

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.)

Prepared By: Domestic Security Committee

BILL: SPB 7038

SPONSOR: For consideration by Domestic Security Committee

SUBJECT: Domestic Security

DATE: February 7, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>Skelton</u>	_____	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This provisional bill establishes legislative findings regarding the need to coordinate counter-terrorism efforts and responses with the state comprehensive emergency management plan. In addition, the bill clarifies and revises the duties of the Chief of Domestic Security Initiatives; revises aspects of the statewide domestic security strategy to include prevention, protection, and recovery efforts; requires the regional domestic security task forces to provide support to the Department of Law Enforcement in its domestic security functions; and establishes the Domestic Security Oversight Council through codification of its organization and functions.

This provisional bill amends the following sections of the Florida Statutes: 943.03101, 943.0311, and 943.0312

This provisional bill also creates the following section of the Florida Statutes: 943.0313

II. Present Situation:

The Domestic Security Oversight Board Became an Integral Advisory Body

In the aftermath of the events of September 11, 2001, a number of initiatives were undertaken to assess Florida's domestic security preparedness and establish an effective organizational structure within state government to meet the emerging terrorist threat.

On September 11, 2001, Governor Jeb Bush issued Executive Order #2001-262, which required increased security, intelligence and investigative operations, activated the State Emergency Operations Center, and assigned specific tasks to the Executive Director of the Department of

Law Enforcement (FDLE), the Interim Director of the Division of Emergency Management (DEM), and the Florida National Guard.

Subsequently, Governor Bush issued Executive Order #2001-300, on October 11, 2001, incorporating by reference Executive Order #2001-262, which remained in effect, and directing state agencies to take specific actions based on the recommendations made by multi-disciplinary working groups.

The Governor also created the “Florida Domestic Security Advisory Panel,” made up of eleven gubernatorially appointed community leaders who were to serve as advisors to the Governor, the Chief of Domestic Security Initiatives, and the Legislature by providing and evaluating recommendations to combat terrorism. This Panel met several times before being allowed to disband.

In conjunction with the Governor’s Executive Orders, FDLE determined that it would need interagency consensus and support to perform the duties related to domestic security, now codified in Chapter 943, Florida Statutes. For this reason, a new oversight panel, generally known as the “State Domestic Security Oversight Board” (DSOB) was called together to assist FDLE in managing the new domestic security function and responsibilities.

This panel has held regular sessions since November 2001 and has served as a “sounding board” for actions recommended by FDLE to the Governor and Legislature, but has never been formally constituted nor recognized as a state board or advisory council. The DSOB brings together many local, state and federal agencies across multiple preparedness and response disciplines and has taken on an increasingly important role regarding the state’s domestic security policy. However, it lacks the ability to take definitive action in its current form.

Florida’s Domestic Security Strategy and Structure Continues to Evolve

Much has been accomplished over the last three years in developing a coordinated strategy for domestic security preparedness and response. In December, 2004, for example, Florida was ranked as the leading state in the nation in bioterrorism preparedness.¹ Other nationwide initiatives such as the establishment of the federal Department of Homeland Security and passage of the Maritime Transportation Security Act of 2002 have profoundly impacted Florida’s domestic security planning and strategy implementation. Most recently, Florida’s effective response to the challenge of 2004’s hurricane season can be directly linked to its domestic security preparedness, and its “all hazards” training approach.

Just as the domestic security environment continues to be fluid, the role of the DSOB has continued to evolve. Developing recommendations for program review, domestic security grant fund prioritization, and further strategy refinement have, over time, been taken on by the Domestic Security Oversight Board. As portions of Florida’s domestic security structure became formalized through legislation, the need to formalize the role of the DSOB was eventually suggested.

¹ Trust for America’s Health, “Issue Report- Ready or Not? Protecting the Public’s Health in the Age of Bioterrorism”, Washington D.C., December 2004.

After review, Senate Interim Project Report 2005-143 recommended that the functions of this board be codified as an advisory council and renamed the Domestic Security Oversight Council.

III. Effect of Proposed Changes:

Section 1.

Section 943.03101, F.S., is amended to clarify operational coordination of counter-terrorism efforts with emergency preparedness efforts by reference to the state comprehensive emergency management plan.

Section 2.

Section 943.0311, F.S., is amended to add prevention, preparation, and recovery to the list of tasks necessary in conducting the state's vulnerability assessment, in accordance with the state's strategic planning guidelines.

Section 3.

Section 943.0312, F.S., is amended to add prevention, protection, and recovery to the list of tasks necessary in the development and implementation of the statewide domestic security strategy. The bill further requires the regional domestic security task forces to provide support to the Department of Law Enforcement and to the Chief of Domestic Security Initiatives in the performance of domestic security functions. The bill reflects an administrative title change for task force co-chairs and permissively authorizes inclusion of representatives from state and local law enforcement, fire and rescue or first responder departments, emergency management, health, medical, and hospital agencies and local emergency management committees in the membership of regional domestic security task forces. The bill also authorizes regional domestic security task force co-chairs to appoint subcommittees and chairs of subcommittees as necessary to address related task force issues within their region. The bill requires each task force to coordinate its efforts with the state's domestic security strategic goals and objectives. Finally, the Chief of Domestic Security Initiatives is required to include the Domestic Security Oversight Council in the list of recipients of his/her recommendations regarding funding, conducting training, and preparing, equipping, and exercising response personnel.

Section 4.

Section 943.0313, F.S., is created to establish the Domestic Security Oversight Council as an advisory council pursuant to s. 20.03 (7), F. S. The bill provides a council organizational structure and designates membership including provision for a chair and vice-chair; authorizes public employees and public office holders except members of the Legislature to serve on the council; provides for a substitute chair in the event the chair is absent from the meeting; authorizes a voting member to designate a representative; and sets requirements for meetings. The bill further requires the council to adopt by-laws; sets the terms of member service; requires members designated by title to be certified annually to the chair as representing their agency;

addresses service without compensation; and authorizes reimbursement for travel and per-diem. This bill also establishes an executive committee of the council, designates membership of the executive committee, and provides for a chair and vice-chair of the executive committee.

Finally, the bill establishes the duties of the council relative to domestic security functions in the state and requires an annual report to the Governor and the Legislature.

The bill designates the Domestic Security Oversight Council as a “criminal justice agency” within the definition of s. 119.011 (4), F.S. Due to the nature of certain subjects brought before the council, there may be a need to exempt portions of meetings and records of the Domestic Security Oversight Council from public-meetings and public records laws. Hearing or discussion of active criminal investigative information, active criminal intelligence information, or security system plan information should to be protected. Provision for exemption of portions of council meetings and records from public-meetings and public-records laws is the subject of separate legislation.

This provisional bill takes effect on becoming law and is related to legislation that provides exemption of portions of meetings and records from public-meetings and public records laws.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Exemption of portions of council meetings and records is the subject of separate legislation.

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:

The fiscal framework for domestic security in the state currently exists. This bill does not change that framework and no additional fiscal impact is anticipated.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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