

By the Committee on Security, Select and Representatives  
Goodlette, Gelber, Ball, Green, Cusack, Cantens, Bense and  
Machek

1                                   A bill to be entitled  
2           An act relating to domestic security; amending  
3           s. 252.311, F.S.; providing legislative  
4           findings with respect to counterterrorism  
5           efforts and initial responses to acts of  
6           terrorism within or affecting this state;  
7           creating s. 775.30, F.S.; defining "terrorism"  
8           for use in the criminal code; amending s.  
9           943.03, F.S.; specifying the duties of the  
10          Department of Law Enforcement with regard to  
11          counterterrorism efforts, responses to acts of  
12          terrorism, and other domestic security matters  
13          related to terrorism; creating s. 943.0311,  
14          F.S.; requiring the executive director of the  
15          department to serve as or designate a Chief of  
16          Domestic Security Initiatives; specifying  
17          duties of the chief; requiring the chief to  
18          conduct security assessments of buildings and  
19          facilities owned or leased by state agencies or  
20          local governments; requiring the chief to  
21          recommend minimum security standards or needs  
22          for security enhancement to the Governor and  
23          the Legislature; requiring the chief to develop  
24          recommended best practices for safety and  
25          security; authorizing security assessments of  
26          buildings or facilities owned by private  
27          entities; requiring the executive director of  
28          the department to submit recommendations  
29          concerning security to the Governor and the  
30          Legislature; creating s. 943.0312, F.S.;  
31          requiring the department to establish a

1 regional domestic security task force in each  
2 of its operational regions; providing for  
3 membership; providing goals and objectives;  
4 requiring the Chief of Domestic Security  
5 Initiatives to recommend funding and training  
6 requirements to the Governor and the  
7 Legislature; requiring the regional task forces  
8 to ensure appropriate investigation of and  
9 response to certain hate crimes; providing for  
10 per diem and travel expenses; requiring the  
11 department to provide staff and administrative  
12 support for the task forces; creating s.  
13 943.0321, F.S.; creating the Florida Domestic  
14 Security and Counterterrorism Intelligence  
15 Center within the department; creating the  
16 Florida Domestic Security and Counterterrorism  
17 Database within the intelligence center;  
18 providing functions of the intelligence center  
19 with respect to gathering and analyzing active  
20 criminal intelligence information and criminal  
21 investigative information; requiring the  
22 intelligence center to maintain and operate the  
23 database; providing requirements for the  
24 database; requiring the department to establish  
25 methods for transfer of data to it and provide  
26 information from the database to law  
27 enforcement agencies and prosecutors; providing  
28 that information that is exempt from public  
29 disclosure and is released to another agency or  
30 prosecutor by the intelligence center retains  
31 such exemption; providing that information that

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

4  
5 Be It Enacted by the Legislature of the State of Florida:

6  
7           Section 1. Section 252.311, Florida Statutes, is  
8 amended to read:

9           252.311 Legislative intent.--

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

25           (2) It is the intent of the Legislature to reduce the  
26 vulnerability of the people and property of this state; to  
27 prepare for efficient evacuation and shelter of threatened or  
28 affected persons; to provide for the rapid and orderly  
29 provision of relief to persons and for the restoration of  
30 services and property; and to provide for the coordination of  
31 activities relating to emergency preparedness, response,

1 recovery, and mitigation among and between agencies and  
2 officials of this state, with similar agencies and officials  
3 of other states, with local and federal governments, with  
4 interstate organizations, and with the private sector.

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

20 ~~(4)(3)~~ It is further the intent of the Legislature to  
21 promote the state's emergency preparedness, response,  
22 recovery, and mitigation capabilities through enhanced  
23 coordination, long-term planning, and adequate funding. State  
24 policy for responding to disasters is to support local  
25 emergency response efforts. In the case of a major or  
26 catastrophic disaster, however, the needs of residents and  
27 communities will likely be greater than local resources. In  
28 these situations, the state must be capable of providing  
29 effective, coordinated, and timely support to communities and  
30 the public. Therefore, the Legislature hereby determines and  
31

1 declares that the provisions of this act fulfill an important  
2 state interest.

3 Section 2. Section 775.30, Florida Statutes, is  
4 created to read:

5 775.30 Terrorism defined.--As used in the criminal  
6 code of this state, "terrorism" means an activity that:

7 (1)(a) Involves a violent act or an act dangerous to  
8 human life that is a violation of the criminal laws of this  
9 state or of the United States; or

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

11 (2) Is intended to:

12 (a) Intimidate, injure, or coerce a civilian  
13 population;

14 (b) Influence the policy of a government by  
15 intimidation or coercion; or

16 (c) Affect the conduct of government through  
17 destruction of property, assassination, murder, kidnapping, or  
18 aircraft piracy.

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

21 943.03 Department of Law Enforcement.--

22 (14) The department, with respect to counterterrorism  
23 efforts, responses to acts of terrorism within or affecting  
24 this state, and other matters related to the domestic security  
25 of Florida as it relates to terrorism, shall coordinate and  
26 direct law enforcement, initial emergency, and other initial  
27 responses. The department shall work closely with the Division  
28 of Emergency Management, other federal, state, and local law  
29 enforcement agencies, fire and rescue agencies, first  
30 responder agencies, and others involved in preparation against  
31 acts of terrorism within or affecting this state and in the

1 response to such acts. The executive director of the  
2 department, or another member of the department designated by  
3 the executive director, shall serve as Chief of Domestic  
4 Security Initiatives for the purpose of directing and  
5 coordinating such efforts. The department and the Chief of  
6 Domestic Security Initiatives shall use the regional domestic  
7 security task forces as established under s. 943.0312 to  
8 assist in such efforts.

9           Section 4. Section 943.0311, Florida Statutes, is  
10 created to read:

11           943.0311 Chief of Domestic Security Initiatives;  
12 duties with respect to domestic security.--

13           (1) The executive director of the department, or a  
14 member of the department designated by the executive director,  
15 shall serve as the Chief of Domestic Security Initiatives.

16           (2) The chief shall:

17           (a) Coordinate the efforts of the department in the  
18 ongoing assessment of this state's vulnerability to, and  
19 ability to detect and respond to, acts of terrorism, as  
20 defined by s. 775.30, within or affecting this state.

21           (b) Prepare recommendations for the Executive Office  
22 of the Governor, the President of the Senate, and the Speaker  
23 of the House of Representatives that are based upon ongoing  
24 assessments to limit the vulnerability of the state to  
25 terrorism.

26           (c) Coordinate the collection of proposals to limit  
27 the vulnerability of the state to terrorism.

28           (d) Use regional task forces to support the duties set  
29 forth in this section.

30           (e) Use public or private resources to perform the  
31 duties assigned under this section.

1           (f) Perform other duties assigned by law.  
2           (3)(a) The chief shall conduct specific security  
3 assessments of buildings and facilities owned or leased by  
4 state agencies or local governments. All state agencies and  
5 local governments shall cooperate with the department and  
6 provide requested information and resources to assist the  
7 department in meeting its responsibilities under this section.  
8           (b) Based upon the security assessments, the chief  
9 shall prepare recommendations to enhance the security of  
10 buildings and facilities owned or leased by state agencies or  
11 local governments.  
12           (c) The chief shall report to the Executive Office of  
13 the Governor, the President of the Senate, and the Speaker of  
14 the House of Representatives recommended minimum security  
15 standards or security enhancement needs for any building or  
16 facility owned or leased by a state agency or local  
17 government. The report must identify and prioritize the  
18 recommended security enhancements and provide recommendations  
19 to maximize federal funding in support of building and  
20 facility security.  
21           (4) The chief shall develop and submit to the  
22 Executive Office of the Governor, the President of the Senate,  
23 and the Speaker of the House of Representatives recommended  
24 best practices for safety and security. The recommended best  
25 practices are not a rule as defined by chapter 120. The chief  
26 shall review the recommended best practices as necessary, but  
27 at least once each year, and shall submit any recommended  
28 changes to the Executive Office of the Governor, the President  
29 of the Senate, and the Speaker of the House of  
30 Representatives.  
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1       (5) The chief may conduct specific security  
2 assessments of a building or facility owned by a private  
3 entity upon the request of that private entity. The chief may  
4 prioritize requests, and such prioritization is not agency  
5 action that is subject to review under chapter 120. The chief  
6 may solicit private entities for the purpose of receiving  
7 requests to perform security assessments of buildings or  
8 facilities. Private entities are urged to cooperate with and  
9 assist the department in meeting its responsibilities for  
10 domestic security.

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

22       Section 5. Section 943.0312, Florida Statutes, is  
23 created to read:

24       943.0312 Regional domestic security task forces.--

25       (1) The Legislature finds that there is a need to  
26 develop and implement a statewide strategy to address  
27 preparation and response efforts by federal, state, and local  
28 law enforcement agencies, emergency management agencies, fire  
29 and rescue departments, first responder personnel, and others  
30 in dealing with potential or actual terrorist acts within or  
31 affecting this state.



1       (2) To assist the department and the Chief of Domestic  
2 Security Initiatives in performing their roles and duties in  
3 this regard, the department shall establish a regional  
4 domestic security task force in each of its operational  
5 regions. The task forces shall serve in an advisory capacity  
6 to the department and the Chief of Domestic Security  
7 Initiatives.

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

11       (b) Each task force shall be co-chaired by the  
12 regional director of the operational region in which the task  
13 force is located and by a local sheriff or chief of police  
14 from within the operational region.

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

23       (3) The goals of each task force shall include  
24 coordinating efforts to counter terrorism, as defined by s.  
25 775.30, among local, state, and federal resources to ensure  
26 that such efforts are not fragmented or unnecessarily  
27 duplicated; coordinating training for local and state  
28 personnel to counter terrorism as defined by s. 775.30;  
29 coordinating the collection and dissemination of investigative  
30 and intelligence information, including promoting the  
31 appropriate use of the department's domestic security and

1 counterterrorism database; and facilitating responses to  
2 terrorist incidents within or affecting each region. With the  
3 approval of the Chief of Domestic Security Initiatives, the  
4 task forces may incorporate other objectives reasonably  
5 related to the goals of enhancing the state's domestic  
6 security and ability to detect, prevent, and respond to acts  
7 of terrorism within or affecting this state. Each task force  
8 shall take into account the variety of conditions and  
9 resources present within its region.

10       (4) The Chief of Domestic Security Initiatives, in  
11 conjunction with the Division of Emergency Management, the  
12 regional domestic security task forces, and the various state  
13 entities responsible for establishing training standards  
14 applicable to state law enforcement officers and fire,  
15 emergency, and first responder personnel, shall identify  
16 appropriate equipment and training needs, curricula, and  
17 materials related to the effective response to suspected or  
18 actual acts of terrorism or incidents involving real or hoax  
19 weapons of mass destruction as defined by s. 790.166.  
20 Recommendations for funding for purchases of equipment,  
21 delivery of training, implementation or revision of basic or  
22 continued training required for state licensure or  
23 certification, or other related responses shall be made by the  
24 Chief of Domestic Security Initiatives to the Executive Office  
25 of the Governor, the President of the Senate, and the Speaker  
26 of the House of Representatives as necessary to ensure that  
27 the needs of this state with regard to the equipping,  
28 outfitting, and training of response personnel are identified  
29 and addressed. In making such recommendations, the Chief of  
30 Domestic Security Initiatives and the Division of Emergency  
31

1 Management shall identify all funding sources that may be  
2 available to fund such equipping, outfitting, and training.

3 (5) Each regional domestic security task force,  
4 working in conjunction with the department, the Office of the  
5 Attorney General, and other public or private entities, shall  
6 work to ensure that hate-driven acts against ethnic groups  
7 that may have been targeted as a result of acts of terrorism  
8 within or affecting this state are appropriately investigated  
9 and responded to.

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

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

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

20 943.0321 The Florida Domestic Security and  
21 Counterterrorism Intelligence Center and the Florida Domestic  
22 Security and Counterterrorism Database.--

23 (1)(a) There is created within the Department of Law  
24 Enforcement the Florida Domestic Security and Counterterrorism  
25 Intelligence Center.

26 (b) The Florida Domestic Security and Counterterrorism  
27 Database is created within the Florida Domestic Security and  
28 Counterterrorism Intelligence Center.

29 (2) The intelligence center shall:

30 (a) Gather, document, and analyze active criminal  
31 intelligence and criminal investigative information related to

1 terrorism, as defined by s. 775.30, including information  
2 related to individuals or groups that plot, plan, or  
3 coordinate acts of terrorism, as defined by s. 775.30, and  
4 that operate within this state or otherwise commit acts  
5 affecting this state.

6 (b) Maintain and operate the database.

7 (c) Provide support and assistance to federal, state,  
8 and local law enforcement agencies and prosecutors that  
9 investigate or prosecute terrorism, as defined by s. 775.30.

10 (3)(a) The database shall include active criminal  
11 intelligence information and active criminal investigative  
12 information submitted by federal, state, or local law  
13 enforcement agencies and prosecutors and information that is  
14 available from other law enforcement databases.

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

19 (c) The department shall establish methods and  
20 parameters by which information and data are transferred to  
21 the department for inclusion in the database. Information  
22 developed in or through the use of the database shall be made  
23 available to federal, state, and local law enforcement  
24 agencies and prosecutors in a manner defined by the department  
25 and as allowed by state or federal law or rule.

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

