

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1771 Chief of Domestic Security
SPONSOR(S): Committee on Public Safety & Crime Prevention
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 124

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--|------------------|---------------|------------------|
| 1) <u>Public Safety & Crime Prevention</u> | <u>13 Y, 0 N</u> | <u>Kramer</u> | <u>De La Paz</u> |
| 2) <u>Local Government & Veterans' Affairs</u> | <u>19 Y, 0 N</u> | <u>Smith</u> | <u>Cutchins</u> |
| 3) _____ | _____ | _____ | _____ |
| 4) _____ | _____ | _____ | _____ |
| 5) _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

The bill modifies the powers and duties of the Chief of Domestic Security Initiatives within the Department of Law Enforcement. The bill requires that state agencies, rather than the Chief of Domestic Security Initiatives, conduct the initial security assessments of buildings, structures and facilities that the agency owns or leases. The assessments must be provided to the Chief by November 1, 2004. The bill also requires that state universities and communities colleges conduct initial security assessments of their buildings, structures and facilities. The bill removes the requirement that the Chief of Domestic Security Initiatives conduct security assessments of buildings owned by local governments.

The bill may have a fiscal impact on state agencies. [See II. Fiscal Analysis & Economic Impact Statement comments for details.]

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1771b.lgv.doc
DATE: March 31, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

B. EFFECT OF PROPOSED CHANGES:

Chief of Domestic Security Initiatives: On December 10, 2001, Governor Bush signed legislation related to domestic security¹, that created section 943.0311, Florida Statutes, which required the executive director of the Florida Department of Law Enforcement (FDLE), or his or her designee to serve as the Chief of Domestic Security Initiatives (chief). The chief is tasked with duties relating to assessing the state’s vulnerability to, and ability to detect and respond to, acts of terrorism. The chief is required to “conduct specific security assessments of buildings and facilities owned or leased by state agencies or local governments.”² The chief is then required to prepare recommendations to enhance the security of these buildings and facilities and report to the Governor, President of the Senate and Speaker of the House recommended minimum security standards or security enhancement needs for any such building or facility. The section also required the chief to report on recommended best practices for safety and security.

Provisions of HB 1771: The bill amends section 943.0311, Florida Statutes, to modify the powers and duties of the Chief of Domestic Security Initiatives within the Department of Law Enforcement. The bill would relieve the chief of the responsibility of conducting the security assessments required by this section by providing that the chief must “conduct or cause to be conducted” by the personnel and with the resources of the state agency, state university or community college that owns or leases a building, facility or structure, security assessments of the buildings, facilities and structures. Current law does not include state universities and community colleges within the requirements of the section.

The bill provides that for the purpose of the section, the term “state agency” means the following: Agency for Health Care Administration, Agency for Workforce Innovation, Department of Agriculture and Consumer Services, Department of Business and Professional Regulation, Department of Children and Family Services, Department of Citrus, Department of Community Affairs, Department of Corrections, Department of Education, Department of Elderly Affairs, Department of Environmental Protection, Department of Financial Services, Department of Health, Department of Health; Department of Highway Safety and Motor Vehicles, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs, Department of Management Services, Department of Military Affairs, Department of Revenue, Department of State, Department of the Lottery, Department of Transportation, Department of Veterans' Affairs, Fish and Wildlife Conservation Commission, Parole Commission, State Board of Administration and Executive Office of the Governor.

The bill requires each state agency, state university and community college to cooperate with FDLE and provide the assistance of employees within existing resources to provide the chief information in the format requested by the chief. The bill also requires that the initial assessment of each building,

¹ Chapter 2001-365, Laws of Florida.

² Section 943.0311(2), Florida Statutes.

facility or structure owned or leased by a state agency, state university or community college be completed and provided to the chief no later than November 1, 2004.

The bill authorizes the chief to request follow-up assessments to ensure that the assessments are current and valid. The bill requires the chief to report to the Governor, the President of the Senate and the Speaker of the House of Representatives if any state agency, state university or community college substantially fails to cooperate with the chief.

The bill eliminates any reference to the chief being required to conduct assessments of buildings owned or leased by local governments. The chief is required to encourage local governments and water management districts to conduct security assessments of their buildings and advise those governments and districts of options to consider in obtaining assessments. Local governments and water management districts must bear the costs of assessing buildings and facilities owned or leased by local governments and water management districts.

The bill eliminates the language in current law which authorizes the chief to conduct security assessments of private buildings and replaces it with language indicating that the chief may communicate with private entities the options they should consider in obtaining private security assessments. The bill clarifies that the cost of any security assessment of a private entity should be borne by the private entity.

By November 1 of each year, the chief is required to report of prioritized suggestions for specific security enhancements of state agency, state university and community college facilities to the Governor and the Legislature.

C. SECTION DIRECTORY:

Section 1. Amends s. 943.0311; relating to duties of the chief of domestic security initiatives.

Section 2. Provides effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill shifts the responsibility for conducting the initial security assessment of state agencies from the Chief of Domestic Security Initiatives to the respective state agencies. In addition, it requires state universities and community colleges to conduct an initial security assessment of their facilities. These initial assessments must be submitted to the chief by November 1, 2004.

The Department of Management Services (DMS) maintains a inventory of facilities³ as required by law⁴. As of June 1, 2003, the facilities inventory included 3,859 buildings with 55,365,511 square feet of building space. As of February 2004, there are 1,073 leases in privately owned buildings; however, many leases are within the same privately owned building. This information does not include buildings and private leases that are part of a state university or community college.

³ <http://smsisdms02.state.fl.us/docs/market/sfiweb/ar2003/facsum.pdf>

⁴ "The Department of Management Services shall develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state or by the judicial branch, except those with less than 3,000 square feet." Section 216.0152(1), Florida Statutes.

The requirements of this bill may have a fiscal impact on state agencies who will presumably have to arrange for training of a number of employees in order to ensure that they are qualified to conduct the required assessments. These employees will then be required to conduct the assessments and provide them in a form dictated by the chief by November 1, 2004.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Currently, the Chief of Domestic Security Initiatives is tasked with conducting security assessments of buildings owned by local governments. Under the provisions of the bill, the chief is relieved of this responsibility. If a local government chooses to conduct such an assessment, it will be required to bear the cost of the assessment.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

See above.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not specify what role the Chief of Domestic Security will play in training personnel from state agencies to conduct the required security assessments and what standards will be applied in conducting the assessments.

The bill also will require the initial assessment of each building, facility and structure be provided to the chief by November 1, 2004. Depending on when this bill becomes effective, that may leave an agency with a short amount of time to assess a large number of buildings.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.