

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Education Committee

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BILL: SB 2000

SPONSOR: Senator Diaz de la Portilla

SUBJECT: Domestic Security

DATE: April 1, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>Skelton</u>	<u>DS</u>	<u>Favorable</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	<u>Woodruff</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This bill provides for enhancements to the State's current program of assessing the security of its buildings, facilities, and structures.

This bill amends section 943.0311 of the Florida Statutes.

## II. Present Situation:

Currently, s. 943.0311, F.S., requires security assessments of state agency, state university, and community college owned or leased buildings, facilities, and structures. The statute also encourages local governments and water management districts to conduct similar assessments. These assessments result in an annual report of prioritized suggestions for security enhancements which is delivered to the Governor, the President of the Senate, and the Speaker of the House.

## III. Effect of Proposed Changes:

This bill requires security assessments conducted pursuant to s. 943.0311, F.S., to use methods and instruments provided by the Department of Law Enforcement. Entities conducting the assessments are required to prioritize their security needs based on the findings of the assessments.

Section 943.0311(2)(a), F.S., required an assessment to be completed by November 1, 2004. If an assessment has not been completed pursuant to the section, this bill requires an assessment to be conducted prior to any construction, occupancy, or substantial modification of the building, facility, or structure. Additional assessments may be requested by the Chief of Domestic Security Initiatives to ensure reasonable currency and validity of security assessments.

The bill requires the chief to make an annual report to the Governor, Senate President, and Speaker of the House that makes suggestions for prioritized security enhancements to state owned or leased buildings, facilities, and structures that are deemed to be significant or critical by the respective Regional Domestic Security Task Forces for the area where the structure is located. The bill allows the chief to include assessments conducted by local governments and water management districts in the annual report. The bill also requires the annual report to suggest strategies for maximizing the utilization of any available federal funds for building or facility security.

In order to promote continued safety and security of government buildings, facilities, and structures within the state, the chief is required to work in conjunction with the State Fire Marshall, state entities, and local governments to develop and implement best practices.

This bill provides an effective date upon becoming law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Current statute requires state entities, state universities, community colleges, local governments, and water management districts to bear the respective costs of security assessments. This bill does not affect current requirements.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Although all current facilities identified in the bill have been assessed, new facilities or modifications to existing facilities will need to have a security assessment. Section 943.0311 (2)(b) of the bill as amended states that if a security assessment is not provided to the Chief of Domestic Security, the assessment must be completed by the appropriate entity before construction, occupancy, or any substantial modification of the building, facility or structure is to occur. While it may be presumed that the chief would be the person who would enforce such a restriction on further construction activity, it is not clear how such a directive might be enforced.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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