

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: SB 124

SPONSOR: Senator Dockery

SUBJECT: Chief of Domestic Security Initiatives

DATE: November 5, 2003 REVISED: 1/6/04 _____

	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>AGG</u>	_____
4.	_____	_____	<u>AG</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill 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 December 1, 2004;
- requiring that state universities and communities colleges conduct initial security assessments of their facilities; and
- deleting the requirement that the Chief of Domestic Security Initiatives conduct security assessments of buildings owned by local governments.

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

¹ Chapter 2001-365, Laws of Florida.

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 December 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 December 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; and
- delete the requirement the chief conduct security assessments of buildings owned by local governments.

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 to conduct security assessments of their buildings and advise those governments of options to consider in obtaining assessments. Local governments must bear the costs of assessing buildings and facilities owned or leased by local governments.

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 shift 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 December 1, 2004.

The Department of Management Services (DMS) reported that the state facilities inventory includes 3,757 buildings with 54,808,706 square feet of building space. This does not include buildings within the state university system.²

The chief is relieved of the requirement that he conduct security assessments of buildings owned by local governments. If a local government chooses to conduct such an assessment, that local government will bear the costs of the assessment. The department reports that, since November, 2003, they have provided an assessment guide and template through the regional domestic security task forces' secure website.

VI. Technical Deficiencies:

None.

² House Bill Analysis for HB 1829, 2003 Session, April 10, 2003.

VII. Related Issues:

None.

VIII. Amendments:

1, by the Committee on Home Defense, Public Security, and Ports:

This amendment requires submission of initial security assessments by state agencies, state universities, and community colleges, to the Chief of Domestic Security Initiatives by November 1, 2004, rather than December 1, 2004.

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