

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.)

BILL: CS/SB 124
SPONSOR: Appropriations Committee and Senator Dockery
SUBJECT: Chief of Domestic Security Initiatives
DATE: February 9, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dodson</u>	<u>Skelton</u>	<u>HP</u>	<u>Fav/1 amendment</u>
2.	<u>Cooper</u>	<u>Yeatman</u>	<u>CP</u>	<u>Favorable</u>
3.	<u>Kynoch</u>	<u>Hayes</u>	<u>AGG</u>	<u>Favorable/CS</u>
4.	_____	_____	<u>AP</u>	<u>Withdrawn: Favorable/CS</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute modifies the powers and duties of the Chief of Domestic Security Initiatives within the Department of Law Enforcement. The major changes include:

- requiring that state agencies, rather than the Chief of Domestic Security Initiatives, conduct the initial security assessments of buildings and facilities, with submission of the assessment to the Chief by November 1, 2004;
- requiring that state universities and communities colleges conduct initial security assessments of their facilities;
- deleting the requirement that the Chief of Domestic Security Initiatives conduct security assessments of buildings owned by local governments; and
- requiring the Chief of Domestic Security Initiatives to communicate to water management districts options to consider in obtaining security assessments.

This bill amends s. 943.0311, F.S.

II. Present Situation:

After the terrorist attacks on the United States in September, 2001, the Governor directed the Department of Law Enforcement (department) and the Division of Emergency Management (division) to assess Florida's capability to prevent, mitigate and respond to a terrorist attack. Under the State plan, the department is the lead agency for crisis management and the division is the lead agency for consequence management. During the Special Session in November 2001, the Legislature created a Chief of Domestic Security Initiatives within the department to

coordinate the efforts in the ongoing assessment of Florida's ability to detect, prevent, and respond to acts of terrorism.¹

Section 943.0311(2), F.S., requires the chief to conduct security assessments of buildings owned or leased by state agencies and local governments. Based on these assessments, the chief is required to report recommendations for security enhancements and best practices for security to the Governor and the Legislature. Upon request, the chief is also authorized to conduct a security assessment of privately-owned buildings.

Section 119.071, F.S., provides a public records exemption for security system plans for property owned by or leased to the state or its political subdivisions. In addition, s. 281.301, F.S., provides that information relating to the security systems for any property owned by or leased to the state or any of its political subdivisions is declared confidential and exempt from public records laws.

III. Effect of Proposed Changes:

Section 1 amends s. 943.0311, F.S., to modify the powers and duties of the Chief of Domestic Security Initiatives (chief) within the Department of Law Enforcement. These changes:

- require that state agencies, rather than the chief, conduct the initial security assessments of buildings and facilities, and submit these assessments to the chief by November 1, 2004;
- specify that state universities and community colleges conduct the initial security assessments of buildings and facilities, and submit these assessments to the chief by November 1, 2004;
- authorize the chief to request subsequent assessments be conducted by state agencies, state universities and community colleges, or that such entities provide the assistance of their employees in the production of requested information for security assessments;
- delete the requirement the chief conduct security assessments of buildings owned by local governments; and
- require the chief to communicate to water management districts options to consider in obtaining security assessments.

If the state agencies, universities and community colleges “substantially” fail to cooperate with the chief in the production of these assessments, the chief is required to report such non-compliance to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

By November 1 of each year, the chief is required to report of prioritized suggestions for specific security enhancements of state agency, state university and community college facilities to the Governor and the Legislature.

Finally, the chief is required to encourage local governments and water management districts to conduct security assessments of their buildings and advise those governments and districts of options to consider in obtaining assessments. Local governments and water management districts

¹ Chapter 2001-365, Laws of Florida.

must bear the costs of assessing buildings and facilities owned or leased by local governments and water management districts.

Section 2 provides that the bill will take effect upon becoming a 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:

This bill shifts the responsibility for conducting the initial security assessment of state agencies from the Chief of Domestic Security Initiatives to respective state agencies. In addition, it requires state universities and community colleges to conduct an initial security assessment of their facilities. These initial assessments must be submitted to the chief by November 1, 2004.

The Department of Management Services (DMS) maintains an inventory of facilities pursuant to s. 216.0152(1), F.S. Facilities of less than 3,000 square feet are not included in the inventory. As of June 1, 2003, the facilities inventory included 3,859 buildings with 55,365,511 square feet of building space.² As of February 2004, there are 1,073 leases in privately owned buildings; however, many leases are within the same privately owned building.³ This information does not include buildings and private leases within the state university system.

² Department of Management Services Fiscal Year 2002-2003 Report; Facilities Inventory

³ Department of Management Services Leasing Direct Database

The Department of Law Enforcement reports that, since November 2003, they have provided an assessment guide and template through the regional domestic security task forces' secure website. This tool has been made available to electronically facilitate and standardize the security assessments.

The Division of Emergency Management estimates that the private sector would charge \$500 to \$1000 per building security assessment.

The Chief of Domestic Security Initiatives is relieved of the requirement that he conduct security assessments of buildings owned by local governments and required to communicate to water management districts options to consider in obtaining security assessments. If a local government or water management district chooses to conduct such an assessment, that local government or water management district will bear the costs of the assessment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.