

By Senators Crist and Brown-Waite

13-678A-02

1                                   A bill to be entitled  
2           An act relating to domestic security; amending  
3           s. 252.311, F.S.; providing legislative intent  
4           with respect to counter-terrorism efforts and  
5           initial responses to acts of terrorism within  
6           or affecting this state; amending s. 943.03,  
7           F.S.; requiring the Department of Law  
8           Enforcement to coordinate and direct the  
9           response to acts of terrorism; requiring the  
10          executive director of the department to serve  
11          as or designate a Chief of Domestic Security  
12          Initiatives; creating s. 943.0311, F.S.;  
13          specifying duties of the Chief of Domestic  
14          Security Initiatives; requiring the chief to  
15          conduct security assessments of buildings and  
16          facilities owned or leased by state agencies or  
17          local governments; requiring that the chief  
18          recommend minimum security standards or needs  
19          for security enhancement to the Governor and  
20          the Legislature; requiring the chief to develop  
21          recommended best practices for safety and  
22          security; authorizing security assessments of  
23          buildings or facilities owned by private  
24          entities; requiring the executive director of  
25          the department to submit recommendations  
26          concerning security to the Governor and the  
27          Legislature; creating s. 943.0312, F.S.;  
28          requiring the Department of Law Enforcement to  
29          establish a regional domestic security task  
30          force in each of the department's operational  
31          regions; providing for membership of the task

1 forces; providing duties of the task forces  
2 with respect to coordinating training and the  
3 collection of investigative and intelligence  
4 information; requiring the Chief of Domestic  
5 Security Initiatives to recommend funding and  
6 training requirements to the Governor and the  
7 Legislature; requiring the regional task forces  
8 to provide for investigating and responding to  
9 certain hate crimes; providing for per diem and  
10 travel expenses; requiring the department to  
11 provide staff and administrative support for  
12 the task forces; creating s. 775.30, F.S.;  
13 defining the term "terrorism" for purposes of  
14 the Florida Criminal Code; providing an  
15 effective date.

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

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

21 252.311 Legislative intent.--

22 (1) The Legislature finds and declares that the state  
23 is vulnerable to a wide range of emergencies, including  
24 natural, technological, and manmade disasters, including, but  
25 not limited to, acts of terrorism within or affecting this  
26 state,all of which threaten the life, health, and safety of  
27 its people; damage and destroy property; disrupt services and  
28 everyday business and recreational activities; and impede  
29 economic growth and development. The Legislature further  
30 finds that this vulnerability is exacerbated by the tremendous  
31 growth in the state's population, especially the growth in the

1 number of persons residing in coastal areas, in the elderly  
2 population, in the number of seasonal vacationers, and in the  
3 number of persons with special needs. This growth has greatly  
4 complicated the state's ability to coordinate its emergency  
5 management resources and activities.

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

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

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

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

16           943.03 Department of Law Enforcement.--

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

1 Initiatives shall use the regional domestic security task  
2 forces as established in this chapter to assist in such  
3 efforts.

4 Section 3. Section 943.0311, Florida Statutes, is  
5 created to read:

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

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

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

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

21 (c) Coordinate the collection of proposals to limit  
22 the vulnerability of the state to terrorism.

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

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

27 (f) Perform other duties assigned by law.

28 (2)(a) The chief shall conduct specific security  
29 assessments of buildings and facilities owned or leased by  
30 state agencies or local governments. All state agencies and  
31 local governments shall cooperate with the department and

1 provide requested information and resources to assist the  
2 department in meeting its responsibilities under this section.

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

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

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

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

1 requests to perform security assessments of buildings or  
2 facilities. Private entities are urged to cooperate with and  
3 assist the department in meeting its responsibilities for  
4 domestic security.

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

16 Section 4. Section 943.0312, Florida Statutes, is  
17 created to read:

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

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

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1 advisory capacity to the department and the Chief of Domestic  
2 Security Initiatives.

3 (a) Subject to annual appropriation, the department  
4 shall provide dedicated employees to support the function of  
5 each regional domestic security task force.

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

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

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



1 shall take into account the variety of conditions and  
2 resources present within its region.

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

26 (4) Each regional domestic security task force,  
27 working in conjunction with the department, the Office of the  
28 Attorney General, and other public or private entities, shall  
29 work to ensure that hate-driven acts against ethnic groups  
30 that may have been targeted as a result of acts of terrorism

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1 in or affecting this state are appropriately investigated and  
2 responded to.

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

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

11 Section 5. Section 775.30, Florida Statutes, is  
12 created to read:

13 775.30 Terrorism; defined.--As used in the Florida  
14 Criminal Code, the term "terrorism" means an activity that:

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

18 (b) Involves a violation of s. 815.06; and

19 (2) Is intended to:

20 (a) Intimidate, injure, or coerce a civilian  
21 population;

22 (b) Influence the policy of a government by  
23 intimidation or coercion; or

24 (c) Affect the conduct of government through  
25 destruction of property, assassination, murder, kidnapping, or  
26 aircraft piracy.

27 Section 6. This act shall take effect upon becoming a  
28 law.

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SENATE SUMMARY

Specifies the duties of the Department of Law Enforcement with respect to counter-terrorism efforts, responses to acts of terrorism, and other domestic security matters related to terrorism. Provides for a Chief of Domestic Security Initiatives within the department. Provides for building and facility security assessments and for coordinating security proposals. Provides for annual recommendations to the Governor and Legislature. Provides for a regional domestic security task force in each of the department's operational regions. Provides goals and objectives for the task forces. Requires that the Chief of Domestic Security Initiatives identify equipment and training needs and make funding recommendations to the Governor and the Legislature. Defines the term "terrorism" for purposes of the Florida Criminal Code. (See bill for details.)