

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: SPB 7038

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Department of Law Enforcement

DATE: February 13, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Price	Miller		IS Submitted as Comm. Bill/Fav

I. Summary:

In November of 2018, Florida voters approved Amendment 10, an amendment to the state constitution that in part creates the Office of Domestic Security and Counterterrorism within the Florida Department of Law Enforcement. SPB 7038 proposes to implement the amendment by conforming the current statutory designation of the existing “Florida Domestic Security and Counter-Terrorism Intelligence Center” to the constitutional designation of the “Office of Domestic Security and Counterterrorism,” and correspondingly revising the name of the existing “Florida Domestic Security and Counter-Terrorism Database” to the “Domestic Security and Counterterrorism Database.”

No impact on state or local revenues is expected.

The bill takes effect on July 1, 2019.

II. Present Situation:

Florida Domestic Security and Counter-Terrorism Intelligence Center

Following the terrorist attacks on the United States on September 11, 2001, the Legislature created within the Florida Department of Law Enforcement (FDLE) the Florida Domestic Security and Counter-Terrorism Intelligence Center (Center) and the Florida Domestic Security and Counter-Terrorism Database (Database).¹

The Center is statutorily required² to:

- Gather, document, and analyze active criminal intelligence and criminal investigative information related to terrorism;
- Maintain and operate the Database; and

¹ Ch. 2001-366, L.O.F.

² Section 943.0321(1), F.S.

- Provide support and assistance to federal, state, and local law enforcement agencies and prosecutors that investigate or prosecute terrorism.³

The Database is statutorily required to:

- Include active criminal intelligence information and active criminal investigative information submitted by federal, state, or local law enforcement agencies and prosecutors and information that is available from other law enforcement database.
- Be capable of performing data review and processing that may reveal patterns, trends, and correlations indicative of potential or actual terrorism activity within or affecting this state.⁴

Further, current law requires that the information developed in or through the use of the database be made available to federal, state, and local law enforcement agencies and prosecutors.⁵

According to the Center, it “has many terrorism related responsibilities, including the collection, analysis, and dissemination of domestic security intelligence. [It] produces the FDLE Daily Domestic Security Brief and maintains situational awareness of issues not only occurring in Florida, but globally as well. Among the other duties are strategic assessments on various infrastructure elements and monthly newsletters concerning domestic extremism.”⁶

The Center also maintains an operational relationship with other state law enforcement agencies and with the Federal Bureau of Investigation and the Department of Homeland Security. The Center indicates its role continues to evolve through participation in FDLE’s Florida Fusion Center (FFC), which consists of FDLE members, federal agencies, state multi-disciplinary partners and includes outreach to private sector entities.⁷

Amendment 10

The full text of the portion of Amendment 10 relating to the Office, amending Article IV, Section 4.(g), of the Florida Constitution, is as follows:

(g) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement. The Office of Domestic Security and Counterterrorism is created within the Department of Law Enforcement. The Office of Domestic Security and Counterterrorism shall provide support for prosecutors and federal, state, and local law enforcement agencies that investigate or analyze information relating to attempts or acts

³ Section 943.0321(2), F.S.

⁴ Section 943.0321(3)(a) and (b), F.S.

⁵ Section 943.0321(3)(c), F.S.

⁶ Florida Department of Law Enforcement, Office of Statewide Intelligence, *Counter-Terrorism Intelligence Center (CTIC)*, available at <http://www.fdle.state.fl.us/OSI/OSI-Home.aspx>. (Last visited January 10, 2019.)

⁷ Fusion centers are described as “a collaborative effort of two or more agencies that provide resources, expertise, and/or information with the goal of maximizing the ability to detect, prevent, apprehend and respond to criminal and terrorist activity utilizing an all crimes/all hazards approach.” Additionally, FDLE assigns regional intelligence agents from seven regions in the state to the FFC, who are responsible for maintaining awareness of crimes and crime trends within the respective regions. *Id.*

of terrorism or that prosecute terrorism, and shall perform any other duties that are provided by law.

III. Effect of Proposed Changes:

SPB 7038 proposes to implement a portion of Amendment 10 to the Florida Constitution approved by the electorate in November of 2018.

The bill amends s. 943.0321, F.S., to revise the name of the “Florida Domestic Security and Counter-Terrorism Intelligence Center” to the “Office of Domestic Security and Counterterrorism,” implementing the voter-approved constitutional amendment,⁸ and to correspondingly revise the statutory name of the “Florida Domestic Security and Counter-Terrorism Database” to the “Domestic Security and Counterterrorism Database.”

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁸ FDLE staff advises no other language is believed necessary to implement the subject part of Amendment 10. *See* email to Senate Committee staff dated December 19, 2018. (On file in the Senate Infrastructure and Security Committee.)

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following section of the Florida Statutes: 943.0321.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.