

By Senators Crist and Smith

13-628-02

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. 252.35,
7 F.S.; requiring the Division of Emergency
8 Management within the Department of Community
9 Affairs to coordinate its responsibilities and
10 duties with respect to counter-terrorism with
11 the Department of Law Enforcement and the Chief
12 of Domestic Security Initiatives; amending s.
13 943.03, F.S.; requiring the Department of Law
14 Enforcement to coordinate and direct the
15 response to acts of terrorism; requiring the
16 executive director of the department to serve
17 as or designate a Chief of Domestic Security
18 Initiatives; creating s. 943.0311, F.S.;
19 specifying duties of the Chief of Domestic
20 Security Initiatives; requiring the chief to
21 conduct security assessments of buildings and
22 facilities owned or leased by state agencies or
23 local governments; requiring that the chief
24 recommend minimum security standards or needs
25 for security enhancement to the Governor and
26 the Legislature; requiring the chief to develop
27 recommended best practices for safety and
28 security; authorizing security assessments of
29 buildings or facilities owned by private
30 entities; requiring the executive director of
31 the department to submit recommendations

1 concerning security to the Governor and the
2 Legislature; creating s. 943.0312, F.S.;
3 requiring the Department of Law Enforcement to
4 establish a regional domestic security task
5 force in each of the department's operational
6 regions; providing for membership of the task
7 forces; providing duties of the task forces
8 with respect to coordinating training and the
9 collection of investigative and intelligence
10 information; requiring the Chief of Domestic
11 Security Initiatives to recommend funding and
12 training requirements to the Governor and the
13 Legislature; requiring the regional task forces
14 to provide for investigating and responding to
15 certain hate crimes; providing for per diem and
16 travel expenses; requiring the department to
17 provide staff and administrative support for
18 the task forces; creating s. 775.30, F.S.;
19 defining the term "terrorism" for use in the
20 criminal code; creating s. 943.0321, F.S.;
21 creating the Florida Domestic Security and
22 Counter-Terrorism Intelligence Center within
23 the Department of Law Enforcement; creating the
24 Florida Domestic Security and Counter-Terrorism
25 Database within the intelligence center;
26 providing functions of the intelligence center
27 with respect to gathering and analyzing active
28 criminal intelligence information and criminal
29 investigative information; requiring the
30 intelligence center to maintain and operate the
31 database; providing requirements for the

1 database; requiring that the Department of Law
2 Enforcement establish methods for providing
3 information from the database to law
4 enforcement agencies and prosecutors; providing
5 that information that is exempt from public
6 disclosure and is released to another agency or
7 prosecutor by the intelligence center retains
8 such exemption; providing that information that
9 is exempt from public disclosure and is
10 obtained by the intelligence center retains
11 such exemption; providing an effective date.

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

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

17 252.311 Legislative intent.--

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

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1 complicated the state's ability to coordinate its emergency
2 management resources and activities.

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

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

29 ~~(4)~~(3) It is further the intent of the Legislature to
30 promote the state's emergency preparedness, response,
31 recovery, and mitigation capabilities through enhanced

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

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

13 943.03 Department of Law Enforcement.--

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

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

3 943.0311 Chief of Domestic Security Initiatives and
4 the department's duties with respect to domestic
5 security.--The executive director of the department, or a
6 member of the department designated by the executive director,
7 shall serve as the Chief of Domestic Security Initiatives.

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

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

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

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

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

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

24 (f) Perform other duties assigned by law.

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

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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

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.

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

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

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

16 (2) The goals of each task force shall include
17 coordinating efforts to counter terrorism, as defined by s.
18 775.30, among local, state, and federal resources to ensure
19 that such efforts are not fragmented or unnecessarily
20 duplicated; coordinating training for local and state
21 personnel to counter terrorism as defined by s. 775.30;
22 coordinating the collection and dissemination of investigative
23 and intelligence information, including promoting the
24 appropriate use of the department's domestic security and
25 counter-terrorism database; 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 criminal
14 code of this state, the term "terrorism" means an activity
15 that:

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

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

20 (2) Is intended to:

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

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

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

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

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1 943.0321 The Florida Domestic Security and
2 Counter-Terrorism Intelligence Center and the Florida Domestic
3 Security and Counter-Terrorism Database.--

4 (1)(a) There is created within the Department of Law
5 Enforcement the Florida Domestic Security and
6 Counter-Terrorism Intelligence Center.

7 (b) The Florida Domestic Security and
8 Counter-Terrorism Database is created within the Florida
9 Domestic Security and Counter-Terrorism Intelligence Center.

10 (2) The intelligence center shall:

11 (a) Gather, document, and analyze active criminal
12 intelligence and criminal investigative information related to
13 terrorism, as defined in s. 775.30, including information
14 related to individuals or groups that plot, plan, or
15 coordinate acts of terrorism, as defined in s. 775.30, and
16 that operate within this state or otherwise commit acts
17 affecting this state;

18 (b) Maintain and operate the domestic security and
19 counter-terrorism database; and

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

23 (3)(a) The database shall include active criminal
24 intelligence information and active criminal investigative
25 information submitted by federal, state, or local law
26 enforcement agencies and prosecutors and information that is
27 available from other law-enforcement databases.

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

1 (c) The department shall establish methods and
2 parameters by which information and data is transferred to the
3 department for inclusion in the database. Information
4 developed in or through the use of the database shall be made
5 available to federal, state, and local law enforcement
6 agencies and prosecutors in a manner defined by the department
7 and as allowed by state or federal law or rule.

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

14 (b) Information obtained by the intelligence center
15 from a federal, state, or local law enforcement agency or
16 prosecutor which is exempt from public disclosure under state
17 or federal law when in the possession of a federal, state, or
18 local law enforcement agency or prosecutor retains its
19 exemption from public disclosure after such information is
20 revealed to the intelligence center, except as otherwise
21 provided by law.

22 Section 7. This act shall take effect upon becoming a
23 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 criminal code. Creates the Florida Domestic Security and Counter-Terrorism Intelligence Center within the department and provides its duties. Creates the Florida Domestic Security Counter-Terrorism Database within the department and provides for its contents and use. (See bill for details.)