

**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 Criminal Justice

---

BILL: SB 1712

INTRODUCER: Senator Martin

SUBJECT: Statewide Counterintelligence and Counterterrorism Unit

DATE: February 10, 2026

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	<b>Favorable</b>
2.			ACJ	
3.			FP	

---

**I. Summary:**

SB 1712 creates s. 943.0316, F.S., to establish the Statewide Counterintelligence and Counterterrorism Unit, whose primary goal is to conduct statewide counterintelligence and counterterrorism activities to detect, identify, neutralize, and exploit adversary intelligence entities, international and domestic terrorists, insider threats, corporate threats, and other foreign adversaries to protect this state and the United States of America.

The Florida Department of Law Enforcement (FDLE) must establish and administer the Statewide Counterintelligence and Counterterrorism Unit, which will be housed at the FDLE's regional operational center. A team from the unit will be assigned to and aligned with each regional domestic security task force.

The unit must identify threats by analyzing patterns of life, gathering actionable intelligence, and formulating effective plans of action, and by executing arrests or by revealing its intent to compel a response using all counterintelligence and counterterrorism tradecraft necessary to protect Florida from adversary intelligence entities.

The unit may conduct direct action missions on its own against a threat or may incorporate with or into other units to counteract and stop identifiable threats.

The bill directs the FDLE to create an initial team of 10 people by July 1, 2027, and establish a full unit consisting of at least seven teams. The unit must be fully staffed by December 30, 2033.

There will be a negative indeterminate fiscal impact on the FDLE. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

## II. Present Situation:

### Federal Investigations of Terrorism

The Federal Bureau of Investigations (FBI) is the lead agency in investigating terrorism. Combatting terrorism requires the continuous exchange of information and close, daily coordination among U.S. law enforcement, members of the U.S. intelligence community, first responders, international law enforcement agencies, and others. The FBI participates in numerous national and local joint terrorism task forces and interagency initiatives such as the National Counterterrorism center and in fusion centers.<sup>1</sup>

#### *FBI*

The Attorney General Guidelines for Domestic FBI Operations (guidelines)<sup>2</sup> is an agency authority outline implemented by the FBI operation policies, outlining both criteria and methodology functional to opening and closing terrorist threat investigations, both domestic and international.<sup>3</sup> The FBI's collection and maintenance of intelligence is governed by:

- The guidelines;
- The (Foreign Intelligence Surveillance Act) FISA;
- The U.S. Constitution, such as limits to authorizing the monitoring of activities protected by the First Amendment and other lawfully exercised rights;<sup>4</sup>
- Federal law;
- Established criminal procedures; and
- Authorities controlled by U.S. courts.

The FBI oversees approximately 200 Joint Terrorism Task Forces (JTTFs) around the nation, serving as a frontline defense against terrorist threats.<sup>5</sup> The JTTFs are an invaluable resource for collaboration with State, Local, Tribal, and Territorial (STLL) governments, including training, research, and intelligence sharing.<sup>6</sup>

#### *Foreign Intelligence Surveillance Act of 1978 (FISA)*

The Foreign Intelligence Surveillance Act of 1978 (FISA) originally outlined federal procedure for the collection of electronic surveillance on foreign threats, providing “judicial and congressional oversight... while maintaining the secrecy necessary to effectively monitor national security threats.”<sup>7</sup> Judicial oversight is accomplished by the Foreign Intelligence

---

<sup>1</sup> FBI, What We Investigate, available at <https://www.fbi.gov/investigate/terrorism> (last visited February 9, 2026).

<sup>2</sup> DOJ, *Attorney General's Guidelines for Domestic FBI Operations*, available at <https://www.justice.gov/archive/opa/docs/guidelines.pdf> (last visited February 9, 2026).

<sup>3</sup> DHS, *Strategic Intelligence Assessment and Data on Domestic Terrorism*, available at [https://www.dhs.gov/sites/default/files/2023-07/23\\_0724\\_opa\\_strategic-intelligence-assessment-data-domestic-terrorism.pdf](https://www.dhs.gov/sites/default/files/2023-07/23_0724_opa_strategic-intelligence-assessment-data-domestic-terrorism.pdf) (last visited February 9, 2026).

<sup>4</sup> DOJ, *Attorney General's Guidelines for Domestic FBI Operations*, pg. 13, available at <https://www.justice.gov/archive/opa/docs/guidelines.pdf> (last visited February 9, 2026).

<sup>5</sup> FBI, *Joint Terrorism Task Forces*, available at <https://www.fbi.gov/investigate/terrorism/joint-terrorism-task-forces> (last visited February 9, 2026).

<sup>6</sup> *Id.*

<sup>7</sup> BJA, *The Foreign Intelligence Surveillance Act of 1978 (FISA)*, available at <https://bja.ojp.gov/program/it/privacy-civil-liberties/authorities/statutes/1286> (last visited February 9, 2026).

Surveillance Court (FISC), created by the FISA as an *ex parte* Federal court to consider search warrants served by the U.S. Department of Justice (DOJ). The FISA reports are compiled by the DOJ and presented to Congress annually. As amended by the FISA Amendments Act of 2008, Section 702 provides key provisions to permit the federal government to request and maintain intelligence, compelling electronic communication providers to provide data upon request.<sup>8</sup>

General provisions of the Act include:

- Subsection I contains provisions relating to:
  - Electronic surveillance procedures, such as heightened requirements for FISC approval for targets that are U. S. persons. Executive Order 12333 defines “U. S. persons” as U. S. citizens, permanent resident aliens, and U. S. corporations.
  - Agents must demonstrate the target is a foreign power or an agent of a foreign power, but not the commission of a crime being imminent. “Agents of foreign powers” include agents of foreign political organizations/groups engaged in international terrorism, as well as agents of foreign nations.<sup>9</sup> Agents of foreign powers may include U.S. citizens and permanent residents suspected of being engaged with espionage and violating U.S. law on United States territory.<sup>10</sup>
  - Minimization standards are put in place to avoid capturing U.S. person intelligence.<sup>11</sup>
  - Only collection of non-U.S. person intelligence who are reasonably believed to be located outside the U.S is permitted.<sup>12</sup>
  - Record destruction of unintendedly collected data with a reasonable expectation of privacy, apart from threatening content upon review by the Attorney General (AG).<sup>13</sup>
  - Exception to court order requirements given to the President to authorize electronic surveillance for periods up to one year, considering the AG confirms U.S. person communications is unlikely to be collected.
- Subchapter II authorizes physical searches of property or possessions used or owned by foreign target with similar approval standards to Subsection I.
- Subchapter III authorizes the use of pen registers and trap and trace devices for telephone or e-mail surveillance with foreign intelligence purposes.
- Subchapter IV provides a request structure to access certain business records for foreign intelligence purposes.

### **Florida Department of Law Enforcement and Terrorism**

The FDLE, oversees investigations relating to terrorism within Florida. Terrorism or terrorist activity mean an activity that involves a violent act or an act dangerous to human life which is a violation of state or federal criminal law. Additionally, terrorism or terrorist activity may include a violation of s. 815.06, F.S., relating to offenses against users of computers, computer systems, computer networks, and electronic devices, which is intended to: intimidate, injure, or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect

---

<sup>8</sup> DNI, *Section 702 Overview*, available at <https://www.dni.gov/files/icotr/Section702-Basics-Infographic.pdf> (last visited February 9, 2026).

<sup>9</sup> See 50 U.S.C. § 1801.

<sup>10</sup> See 50 U.S.C. § 1801(b).

<sup>11</sup> See 50 U.S.C. § 1804.

<sup>12</sup> FBI, *How We Investigate*, available at <https://www.fbi.gov/how-we-investigate/intelligence> (last visited February 9, 2026).

<sup>13</sup> Title 50 U.S.C. § 1806.

the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.<sup>14</sup>

Florida law has created within the FDLE the Florida Domestic Security and Counter-Terrorism Intelligence Center (intelligence center). The Florida Domestic Security and Counter-Terrorism Database (database) is created within the intelligence center.<sup>15</sup>

The intelligence center must:

- Gather, document, and analyze criminal intelligence and criminal investigative information related to terrorism, including information related to individuals or groups that plot, plan, or coordinate acts of terrorism, and that operate within this state or otherwise commit acts affecting this state;
- Maintain and operate the database; and
- Provide support and assistance to federal, state, and local law enforcement agencies and prosecutors that investigate or prosecute terrorism.<sup>16</sup>

The target of intelligence investigations are terrorist groups or individual operations plotted within or targeting the state of Florida.<sup>17</sup> The database must 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 databases. Additionally, the database must 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 Florida.<sup>18</sup>

Section 943.03101, F.S., further promotes the collaboration and coordination of state and local law enforcement agencies with federal law enforcement agencies through the FDLE working closely with the Department of Emergency Management.

Additionally, the FDLE has established regional domestic security task forces, which must serve in an advisory capacity to the FDLE and the Chief of Domestic Security and must provide support to the FDLE in its performance of functions pertaining to domestic security. Each task force must coordinate efforts to counter terrorism and cooperate with and provide assistance to the federal government in the enforcement of federal immigration laws.<sup>19</sup> The Chief of Domestic Security must:

- Coordinate the efforts of the FDLE in the ongoing assessment of the state's vulnerability to, and the ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state and immigration enforcement incidents within or affecting the state.
- Prepare recommendations for the Governor, the president of the Senate, and the Speaker of the House of Representatives, which are based upon ongoing assessment to limit the vulnerability of the state to terrorism and immigration enforcement incidents.

---

<sup>14</sup> Section 775.30, F.S.

<sup>15</sup> Section 943.0321, F.S.

<sup>16</sup> Section 943.0321, F.S.

<sup>17</sup> Section 943.0321(2)(a), F.S.

<sup>18</sup> Section 943.0321, F.S.

<sup>19</sup> Section 943.0312, F.S.

- Coordinate the collection of proposals to limit the vulnerability of the state to terrorism.
- Use regional task forces to support the duties of the FDLE.
- Use public or private resources to perform the duties assigned to the FDLE.

### ***Domestic Security Oversight Council***

Section 943.0313, F.S., creates the Domestic Security Oversight Council (council) as an advisory council to execute the direction and leadership to state law enforcement agencies regarding incident prevention, preparation, protection, response and recovery efforts.

The council serves as an advisory council to provide guidance to the state's regional domestic security task forces and other domestic security working groups. Additionally, the council makes recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and cooperating with and providing assistance to the Federal Government in the enforcement of federal immigration laws and domestic security efforts.<sup>20</sup> The council must, in part:

- Review the development, maintenance, and operation of a comprehensive multidisciplinary domestic security strategy that will guide the state's prevention preparedness, protection, response, and recovery efforts against terrorist attacks and immigration enforcement incidents and make appropriate recommendations to ensure the implementation of that strategy.
- Review and recommend approval of statewide policies and operational protocols that support the domestic security efforts of the regional domestic security task forces and state agencies.
- Review the overall statewide effectiveness of domestic security efforts, counter-terrorism efforts, and efforts of coordinating with and providing assistance to the Federal Government in the enforcement of federal immigration laws in order to provide suggestions to improve or enhance those efforts.
- Review efforts within the state to better secure state and local infrastructure against terrorist attack or immigration enforcement incidents and make recommendations to enhance the effectiveness of such efforts.<sup>21</sup>

### ***Florida Fusion Center***

Florida's Fusion Center (FFC) is located in Tallahassee, Fl, and is a collaborative effort of state, local, tribal territorial and federal agencies working together to share resources, expertise, and/or information to better identify, detect, prevent, apprehend and respond to threats, crimes and terrorist activity utilizing an all crimes/all hazards approach.

The mission of the FFC is to protect citizens, visitors, resources, and critical infrastructure of Florida by enhancing information sharing, intelligence, capabilities, and preparedness operations for all local, state, and federal agencies in accordance with Florida's Domestic Security Strategy. The FFC works together statewide on gathering, processing, analyzing, and disseminating terrorism, law enforcement, and homeland security information.<sup>22</sup>

---

<sup>20</sup> Section 943.0313, F.S.

<sup>21</sup> Section 943.0313(5), F.S.

<sup>22</sup> FDLE, The Florida Fusion Center, available at <https://www.fdle.state.fl.us/ffc/ffc> (last visited February 9, 2026).

### III. Effect of Proposed Changes:

The bill creates s. 943.0316, F.S., to establish the Statewide Counterintelligence and Counterterrorism Unit, whose primary goal is to conduct statewide counterintelligence and counterterrorism activities to detect, identify, neutralize, and exploit adversary intelligence entities, international and domestic terrorists, insider threats, corporate threats, and other foreign adversaries to protect this state and the United States of America.

Adversary intelligence includes but is not limited to, any national, foreign, multinational, friendly, competitor, opponent, adversary, or recognized enemy government or nongovernmental organization, company, business, corporation, consortium, group, agency, cell, terrorist, insurgent, guerrilla entity, or person whose demonstrated actions, views, or opinions are a threat or are inimical to the interests of this state and of the United States of America.

The FDLE must establish and administer the Statewide Counterintelligence and Counterterrorism Unit, which will be housed at the FDLE's regional operational center. A team from the unit will be assigned to and aligned with each regional domestic security task force.

The unit must identify threats by analyzing patterns of life, gathering actionable intelligence, and formulating effective plans of action, and by executing arrests or by revealing its intent to compel a response using all counterintelligence and counterterrorism tradecraft necessary to protect Florida from adversary intelligence entities.

The unit may conduct direct action missions on its own against a threat or may incorporate with or into other units to counteract and stop identifiable threats.

The bill directs the FDLE to create an initial team of 10 people by July 1, 2027, whose main purpose is to serve as the initial leadership and organizational core of the full unit. Additionally, the FDLE must establish a full unit consisting of at least seven teams. Each team must be assigned to each regional domestic security task force.

Each team must perform tasks in support of the state's domestic security mission including but not limited to:

- Providing technical operations to insider threat investigations, and
- Assigning team officers to safeguard the state from adversary intelligence entities by using counterintelligence to detect, identify, assess, and counteract threats posed by such entities.

At minimum, each team must be composed of:

- A team leader who is an assistant special agent in charge;
- A facility security officer who is a special agent supervisor with counterintelligence experience, to be assigned four intelligence analysts; and
- A deputy team leader who is a special agent supervisor, to be assigned six counterintelligence agents, one of whom must be a regional federal liaison officer, and one of whom must be a local liaison officer.

Team members must:

- Have been, or received formal training in any United States government agency, have served as a United States servicemember, or have experience with any law enforcement agency as an officer, agent, analyst, or operative serving in intelligence, counterintelligence, or counterterrorism; or
- Have at least 3 years of experience of actively working in the fields of intelligence, counterintelligence, or counterterrorism.

Each fiscal year, the FDLE must request the appropriate number of positions and funding required for each position in order to be fully staffed by December 30, 2033.

The bill takes effect on July 1, 2026.

#### **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:**

The First Amendment to the United States Constitution provides that “Congress shall make no law... abridging the freedom of speech.. or the right of the people peaceably to assemble.” The bill appears to authorize intelligence and counterterrorism activities based on persons or entities actions, views, or opinions which are “inimical to the interest of this state and the United States of America,” which may subject the bill to challenges under the First Amendment.

The Supremacy Clause provides that federal law “shall be the supreme Law of the Land,” U.S. Const. art. VI, cl. 2, and the Constitution commits primary authority over foreign relations and national security to the federal political branches. It is unclear whether the unit may only investigate and effectuate arrests for incidents that occur in or affect the state of Florida; if the unit is authorized to investigate or effectuate arrests on incidents that occur outside of the state and have no affect on the state, the bill may be subject to challenges.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill requires the FDLE to create a new unit, to be fully staffed by 2033. A 10 person team must be established by July 1, 2027. The addition of this unit including personnel and operational cost will have a negative fiscal impact on the FDLE.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 943.0316

**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.