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Committee on Home Defense, Public Security, and Ports

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STATE DOMESTIC SECURITY OVERSIGHT AND REGIONAL DOMESTIC SECURITY TASK FORCES

SUMMARY

Florida continues to lead the nation in the implementation of a coordinated, effective and efficient Domestic Security Strategic Plan. In November 2001, the Florida Legislature passed laws which have become the foundation of the state's operational prevention mitigation, response and recovery model.

One of those laws, SB 24-C, codified in ss. 943.03101, 943.0311, 943.0312, F.S. and Chapter 2001-365, Laws of Florida, created the state unified command structure for response to a terrorist attack. In addition, the new law created seven Regional Domestic Security Task Forces (RDSTF) to correspond to the seven Florida Department of Law Enforcement regions in the state. Each RDSTF consists of local representatives from disciplines involved in prevention and response, including: law enforcement, fire/rescue, emergency medical services, hospitals, public health, schools and businesses. The RDSTFs work together with the Chief of Domestic Security Initiatives, appointed by the Executive Director of FDLE, to prepare for, prevent and respond to terrorist events.

Soon after the implementation of the new law, FDLE realized the magnitude of coordinating local, state and federal government agencies along with private entities in putting the strategic plan into operation. In November, 2001 the Executive Director of FDLE convened an oversight panel to assist in the gathering and dissemination of information, ideas and recommendations among the multitude of agencies and the seven RDSTFs. The panel consisted of several state agency heads, local co-chairs of the RDSTFs, various association representatives, the Florida National Guard, FBI, U.S. Attorney's Office and Coast Guard. As time went by, other organization representatives were added. The panel, now known as the Domestic Security Oversight Board (DSOB) has had many meetings and conference calls since its formation and has been functioning as the de facto advisory board to the

Executive Director, the Governor and the Legislature. This board has made budget recommendations for use of federal funds, offered operational advice to FDLE and the Governor, and recommended passage of domestic security legislation. The DSOB has served as a unique "Board of Directors" for the many disciplines which make up Florida's domestic security capability.

In addition to the Domestic Security Oversight Board, a State Working Group of technical experts in each discipline has been founded through the Office of the Chief of Domestic Security Initiatives. This group meets as needed to provide technical advice and recommendations on specific equipment and situational solutions to the DSOB and the RDSTFs. The State Working Group provides valuable "ground-truth" information in the state's strategic planning process and is a well-used function of the Office of the Chief of Domestic Security Initiatives.

While the Regional Domestic Security Task Forces are codified in Florida law,¹ the Domestic Security Oversight Board came into existence out of necessity during the implementation of the original law. Even though such a board was not contemplated in the original legislation, it has become an integral part of Florida's domestic security structure.

This report and its recommendations provide a historical background which demonstrates the need for codification of the Domestic Security Oversight Board in Florida law. Such action would solidify the already existing body of domestic security laws and provide clarity and guidance to users of these laws, both within government and in the general public by providing an understanding of the inter-relationships between various levels of government, various agencies within these levels, across jurisdictions and with private entities involved in keeping our state secure against the ongoing threat of terrorism.

¹ S. 943.0312, F.S., 2001-365, L.O.F.

BACKGROUND

The foundation for Florida's strategic approach to domestic security was in place well before the attacks on America on September 11, 2001 and the anthrax attacks on Florida, Washington and New York in October, 2001. Florida had planned and trained for emergency response for hurricanes and natural disasters for many years, with a renewed focus since Hurricane Andrew in 1992 and preparations for the threatened attacks on Y2K (Millennium). With this foundation in place, Florida had a swift and sure response to the 2001 attacks.

On September 11, 2001, Governor Jeb Bush issued Executive Order #2001-262, declaring a State of Emergency, activating the State Emergency Operations Center, increasing security at public and private facilities of concern, and increasing intelligence and investigative operations related to possible terrorist-related activity in the state. He appointed the Executive Director of the Florida Department Law Enforcement (FDLE) as Unified command and ordered a full review of the state's response capabilities, vulnerabilities and needs. This assessment was completed and the assessment report recommended 26 action items which became the basis for Florida's Domestic Security Strategic Plan². Following a review of the assessment report, the Governor issued Executive Order #2001-300, which is the basis for Florida's counterterrorism law, ss. 943.0311 and 943.0312, F.S., passed in Special Session C, November 2001.

On September 24, 2001, Senate President John M. McKay appointed the Select Committee on Public Security and Crisis Management. The House of Representatives appointed a similar Select Committee on Security. The Senate and House select committees charged with oversight of domestic security issues put forth a body of legislation during Special Session 2001-C which dealt with specific issues relative to Florida's ability to prepare for, protect against and respond to terrorist events. Included in that legislation package was SB 24-C, now codified as Chapter 2001-365, Laws of Florida, which created the position of Chief of Domestic Security Initiatives at FDLE and created seven Regional Domestic Security Task Forces to serve in an advisory capacity to the chief³. This legislation represents a codification of the Governor's Executive Order 2001-300 and provides a structure for

implementation of Florida's Domestic Security Strategic Plan.

Since November 2001, Florida has had in place a Regional Domestic Security Task Force (RDSTF) structure. This structure consists of a designated unified command for terrorism related events, that is led by the Executive Director of the Florida Department of Law Enforcement, who works in cooperation with the Director of the Division of Emergency Management to direct and coordinate the response to terrorist attacks, to direct regional assets for the duration of the event/response, and to ensure uniform, statewide task force operational protocols and procedures for prevention of and response to terrorist activities. The state is divided into seven regions, which mirror the seven FDLE regions within the state. By statute, each region has a sheriff or police chief and the FDLE Regional Director as the designated Co-Chairs of the region. In a terrorist event, these task forces provide immediate regional response assistance to the local unified command and these task forces respond directly to the FDLE and DEM unified command at the state level.

Each RDSTF is generally comprised of the following discipline-related local committees/co-chairs: law enforcement, fire rescue, emergency management, health/medical, education/schools, and communications/business, whose responsibility it is to represent the interests and concerns of their disciplines in terrorist response planning, preparedness and mitigation activities. According to FDLE records, there are 2,251 active local members of RDSTFs or personnel with statewide responsibilities currently participating in this structure. Each RDSTF has been given domestic security FTEs for increased workload and administration.

A State Domestic Security Oversight Board (DSOB) was established in November 2001 as a mechanism to provide a policy advisory function. In addition, the DSOB takes information from the regional task forces and formalizes requests for assistance from each task force into a statewide format and ensures consistency with strategic direction. This board may make recommendations to the Governor regarding funding requests and allocations based on information received from the regional task forces, and may provide guidance for actions to be taken by the Unified Command. Members currently serving on the board are: FDLE Executive Director, permanent Chair; Director, Division of Emergency Management within the Department of Community Affairs, permanent

² Strengthening Domestic Security in Florida; Strategic Plan and Funding Strategy, October, 2001

³ Florida Statutes 943.0311 and 943.0312

Vice-Chair; Agriculture Commissioner, Charlie Bronson; Attorney General, Charlie Crist; Education Commissioner, Jim Horne; Secretary of Health, John Agwunobi; Florida National Guard, Major General Burnett; U.S. Attorney, Guy Lewis; 7 Sheriffs, who serve as regional co-chairs, Bay, Leon, St. Johns, Hillsborough, Orange, Collier, and Broward Counties; 2 Fire Chiefs; FBI Special Agent in Charge; 3 Police Chiefs, Orlando, Miami and Melbourne; State Attorney; Florida Hospital Association. The DSOB adopted formal by-laws for operation at its July 2003 meeting.

Each RDSTF discipline-related committee participates with the State Working Group's technical committees and makes recommendations for equipment, training, planning and mutual aid to the Domestic Security Oversight Board (DSOB) for policy review and recommendations for action and/or funding. The State Working Group is comprised of technical experts from local and state agencies in each of the disciplines.

METHODOLOGY

Interviews were conducted with the Interim Executive Director, Assistant Commissioner and Chief of Domestic Security Initiatives, Florida Department of Law Enforcement, Director of the Division of Emergency Management, Department of Community Affairs; with the Director of the Division of the State Fire Marshal, Department of Financial Services; with the immediate past Executive Director, FDLE; and with Regional Domestic Security Task Force members. Staff attended several Domestic Security Oversight Board meetings over the past year, including the July 24, 2003 meeting in Tallahassee and the October 30, 2003 meeting in Orlando. Staff has attended briefing and training sessions for Regional Domestic Security Task Forces including, training on October 7 and 8, 2003 titled Strengthening Domestic Security in Florida, Regional Domestic Security Task Force Standard Operations Template, and a RDSTF workshop titled Federal Infrastructure Security Reimbursements⁴. Staff attended regional table-top training exercises in Tallahassee and Ft. Lauderdale and a regional field exercise, Operation Dark Cloud, March, 2003, Tallahassee. In addition, staff attended the October, 2002 3-day State Domestic Security Strategic Planning Conference meeting in Orlando. Multiple informal

⁴ These funds were allocated to reimburse Florida's state and local governments for domestic security measures instituted during the heightened state of alert from March 17, 2003, through April 16, 2003.

conversations with stakeholders at various levels have been included in the information gathering process, as well.

FINDINGS

The State of Florida has taken a proactive role in preparing for, protecting against and responding to terrorist activities. Much has been accomplished in the two years since the attacks on America in 2001. The legislature and the executive branch have worked together to assure that an effective and efficient state domestic security strategic plan is in place and operational. Local, state and federal agencies have worked together with private entities to plan for what, only a short time ago, would have seemed unthinkable.

Florida has led the nation with planning and training. Tabletop and field exercises have tested response capabilities at all seven regions and at the statewide level. Equipment and response gear has been disseminated throughout the state according to a rational plan which was designed and approved by responders at the regional level and by a state working group. Florida will expend, by the end of this budget year (FL – FY 2003-04), over \$400 million in federal and state funds dedicated to homeland security initiatives⁵. Uses of these funds encompass law enforcement, fire/rescue, emergency medical services, hospital, public health, port security, bioterrorism response and vulnerability assessment projects.

Organizational control and oversight of the State's Strategic Plan involves several state agencies. The Executive Director of the Florida Department of Law Enforcement is responsible, pursuant to ss. 943.03101, 943.0311 and 943.0312, F.S., for coordinating the state's efforts to protect against and respond to all terrorist events, and to assure the coordination of all disciplines and assets in the implementation of the strategic plan. Due to the complexity of the plan, FDLE must consult with the Division of Emergency Management, the Department of Health, the Division of the State Fire Marshal, the Department of Agriculture and Consumer Services, the Department of Education, the Department of Environmental Protection, the State Technology Office, the Florida National Guard and various other federal, state and local agencies. Recognizing the difficulty of such a coordinated consultation, FDLE has organized a Domestic Security Oversight Board (DSOB) to discuss business, review problems and solutions, and make

⁵ Florida's Domestic Security 2003 Annual Report, by Domestic Security Oversight Board, September, 2003

policy and operational recommendations to the Executive Director, the Governor and the Legislature. In addition to the above-named representatives, the DSOB includes the elected sheriff or police chief appointed regional co-chair and the FDLE Regional Director for each of the seven Regional Domestic Security Task Forces (RDSTF). The Domestic Security Oversight Board is not statutorily constituted. It has met 9 times since 2001 and has served as an advisory panel to the Governor and Legislature, making policy, budget and operations recommendations.

Florida law, s. 943.0311, F.S., creates the Chief of Domestic Security Initiatives (CDSI) within FDLE and assigns specific duties to that position. The title may be held by the Executive Director or he may appoint someone from the agency to that position. FDLE has established and staffed that position. In addition to the CDSI, there are four FDLE staff members with specific domestic security related job responsibilities at the statewide level. The CDSI supervises the work of those employees. This group of employees coordinates domestic security initiatives with state, local and federal, and private entities across all response disciplines. At this time, it does not appear that there are administrative support staff assigned to this unit. While domestic security is not a stated “core mission” of FDLE, and the function is not exclusively related to law enforcement, it appears to be appropriate for this mission to be housed there. Ultimate responsibility for the mission rests with the Executive Director of the department, pursuant to Chapter 943, F.S.

Regional Domestic Security Task Force

The Regional Domestic Security Task Forces are statutorily constituted.⁶ The state is divided into seven regions. Each region has an elected sheriff or police chief serving as a co-chairman with the Regional Director of FDLE. The reason that the co-chairman position needs to be a law enforcement officer is that he/she must be able to receive law enforcement confidential information at various security clearance levels. Each of the seven RDSTF regions have committees and chairmen appointed for the various disciplines involved in domestic security. The Regional Domestic Security Task Forces and their committees meet as needed to formulate plans, respond to information requests from the DSOB, receive information from the DSOB, coordinate training and equipment distribution, and make recommendations for acquisition/purchase of specific training, equipment or mitigation supplies.

The RDSTFs have been activated twice since their inception in November 2001. First, in February 2002, a young boy stole a light aircraft and purposely flew the plane into a building in downtown Tampa. As practiced, the first response to the scene was by local fire/rescue, law enforcement and emergency services personnel. Those organizations immediately contacted the RDSTF watch, who immediately contacted the State Warning Point at the Division of Emergency Management, and FDLE. The Governor’s Office was notified, the Office of Homeland Security was notified and ultimately, the President of the United States was notified. Through good coordinated local, state and federal law enforcement efforts, within about an hour the event was determined not to be a terrorist attack. The event, though tragic, served a real world test of the Tampa RDSTF’s ability to mobilized and work together.

The second mobilization of an RDSTF occurred in September 2002 on Alligator Alley in Collier County. This event involved an incident which originated in Georgia, was sent to FDLE through the Georgia Bureau of Investigation, and sent out to local and state law enforcement. The vehicle in question, containing persons who had allegedly threatened a terrorist attack, was stopped and searched using resources and personnel from local law enforcement and the Fort Myers and Miami RDSTFs. There were no weapons found in the vehicle. Once again, the incident was a good test of the coordination needed to respond across jurisdictional lines with appropriate resources under a unified incident command structure.

In each case, local first responders were the first ones on the scene and the RDSTF structure was in place for the purpose of providing regional support to the local responders.

The Regional Domestic Security Task Force structure, in conjunction with the Domestic Security Oversight Board, has proven to be successful. Without the guidance of the DSOB structure, it is unclear how successful the RDSTFs may have been. Continued cooperation with the State Working Group has added to that success. The combined structure, with known and understood responsibilities at all levels of government, has been the foundation of Florida’s ability to have one of the best, most tested and operationally sound domestic security plans in the nation today.

⁶ 943.0312, F.S.

Domestic Security Oversight Board

The Domestic Security Oversight Board was organized as a mechanism to ensure consensus and consistency among disciplines and to oversee the enormous domestic security responsibilities assigned to the Florida Department of Law Enforcement and numerous other state agencies as part of the state's response to the attacks on America in 2001. The DSOB has proven to be an effective structure for organizing and disseminating information, ideas and recommendations from the many disciplines and levels of government involved in the implementation of Florida's Domestic Security Strategic Plan.

While the DSOB has served the purpose of providing an oversight function for all aspects of Florida's response, it has not been adopted in statute as part of Florida's plan. Adoption of the structure and function of this important component of the state's domestic security plan would make Florida law more complete and reflective of the reality of the process already in place. Identification of the membership, including voting and ex-officio members, would provide clarity on the roles of agencies and organizations that participate in the domestic security decision-making process in Florida. Providing a list of some of the responsibilities of the Domestic Security Oversight Board would make it easier for the general public to understand the process whereby action recommendations are made to the Governor and Legislature.

Codification

A review of the structure and function of the Violent Crimes Task Force, finds an organization and mission similar to that of the Domestic Security Task Force⁷. That statutory model provides guidance in generating a statutory structure for the DSOB. There is strong precedent for codification of this panel in state law. Other boards and councils have similar missions and functions, i.e., the Food Safety and Security Advisory Council, the Drug Policy Advisory Council, and the Emergency Medical Services Advisory Council.

Membership

The current number of members serving on the Domestic Security Board has grown and has become unwieldy. As originally constructed, the Board was meant to bring in as many agencies and organizations as possible. While the intent was good, the result has been a Board with an extremely large number of voting members that is difficult to convene due to the complicated scheduling logistics involved.

According to interviews with the past Chairman, current Chairman, current Co-Chairman, board members and staff, the large size is detrimental to the group's ability to have meaningful, detailed discussions at their meetings. One change that is being considered is to have "break-out" meetings of smaller, more specifically tasked groups of DSOB members following "general business" meetings. This will allow specialists to focus on technical issues.

By reducing the voting membership to include specifically named state agencies, the appointed local law enforcement co-chairmen of each of the seven regions, and specifically named organization representatives directly involved in the state's strategy, the Board can become a more effective representative voice of the affected agencies.

Communication and information sharing across jurisdictional lines with ex-officio, non-voting, representatives of federal agencies, such as the FBI, U.S. Coast Guard, U.S. Attorney, Department of Homeland Security, Bureau of Immigration and Customs, and other organizations is critical to Florida's ongoing success. An example of the success of this cooperative effort is Florida's status as the first state in the nation to enter into a Memorandum of Agreement with the Bureau of Immigration to deputize five local law enforcement officers per RDSTF region to assist federal immigration officers in cases where terrorist activity is suspected. This program is a result of the strong ties established with our federal partners in the implementation of the state's strategic plan.

Responsibilities

The Domestic Security Oversight Board has provided guidance to the Executive Director of FDLE, The Director of the Division of Emergency Management and the Governor since its formation. It has provided recommendations for action to the Governor and Legislature, including prioritized budget recommendations for the 2001, 2002 and 2003 domestic security allocations. These recommendations have been extremely helpful in defining and streamlining government's ability to meet the emerging challenges of domestic security. By assigning specific responsibilities to be delegated, as needed by the Governor or the Unified command, the role of the Domestic Security Oversight Board can be better defined. This clarity of function will enhance the Board's ability to provide support and guidance to the executive and legislative branches of state government.

⁷ 943.031, F.S.,

RECOMMENDATIONS

- Codify Domestic Security Oversight Board; Membership and Responsibilities.
- Add “Domestic Security” to the list of core missions for FDLE and other appropriate state agencies.
- Define which persons/entities are voting members of the Domestic Security Oversight Board, who those members may designate in their absence; and which persons/entities are ex-officio, non-voting members of the Board.
- Encourage continued participation of ex-officio members representing federal agencies to keep lines of communication open.
- Positively identify certain responsibilities of, and actions to be taken by, the DSOB and permit, within reason, other actions, as necessary.
- Continue the current interactive oversight model incorporating the roles of the Domestic Security Oversight Board, the Regional Domestic Security Task Forces and State Working Group in preparing for response to terrorist activities in Florida.