposals from public
20 agencies, the private sector, volunteer organizations, and
21 others involved in ongoing domestic security assessments and
22 preparations. All public agencies shall cooperate with the
23 department and provide requested information and resources to
24 assist the department in meeting its domestic security
25 responsibilities. All nonpublic entities are urged to
26 cooperate with and assist the department in meeting its
27 domestic security responsibilities.

28 (5) By November 1 of each year, the executive director
29 shall compile, coordinate, and prioritize recommendations and
30 proposals related to domestic security and shall present them
31 to the Executive Office of the Governor, the President of the

1 Senate, and the Speaker of the House of Representatives. All
2 recommendations seeking funding shall be prioritized, with
3 critical domestic security needs requiring immediate or
4 top-priority funding being clearly identified. Such
5 recommendations shall include recommendations to maximize
6 federal funding in support of the state's domestic security
7 efforts.

8 (6) The chief shall utilize the Regional Domestic
9 Security Task Forces established under s. 943.0312 to support
10 the role of the department as set forth in this section.

11 Section 5. Section 943.0312, Florida Statutes, is
12 created to read:

13 943.0312 Regional Domestic Security Task Forces.--

14 (1) The Legislature finds that there is a need to
15 develop and implement a statewide strategy to address
16 preparation and response efforts by state and local law
17 enforcement agencies, emergency management agencies, fire and
18 rescue agencies, first responder agencies, and others in
19 dealing with potential or actual terrorist acts within or
20 affecting this state.

21 (2)(a) To assist the department and the Chief of
22 Florida Domestic Security Initiatives in performing their
23 roles and duties in this regard, the department shall
24 establish a Regional Domestic Security Task Force in each of
25 its operational regions. The task forces shall serve in an
26 advisory capacity to the department and the Chief of Florida
27 Domestic Security Initiatives.

28 (b) Subject to annual appropriation, the department
29 shall provide dedicated employees to support the function of
30 each task force.

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1 (c) Each task force shall be co-chaired by the
2 regional director of the operational region in which the task
3 force is located and by a local sheriff or chief of police
4 from within the operational region.

5 (d) Each task force may also include an available
6 representative from the Division of Emergency Management, an
7 available representative from the Department of Health, and
8 representatives of state and local law enforcement, fire and
9 rescue or first responder personnel, and other persons as may
10 be deemed appropriate and necessary by the task force
11 co-chairs.

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

30 (4) The Chief of Florida Domestic Security
31 Initiatives, in conjunction with the Division of Emergency

1 Management, the Regional Domestic Security Task Forces, and
2 the various state entities responsible for establishing
3 training standards applicable to Florida law enforcement
4 officers, fire and emergency personnel, and first responder
5 service personnel, shall identify appropriate equipment and
6 training needs, curricula, and materials related to the
7 effective response to suspected or actual acts of terrorism or
8 incidents involving real or hoax weapons of mass destruction
9 as defined by s. 790.166. Recommendations for funding for
10 purchase of equipment, delivery of training, implementation or
11 revision of basic or continued training required for state
12 licensure or certification, or other related responses shall
13 be made by the Chief of Florida Domestic Security Initiatives
14 to the Executive Office of the Governor, the President of the
15 Senate, and the Speaker of the House of Representatives as may
16 be necessary to assure that the domestic security needs of
17 this state with regard to the equipping, outfitting, and
18 training of response personnel are identified and addressed.
19 In making such recommendations, the Chief of Florida Domestic
20 Security Initiatives and the Division of Emergency Management
21 shall identify all funding sources that may be available to
22 fund such needs.

23 (5) Each task force, working in conjunction with the
24 department, the Office of the Attorney General, and other
25 public or private entities, shall work to assure that
26 hate-driven acts against ethnic groups that may have been
27 targeted as a result of acts of terrorism within or affecting
28 this state are appropriately investigated and responded to.

29 (6) Members of each task force shall receive no pay
30 other than their salaries normally received from their
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1 employers but are entitled to reimbursement for per diem and
2 travel expenses in accordance with s. 112.061.

3 (7) Subject to annual appropriation, the department
4 shall provide staff and administrative support for the
5 Regional Domestic Security Task Forces.

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

8 943.0321 Florida Domestic Security Counterterrorism
9 Database and Counterterrorism Intelligence Center.--

10 (1) There is created within the Department of Law
11 Enforcement a Florida Domestic Security Counterterrorism
12 Database and Counterterrorism Intelligence Center.

13 (2) The Counterterrorism Intelligence Center shall
14 gather, document, and analyze intelligence and criminal
15 investigative information related to terrorism and extremist
16 groups operating within or otherwise affecting this state.
17 The intelligence and investigative information shall be made
18 available to law enforcement agencies and prosecutors in this
19 state in a manner defined by the department and as allowed by
20 state or federal law or regulation. The center shall provide
21 support and assistance to law enforcement agencies in Florida
22 engaged in the investigation of terrorism or extremist group
23 activity within or affecting this state. All information
24 developed or provided by the center shall be considered
25 "active criminal intelligence information" or "active criminal
26 investigative information" as defined by s. 119.011.

27 (3) The Florida Domestic Security Counterterrorism
28 Database shall be maintained by the department and shall
29 include information and data submitted by federal, state, or
30 local law enforcement agencies, or available in other law
31 enforcement databases. The database shall be capable of

1 performing data review and processing to reveal patterns,
2 trends, and correlations that are indicative of potential or
3 actual terrorism activity within or affecting this state. The
4 department shall establish the methods and parameters by which
5 information and data will be transferred to the department for
6 inclusion in the database. Information developed in or through
7 the use of the database shall be made available to law
8 enforcement agencies and prosecutors in this state in a manner
9 defined by the department and as allowed by state or federal
10 law or regulation. All information contained in the database
11 shall be considered "active criminal intelligence information"
12 or "active criminal investigative information" as defined by
13 s. 119.011.

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

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HOUSE SUMMARY

Includes legislative findings with respect to acts of terrorism and counterterrorism efforts under the State Emergency Management Act. Provides that the responsibilities and duties of the Division of Emergency Management relating to counterterrorism efforts and responses to acts of terrorism shall be performed under the direction or with the approval of and in coordination with the Department of Law Enforcement and the Chief of Florida Domestic Security Initiatives. Specifies the duties of the Department of Law Enforcement with regard to counterterrorism efforts, responses to acts of terrorism, and other domestic security matters related to terrorism. Provides for a Chief of Florida Domestic Security Initiatives within the department. Provides for building and facility security assessments and for coordination of security proposals. Provides for annual recommendations. Provides for a Regional Domestic Security Task Force in each of the department's operational regions. Provides goals and objectives. Provides for identification of equipment and training needs and for funding recommendations. Provides duties with respect to hate-driven acts resulting from acts of terrorism. Creates a Counterterrorism Intelligence Center within the department and provides its duties. Creates the Florida Domestic Security Counterterrorism Database within the department and provides for its contents and use.