

By the Committees on Governmental Oversight and Productivity;
and Domestic Security

585-2189-05

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 of 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.

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

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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,
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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
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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
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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.

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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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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 1414

19 Corrects a scrivener's error.
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