

By the Committee on Domestic Security

583-1102B-05

1                                   A bill to be entitled  
2           An act relating to domestic security; amending  
3           s. 943.03101, F.S.; providing legislative  
4           findings with respect to the need to coordinate  
5           counter-terrorism efforts and responses in  
6           accordance with the state comprehensive  
7           emergency management plan; amending s.  
8           943.0311, F.S.; clarifying duties of the Chief  
9           of Domestic Security Initiatives; amending s.  
10          943.0312, F.S., relating to the regional  
11          domestic security task forces; revising the  
12          statewide strategy with respect to domestic  
13          security to include prevention, protection, and  
14          recovery efforts; requiring that the regional  
15          task forces support the domestic security  
16          functions of the Department of Law Enforcement;  
17          revising the membership of the task forces;  
18          authorizing the co-chair of each task force to  
19          appoint subcommittees to address specified  
20          issues; revising the duties of the Chief of  
21          Domestic Security Initiatives; creating s.  
22          943.0313, F.S.; creating the Domestic Security  
23          Oversight Council to act as an advisory council  
24          to guide the regional domestic security task  
25          forces and other domestic security working  
26          groups and to make recommendations to the  
27          Governor and Legislature; providing the  
28          membership of the council; authorizing the  
29          council to invite ex officio, nonvoting members  
30          to attend and participate in council meetings;  
31          providing for a chair and vice chair of the

1 council; providing for an absent member to be  
2 represented by a designee; requiring the  
3 council to establish bylaws; providing for  
4 terms of membership; providing that members or  
5 designees are entitled to reimbursement for per  
6 diem and travel expenses; requiring the  
7 Department to Law Enforcement to provide staff  
8 for the council; providing meeting  
9 requirements; requiring the council to  
10 establish an executive committee and specifying  
11 members; providing the duties of the council;  
12 requiring the council to make annual funding  
13 recommendations; requiring an annual report to  
14 the Governor and Legislature; providing that  
15 the council is a criminal justice agency for  
16 purposes of the public-records law; providing  
17 an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 943.03101, Florida Statutes, is  
22 amended to read:

23 943.03101 Counter-terrorism coordination.--The  
24 Legislature finds that with respect to counter-terrorism  
25 efforts and initial responses to acts of terrorism within or  
26 affecting this state, specialized efforts of emergency  
27 management that are unique to such situations are required and  
28 that these efforts intrinsically involve very close  
29 coordination of federal, state, and local law enforcement  
30 agencies with the efforts of all others involved in  
31 emergency-response efforts. In order to best provide this

1 specialized effort with respect to counter-terrorism efforts  
2 and responses, the Legislature has determined that such  
3 efforts should be coordinated by and through the Department of  
4 Law Enforcement, working closely with the Division of  
5 Emergency Management and others involved in preparation  
6 against acts of terrorism in or affecting this state, and in  
7 the initial response to such acts, in accordance with the  
8 state comprehensive emergency management plan pursuant to s.  
9 252.35(2)(a).

10 Section 2. Paragraph (a) of subsection (1) of section  
11 943.0311, Florida Statutes, is amended to read:

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

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

18 (a) Coordinate the efforts of the department in the  
19 ongoing assessment of this state's vulnerability to, and  
20 ability to detect, prevent, prepare for, respond to, and  
21 recover from ~~and respond to~~, acts of terrorism within or  
22 affecting this state.

23 Section 3. Section 943.0312, Florida Statutes, is  
24 amended to read:

25 943.0312 Regional domestic security task forces.--The  
26 Legislature finds that there is a need to develop and  
27 implement a statewide strategy to address prevention,  
28 preparation, protection, and response, and recovery efforts by  
29 federal, state, and local law enforcement agencies, emergency  
30 management agencies, fire and rescue departments,  
31

1 first-responder personnel and others in dealing with potential  
2 or actual terrorist acts within or affecting this state.

3 (1) To assist the department and the Chief of Domestic  
4 Security Initiatives in performing their roles and duties in  
5 this regard, the department shall establish a regional  
6 domestic security task force in each of the department's  
7 operational regions. The task forces shall serve in an  
8 advisory capacity to the department and the Chief of Domestic  
9 Security Initiatives and shall provide support to the  
10 department in its performance of functions pertaining to  
11 domestic security.

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

15 (b) Each task force shall be co-chaired by the  
16 department's special agent in charge ~~regional director~~ of the  
17 operational region in which the task force is located and by a  
18 local sheriff or chief of police from within the operational  
19 region.

20 (c) Each task force membership may also include  
21 representatives of state and local law enforcement agencies,  
22 fire and rescue departments, or first-responder personnel;  
23 representatives of emergency management agencies and health,  
24 medical, and hospital agencies; representatives an available  
25 representative from the Division of Emergency Management; an  
26 available representative from the Department of Health; an  
27 available representative of a local emergency planning  
28 committees committee; representatives of state and local law  
29 enforcement agencies, fire and rescue departments, or  
30 first responder personnel; and other persons as deemed  
31 appropriate and necessary by the task force co-chairs.

1           (d) The co-chairs of each task force may appoint  
2 subcommittees and subcommittee chairs as necessary in order to  
3 address issues related to the various disciplines represented  
4 on the task force, except that subcommittee chairs for  
5 emergency management shall be appointed with the approval of  
6 the Director of the Division of Emergency Management. A  
7 subcommittee chair shall serve at the pleasure of the  
8 co-chairs.

9           (2) In accordance with the state's strategic goals and  
10 objectives for domestic security, ~~The goals of each task force~~  
11 ~~shall~~ coordinate ~~include coordinating~~ efforts to counter  
12 terrorism, as defined by s. 775.30, among local, state, and  
13 federal resources to ensure that such efforts are not  
14 fragmented or unnecessarily duplicated; coordinate  
15 ~~coordinating~~ training for local and state personnel to counter  
16 terrorism as defined by s. 775.30; coordinate ~~coordinating~~ the  
17 collection and dissemination of investigative and intelligence  
18 information; and facilitate ~~facilitating~~ responses to  
19 terrorist incidents within or affecting each region. With the  
20 approval of the Chief of Domestic Security Initiatives, the  
21 task forces may incorporate other objectives reasonably  
22 related to the goals of enhancing the state's domestic  
23 security and ability to detect, prevent, and respond to acts  
24 of terrorism within or affecting this state. Each task force  
25 shall take into account the variety of conditions and  
26 resources present within its region.

27           (3) The Chief of Domestic Security Initiatives, in  
28 conjunction with the Division of Emergency Management, the  
29 regional domestic security task forces, and the various state  
30 entities responsible for establishing training standards  
31 applicable to state law enforcement officers and fire,

1 | emergency, and first-responder personnel shall identify  
2 | appropriate equipment and training needs, curricula, and  
3 | materials related to the effective response to suspected or  
4 | actual acts of terrorism or incidents involving real or hoax  
5 | weapons of mass destruction as defined in s. 790.166.  
6 | Recommendations for funding for purchases of equipment,  
7 | delivery of training, implementation of, or revision to basic  
8 | or continued training required for state licensure or  
9 | certification, or other related responses shall be made by the  
10 | Chief of Domestic Security Initiatives to the Domestic  
11 | Security Oversight Council, the Executive Office of the  
12 | Governor, the President of the Senate, and the Speaker of the  
13 | House of Representatives as necessary to assure that the needs  
14 | of this state with regard to the preparing, equipping,  
15 | ~~outfitting, and training, and exercising~~ of response personnel  
16 | are identified and addressed. In making such recommendations,  
17 | the Chief of Domestic Security Initiatives and the Division of  
18 | Emergency Management shall identify all funding sources that  
19 | may be available to fund such efforts ~~equipping, outfitting,~~  
20 | ~~and training~~.

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

28 |         (5) Members of each regional domestic security task  
29 | force may not receive any pay other than their salaries  
30 | normally received from their employers, but are entitled to  
31 |

1 reimbursement for per diem and travel expenses in accordance  
2 with s. 112.061.

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

6 Section 4. Section 943.0313, Florida Statutes, is  
7 created to read:

8 943.0313 Domestic Security Oversight Council.--The  
9 Legislature finds that there exists a need to provide  
10 executive direction and leadership with respect to terrorism  
11 prevention, preparation, protection, response, and recovery  
12 efforts by state and local agencies in this state. In  
13 recognition of this need, the State Domestic Security  
14 Oversight Council is created. The council shall serve as an  
15 advisory council pursuant to s. 20.03(7) to provide guidance  
16 to the state's regional domestic security task forces and  
17 other domestic security working groups and to make  
18 recommendations to the Governor and Legislature regarding the  
19 expenditure of funds and allocation of resources related to  
20 counter-terrorism and domestic security efforts.

21 (1) MEMBERSHIP.--

22 (a) The council shall be comprised of the following  
23 voting members:

24 1. The Executive Director of the Department of Law  
25 Enforcement.

26 2. The Director of the Division of Emergency  
27 Management within the Department of Community Affairs.

28 3. The Attorney General.

29 4. The Commissioner of Agriculture.

30 5. The Secretary of Health.

31 6. The Commissioner of Education.

- 1           7. The State Fire Marshal.
- 2           8. The Adjutant General of the Florida National Guard.
- 3           9. The Chief Information Officer of the State  
4 Technology Office within the Department of Management  
5 Services.
- 6           10. Each sheriff or chief of police who serves as a  
7 co-chair of a regional domestic security task force pursuant  
8 to s. 943.0312(1)(b).
- 9           11. Each special agent in charge with the Department  
10 of Law Enforcement who serves as a co-chair of a regional  
11 domestic security task force pursuant to s. 943.0312(1)(b).
- 12           12. Two representatives of the Florida Fire Chiefs  
13 Association.
- 14           13. One representative of the Florida Police Chiefs  
15 Association.
- 16           14. One representative of the Florida Prosecuting  
17 Attorneys Association.
- 18           15. The chair of the Statewide Domestic Security  
19 Intelligence Committee.
- 20           16. One representative of the Florida Hospital  
21 Association.
- 22           17. One representative of the Florida Emergency  
23 Medical Services Advisory Council.
- 24           18. One representative of the Florida Emergency  
25 Preparedness Association.
- 26           19. One representative of the Florida Seaport  
27 Transportation and Economic Development Council.
- 28           (b) In addition, the council may invite other ex  
29 officio, nonvoting members to attend and participate in  
30 council meetings. Those nonvoting members may include, but  
31 need not be limited to:



1           1. The Executive Director of the Department of Highway  
2 Safety and Motor Vehicles.

3           2. The Secretary of Health Care Administration.

4           3. The Secretary of Environmental Protection.

5           4. The Director of the Division of Law Enforcement  
6 within the Fish and Wildlife Conservation Commission.

7           5. A representative of the Commission on Human  
8 Relations.

9           6. A representative of the United States Coast Guard.

10           7. A United States Attorney from a federal judicial  
11 circuit within this state.

12           8. A special agent in charge from an office of the  
13 Federal Bureau of Investigation within this state.

14           (2) TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION and  
15 STAFF.--

16           (a) The Legislature finds that the council serves a  
17 legitimate state, county, and municipal purpose and that  
18 service on the council is consistent with a member's principal  
19 service in public office or employment. Membership on the  
20 council does not disqualify a member from holding any other  
21 public office or being employed by a public entity, except  
22 that a member of the Legislature may not serve on the council.

23           (b) The Executive Director of the Department of Law  
24 Enforcement shall serve as chair of the council and the  
25 Director of the Division of Emergency Management within the  
26 Department of Community Affairs shall serve as vice chair of  
27 the council. In the absence of the chair, the vice chair shall  
28 serve as chair. In the absence of the vice chair, the chair  
29 may name any member of the council to perform the duties of  
30 the chair if such substitution does not extend beyond a  
31 defined meeting, duty, or period of time.

1           (c) Any voting member who is absent from a meeting may  
2 be represented by a designate who may act on any issue before  
3 the council to the same extent as the designating member. If a  
4 co-chair of a regional domestic security task force is absent  
5 from a council meeting, the co-chair shall appoint a  
6 subcommittee chair of that task force as the designate.

7           (d) The council shall establish bylaws for its general  
8 governance.

9           (e) Each member shall be appointed to a 4-year term,  
10 except that if any member of the council ceases to hold the  
11 office or employment that was the basis for membership, that  
12 member's term shall cease.

13           (f) Representatives from agencies or organizations  
14 other than those designated by title shall be chosen by the  
15 entity. Except for those individuals designated by title,  
16 council members shall be certified annually to the chair by  
17 the organizations they represent.

18           (g) Members of the council or their designees shall  
19 serve without compensation, but are entitled to reimbursement  
20 for per diem and travel expenses pursuant to s. 112.061.

21           (h) The Department of Law Enforcement shall provide  
22 the council with staff necessary to assist in the performance  
23 of its duties.

24           (3) MEETINGS.--The council must meet at least  
25 semiannually. Additional meetings may be held as necessary. A  
26 majority of the members of the council constitutes a quorum.

27           (4) EXECUTIVE COMMITTEE.--

28           (a) The council shall establish an executive committee  
29 that shall serve as the approving authority for matters to be  
30 brought before the council for consideration. The executive  
31

1 committee may act on behalf of the council for matters needing  
2 expedited consideration.

3 (b) The following members of the Domestic Security  
4 Oversight Council shall serve as the executive committee of  
5 the council:

6 1. The Executive Director of the Department of Law  
7 Enforcement.

8 2. The Director of the Division of Emergency  
9 Management within the Department of Community Affairs.

10 3. The Attorney General.

11 4. The Commissioner of Agriculture.

12 5. The Secretary of Health.

13 6. The Commissioner of Education.

14 7. The State Fire Marshal.

15 (c) The Executive Director of the Department of Law  
16 Enforcement shall serve as chair of the executive committee.  
17 The Director of the Division of Emergency Management within  
18 the Department of Community Affairs shall serve as the vice  
19 chair.

20 (5) DUTIES OF THE COUNCIL.--

21 (a) The Domestic Security Oversight Council shall  
22 serve as an advisory council to the Governor, the Legislature,  
23 and the Executive Director of the Department of Law  
24 Enforcement in his or her role as the Chief of Domestic  
25 Security Initiatives. The council shall:

26 1. Review the development, maintenance, and operation  
27 of a comprehensive multidisciplinary domestic security  
28 strategy that will guide the state's prevention, preparedness,  
29 protection, response, and recovery efforts against terrorist  
30 attacks and make appropriate recommendations to ensure the  
31 implementation of that strategy.

1           2. Review the development of integrated funding plans  
2 to support specific projects, goals, and objectives necessary  
3 to the domestic security strategy and make appropriate  
4 recommendations to implement those plans.

5           3. Review and recommend approval of prioritized  
6 recommendations from regional domestic security task forces  
7 and state working groups on the use of available funding to  
8 ensure the use of such funds in a manner that best promotes  
9 the goals of statewide, regional, and local domestic security  
10 through coordinated planning and implementation strategies.

11           4. Review and recommend approval of statewide policies  
12 and operational protocols that support the domestic security  
13 efforts of the regional domestic security task forces and  
14 state agencies.

15           5. Review the overall statewide effectiveness of  
16 domestic security and counter-terrorism efforts in order to  
17 provide suggestions to improve or enhance those efforts.

18           6. Review the efforts of any agency or entity involved  
19 in state or local domestic security and counter-terrorism  
20 efforts which requests assistance or which appears to need  
21 such review in order to provide suggestions to improve or  
22 enhance those efforts.

23           7. Review efforts within the state to better secure  
24 state and local infrastructure against terrorist attack and  
25 make recommendations to enhance the effectiveness of such  
26 efforts.

27           8. Review and recommend legislative initiatives  
28 related to the state's domestic security and provide  
29 endorsement or recommendations to enhance the effectiveness of  
30 such efforts.

31

1           9. Review state responses of mobilization of multiple  
2 agencies in response to major domestic security incidents and  
3 recommend suggestions for training, improving response  
4 efforts, and coordination, or recommend other strategies  
5 derived from that review.

6           10. Conduct any additional review or inquiry or make  
7 recommendations to the Governor and Legislature in support of  
8 other initiatives, as may be necessary, to fulfill the  
9 function of general oversight of the state's domestic security  
10 and counter-terrorism efforts and to promote increased  
11 security.

12           11. Promote and preserve intergovernmental cooperation  
13 and consensus among state and local agencies, the federal  
14 government, private entities, other states, and other nations,  
15 as appropriate under the guidance of the Governor.

16           (b) The Domestic Security Oversight Council shall make  
17 an annual funding recommendation to the Governor and  
18 Legislature which shall prioritize funding requests based on  
19 allocations from all available sources for implementing the  
20 state's domestic security strategy. This recommendation must  
21 include the prioritized recommendations of each of the  
22 regional domestic security task forces and the various working  
23 groups that participate in the prioritization process for  
24 funding allocations. The recommendation must reflect the  
25 consideration of strategic priorities and allocations that  
26 best serve the state's overall domestic security needs. The  
27 recommendation shall be transmitted to the Governor by  
28 December 31 of each year. If additional funds become  
29 available, or reallocation of funding is required beyond  
30 current spending authorizations, the council may make  
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1 recommendations to the Governor for consideration by the  
2 Legislative Budget Commission.

3 (6) REPORTS.--The council shall report annually on its  
4 activities, on or before December 31 of each calendar year, to  
5 the Governor, the President of the Senate, the Speaker of the  
6 House of Representatives, and the chairs of the Senate and  
7 House of Representatives committees having principal  
8 jurisdiction over domestic security.

9 (7) AGENCY DESIGNATION.--For purposes of this section,  
10 the Domestic Security Oversight Council shall be considered a  
11 "criminal justice agency" within the definition of s.  
12 119.011(4).

13 Section 5. This act shall take effect upon becoming a  
14 law.

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17 SENATE SUMMARY

18 Revises various provisions governing the statewide  
19 strategy for domestic security. Requires that the  
20 regional domestic security task forces support the  
21 domestic security functions of the Department of Law  
22 Enforcement. Revises the membership of the task forces.  
23 Provides for subcommittees to address specified issues.  
24 Creates the Domestic Security Oversight Council to act as  
25 an advisory council to guide the regional domestic  
26 security task forces and other domestic security working  
27 groups and to make recommendations to the Governor and  
28 Legislature. Provides for membership and duties of the  
29 council. Requires that the Department of Law Enforcement  
30 provide staff for the council. Requires the council to  
31 make annual funding recommendations and annually report  
to the Governor and Legislature. (See bill for details.)