

Senate Bill No. 24-C

An act relating to domestic security; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to coordinate and direct the response to acts of terrorism; requiring the executive director of the department to serve as or designate a Chief of Domestic Security Initiatives; creating s. 943.0310, F.S.; providing legislative intent with respect to counter-terrorism efforts and initial responses to acts of terrorism within or affecting this state; creating s. 943.0311, F.S.; specifying duties of the Chief of Domestic Security Initiatives; requiring the chief to conduct security assessments of buildings and facilities owned or leased by state agencies or local governments; requiring that the chief recommend minimum security standards or needs for security enhancement to the Governor and the Legislature; requiring the chief to develop recommended best practices for safety and security; authorizing security assessments of buildings or facilities owned by private entities; requiring the executive director of the department to submit recommendations concerning security to the Governor and the Legislature; creating s. 943.0312, F.S.; requiring the Department of Law Enforcement to establish a regional domestic security task force in each of the department's operational regions; providing for membership of the task forces; providing duties of the task forces with respect to coordinating training and the collection of investigative and intelligence information; requiring the Chief of Domestic Security Initiatives to recommend funding and training requirements to the Governor and the Legislature; requiring the regional task forces to provide for investigating and responding to certain hate crimes; providing for per diem and travel expenses; requiring the department to provide staff and administrative support for the task forces; creating s. 775.30, F.S.; defining the term "terrorism" for purposes of the Florida Criminal Code; providing an effective date.

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

Section 1. Subsection (14) is added to section 943.03, Florida Statutes, to read:

943.03 Department of Law Enforcement.—

(14) The department, with respect to counter-terrorism efforts, responses to acts of terrorism within or affecting this state, and other matters related to the domestic security of Florida as it relates to terrorism, shall coordinate and direct the law enforcement, initial emergency, and other initial responses. The department shall work closely with the Division of Emergency Management, other federal, state, and local law enforcement agencies, fire and rescue agencies, first-responder agencies, and others involved in preparation against acts of terrorism in or affecting this state and in the response to such acts. The executive director of the department, or another member

of the department designated by the director, shall serve as Chief of Domestic Security Initiatives for the purpose of directing and coordinating such efforts. The department and Chief of Domestic Security Initiatives shall use the regional domestic security task forces as established in this chapter to assist in such efforts.

Section 2. Section 943.0310, Florida Statutes, is created to read:

943.0310 The Legislature finds that with respect to counter-terrorism efforts and initial responses to acts of terrorism within or affecting this state, specialized efforts of emergency management that are unique to such situations are required and that these efforts intrinsically involve very close coordination of federal, state, and local law enforcement agencies with the efforts of all others involved in emergency-response efforts. In order to best provide this specialized effort with respect to counter-terrorism efforts and responses, the Legislature has determined that such efforts should be coordinated by and through the Department of Law Enforcement, working closely with the Division of Emergency Management and others involved in preparation against acts of terrorism in or affecting this state, and in the initial response to such acts.

Section 3. Section 943.0311, Florida Statutes, is created to read:

943.0311 Chief of Domestic Security Initiatives and the department's duties with respect to domestic security.—The executive director of the department, or a member of the department designated by the executive director, shall serve as the Chief of Domestic Security Initiatives.

(1) The Chief of Domestic Security Initiatives shall:

(a) Coordinate the efforts of the department in the ongoing assessment of this state's vulnerability to, and ability to detect and respond to, acts of terrorism, as defined in s. 775.30, within or affecting this state.

(b) Prepare recommendations for the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives which are based upon ongoing assessments to limit the vulnerability of the state to terrorism.

(c) Coordinate the collection of proposals to limit the vulnerability of the state to terrorism.

(d) Use regional task forces to support the duties of the department set forth in this section.

(e) Use public or private resources to perform the duties assigned to the department under this section.

(f) Perform other duties assigned by law.

(2)(a) The chief shall conduct specific security assessments of buildings and facilities owned or leased by state agencies or local governments. All state agencies and local governments shall cooperate with the department

and provide requested information and resources to assist the department in meeting its responsibilities under this section.

(b) Based upon the security assessments, the chief shall prepare recommendations to enhance the security of buildings and facilities owned or leased by state agencies or local governments.

(c) The chief shall report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives recommended minimum security standards or security-enhancement needs for any building or facility owned or leased by a state agency or local government. The report must identify and prioritize the recommended security enhancements and provide recommendations to maximize federal funding in support of building and facility security.

(3) The chief shall develop and submit to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives recommended best practices for safety and security. The recommended best practices are not a rule as defined in chapter 120. The chief shall review the recommended best practices as necessary, but at least once each year, and shall submit any recommended changes to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(4) The chief may conduct specific security assessments of a building or facility owned by a private entity upon the request of that private entity. The chief may prioritize requests, and such prioritization is not agency action that is subject to review under chapter 120. The chief may solicit private entities for the purpose of receiving requests to perform security assessments of buildings or facilities. Private entities are urged to cooperate with and assist the department in meeting its responsibilities for domestic security.

(5) By November 1 of each year, the executive director shall compile, coordinate, and prioritize recommendations and proposals concerning security and shall present the recommendations and proposals to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. All recommendations seeking funding shall be prioritized, with critical domestic security needs requiring immediate or top-priority funding being clearly identified. Such recommendations shall include recommendations to maximize federal funding in support of the state's domestic-security efforts.

Section 4. Section 943.0312, Florida Statutes, is created to read:

943.0312 Regional domestic security task forces.—The Legislature finds that there is a need to develop and implement a statewide strategy to address preparation and response efforts by federal, state, and local law enforcement agencies, emergency management agencies, fire and rescue departments, first-responder personnel and others in dealing with potential or actual terrorist acts within or affecting this state.

(1) To assist the department and the Chief of Domestic Security Initiatives in performing their roles and duties in this regard, the department shall establish a regional domestic security task force in each of the department's operational regions. The task forces shall serve in an advisory capacity to the department and the Chief of Domestic Security Initiatives.

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

(b) Each task force shall be co-chaired by the department's regional director of the operational region in which the task force is located and by a local sheriff or chief of police from within the operational region.

(c) Each task force membership may also include an available representative from the Division of Emergency Management; an available representative from the Department of Health; an available representative of a local emergency planning committee; representatives of state and local law enforcement agencies, fire and rescue departments, or first-responder personnel; and other persons as deemed appropriate and necessary by the task force co-chairs.

(2) The goals of each task force shall include coordinating efforts to counter terrorism, as defined by s. 775.30, among local, state, and federal resources to ensure that such efforts are not fragmented or unnecessarily duplicated; coordinating training for local and state personnel to counter terrorism as defined by s. 775.30; coordinating the collection and dissemination of investigative and intelligence information; and facilitating responses to terrorist incidents within or affecting each region. With the approval of the Chief of Domestic Security Initiatives, the task forces may incorporate other objectives reasonably related to the goals of enhancing the state's domestic security and ability to detect, prevent, and respond to acts of terrorism within or affecting this state. Each task force shall take into account the variety of conditions and resources present within its region.

(3) The Chief of Domestic Security Initiatives, in conjunction with the Division of Emergency Management, the regional domestic security task forces, and the various state entities responsible for establishing training standards applicable to state law enforcement officers and fire, emergency, and first-responder personnel shall identify appropriate equipment and training needs, curricula, and materials related to the effective response to suspected or actual acts of terrorism or incidents involving real or hoax weapons of mass destruction as defined in s. 790.166. Recommendations for funding for purchases of equipment, delivery of training, implementation of, or revision to basic or continued training required for state licensure or certification, or other related responses shall be made by the Chief of Domestic Security Initiatives to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives as necessary to assure that the needs of this state with regard to the equipping, outfitting, and training of response personnel are identified and addressed. In making such recommendations, the Chief of Domestic Security Initiatives and the Division of Emergency Management shall identify all funding sources that may be available to fund such equipping, outfitting, and training.

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

(5) Members of each regional domestic security task force may not receive any pay other than their salaries normally received from their employers, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061.

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

Section 5. Section 775.30, Florida Statutes, is created to read:

775.30 Terrorism; defined.—As used in the Florida Criminal Code, the term “terrorism” means an activity that:

(1)(a) Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

(b) Involves a violation of s. 815.06; and

(2) Is intended to:

(a) Intimidate, injure, or coerce a civilian population;

(b) Influence the policy of a government by intimidation or coercion; or

(c) Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor December 10, 2001.

Filed in Office Secretary of State December 10, 2001.