

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 181 Natural Hazards
SPONSOR(S): Appropriations Committee, Jacobs
TIED BILLS: **IDEN./SIM. BILLS:** SB 464

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Natural Resources & Public Lands Subcommittee	14 Y, 0 N	Moore	Shugar
2) Appropriations Committee	28 Y, 1 N, As CS	Delaney	Leznoff
3) Government Accountability Committee	18 Y, 0 N	Moore	Williamson

SUMMARY ANALYSIS

The Division of Emergency Management (DEM) is established within the Executive Office of the Governor and is responsible for carrying out the State's Emergency Management Act, which includes maintaining a comprehensive statewide emergency management program. DEM is responsible for administering programs to rapidly apply all available aid to communities stricken by an emergency and is the liaison with federal agencies and other public and private agencies.

Each executive agency, each water management district (WMD), the Public Service Commission (PSC), the Fish and Wildlife Conservation Commission, and the Department of Military Affairs must designate a person within its agency as the emergency coordination officer (ECO). DEM's Bureau of Mitigation, ECOs, and representatives from private and public agencies with resources or expertise relevant to mitigation make up the State Hazard Mitigation Plan Advisory Team and are responsible for the progression and implementation of the state hazard mitigation plan (SHMP). SHMP addresses the following natural hazards: inland and coastal floods; tropical cyclones, hurricanes and tropical storms; severe storms and tornadoes; wildfires; droughts; extreme heat; winter storms and freezes; erosion; sinkholes, earthquakes, and landslides; tsunamis and rogue waves; and solar storms.

The bill creates a natural hazards interagency workgroup for the purpose of sharing information on current and potential impacts of natural hazards throughout the state; coordinating ongoing efforts of state agencies in addressing impacts of natural hazards; and collaborating on statewide initiatives to address natural hazards. The bill defines "natural hazards" to include extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The bill requires the director of DEM or designee to serve as the liaison to and coordinator of the workgroup. Each executive agency, each WMD, and the PSC must designate an agency liaison to the workgroup to provide information from the respective agency on the current and potential impacts of natural hazards to the agency, available agency resources to mitigate against natural hazards, and agency efforts to address the impacts of natural hazards. The bill also requires the workgroup to meet in person or by teleconference quarterly to share this information, leverage agency resources, coordinate ongoing efforts, and provide information for the annual progress report.

The bill requires DEM, on behalf of the workgroup, to prepare and submit an annual progress report to the Governor and Legislature beginning January 1, 2019, and requires the agency liaisons to ensure the report is posted on their respective agency websites.

The bill provides \$84,738 in recurring trust fund authority and \$4,046 of nonrecurring trust fund authority along with one full-time equivalent position to DEM.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0181e.GAC

DATE: 3/22/2017

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Division of Emergency Management

The Division of Emergency Management (DEM) is established within the Executive Office of the Governor as a separate budget entity.¹ The director of DEM is appointed by and serves at the pleasure of the Governor.² DEM is responsible for administering programs to rapidly apply all available aid to communities stricken by an emergency and is the liaison with federal agencies and other public and private agencies.³ DEM is responsible for carrying out the State's Emergency Management Act,⁴ which includes maintaining a comprehensive statewide emergency management program.⁵

An emergency is any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.⁶ A natural emergency is an emergency caused by a natural event, including a hurricane, a storm, a flood, a severe wave action, a drought, or an earthquake.⁷

Emergency Coordination Officers

Each executive agency, each water management district (WMD), the Public Service Commission (PSC), the Fish and Wildlife Conservation Commission, and the Department of Military Affairs must select from within its agency a person to be designated as the emergency coordination officer (ECO) and an alternate.⁸ ECOs are responsible for coordinating with DEM on emergency preparedness issues, preparing and maintaining emergency preparedness and postdisaster response and recovery plans for their agency, maintaining rosters of personnel to assist in disaster operations, and coordinating appropriate training for agency personnel.⁹ In addition, ECOs are responsible for ensuring that each state agency and facility has a disaster preparedness plan that is coordinated with the applicable local emergency-management agency and approved by DEM.¹⁰

Natural Hazard Mitigation Planning

Comprehensive emergency management involves a cycle of phased, coordinated and mutually supporting activities conducted by each level of government before, during, and after an emergency. Mitigation efforts help to ensure that residents, visitors, and businesses are safe and secure from natural, technological, and man-made hazards by reducing risk and vulnerability beforehand. These efforts include: enhancing and maintaining a state hazard mitigation plan (SHMP), supporting the development and enhancement of local capabilities for hazard mitigation, increasing public and private sector awareness of and support for mitigation, reducing hazard vulnerability through scientific research and development, and reducing the vulnerabilities of infrastructure to natural and man-made hazards.¹¹

¹ Section 14.2016, F.S.

² *Id.*

³ *Id.*; s. 252.35(1), F.S.

⁴ Sections 252.31-252.60, F.S., are known as the "State Emergency Management Act."

⁵ Section 252.35, F.S.

⁶ Section 252.34(4), F.S.

⁷ Section 252.34(8), F.S.

⁸ Section 252.365(1), F.S.

⁹ Section 252.365(2), F.S.

¹⁰ Section 252.365(3), F.S.

¹¹ DEM, *The State of Florida 2014 Comprehensive Emergency Management Plan*,

<http://www.floridadisaster.org/documents/CEMP/2014/2014%20State%20CEMP%20Basic%20Plan.pdf> (last visited Feb. 16, 2017).

A state with an enhanced plan approved by the Federal Emergency Management Agency (FEMA) receives grant funds based on 20 percent of the total estimated eligible disaster assistance versus 15 percent for states with non-enhanced mitigation plans.¹² To receive FEMA approval of an enhanced mitigation plan, a state must demonstrate that it has developed a comprehensive mitigation program and is capable of managing increased funding to achieve its mitigation goals.¹³ The state and local mitigation plans must be updated and approved periodically to ensure continued eligibility for FEMA mitigation grants.¹⁴

DEM's Bureau of Mitigation, ECOs, and representatives from other private and public agencies with resources or expertise relevant to mitigation make up the SHMP Advisory Team and are responsible for the progression and implementation of Florida's enhanced SHMP.¹⁵ DEM's Bureau of Mitigation also assists all counties with the development and update of their multi-jurisdictional local mitigation strategies through training and technical assistance.

Florida's current enhanced SHMP was approved in August 2013, and addresses the following natural hazards: inland and coastal floods; tropical cyclones, including hurricanes and tropical storms; severe storms and tornadoes; wildfires; droughts; extreme heat; winter storms and freezes; erosion; sinkholes, earthquakes, and landslides; tsunamis and rogue waves; and solar storms.¹⁶

The SHMP is currently being updated for each hazard and is anticipated to be completed by mid-2017, for federal review and approval by August 2018.¹⁷

Effect of Proposed Changes

The bill creates s. 252.3655, F.S. It establishes a natural hazards interagency workgroup for the purpose of sharing information on current and potential impacts of natural hazards throughout the state, coordinating ongoing efforts of state agencies in addressing the impacts of natural hazards, and collaborating on statewide initiatives to address the impacts of natural hazards.

The bill provides that the term "natural hazards" includes, but is not limited to, extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The bill requires each executive branch agency, each WMD, and the PSC to select a person from within its agency to be designated as the agency liaison to the workgroup. The DEM director or designee serves as the liaison to and coordinator of the workgroup.

Each liaison must provide information from his or her respective agency on the current and potential impacts of natural hazards to the agency, agency resources available to mitigate against natural hazards, and efforts made by the agency to address the impacts of natural hazards. The workgroup must meet in person or by teleconference on a quarterly basis to share information, leverage agency

¹² FEMA, *Hazard Mitigation Planning Frequently Asked Questions*, <https://www.fema.gov/hazard-mitigation-planning-frequently-asked-questions> (last visited Feb. 15, 2017).

¹³ *Id.*

¹⁴ DEM, *The State of Florida 2014 Comprehensive Emergency Management Plan*, <http://www.floridadisaster.org/documents/CEMP/2014/2014%20State%20CEMP%20Basic%20Plan.pdf> (last visited Feb. 16, 2017).

¹⁵ DEM, *State of Florida Enhanced Hazard Mitigation Plan* (August 2013), <http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Section%202%20Planning%20Process%20FINAL.pdf> (last visited Feb. 15, 2017).

¹⁶ DEM, *State of Florida Enhanced Mitigation Plan* (August 2013), <http://www.floridadisaster.org/Mitigation/State/Index.htm> (last visited Feb. 15, 2017).

¹⁷ 44 C.F.R. § 201.4(d); SHMPAT *Meeting Minutes* (December 2016), <http://www.floridadisaster.org/Mitigation/State/documents/12-2016%20SHMPAT%20Meeting%20Minutes.pdf> (last visited Feb. 17, 2017).

resources, coordinate ongoing efforts, and provide information for inclusion in the annual progress report.

On behalf of the workgroup, the bill requires DEM to prepare an annual progress report on the implementation of the SHMP, developed and submitted in accordance with 42 U.S.C. s. 5165¹⁸ and any implementing regulations, as it relates to natural hazards. At a minimum, the annual progress report must:

- Assess the relevance, level, and significance of current agency efforts to address the impacts of natural hazards; and
- Strategize and prioritize ongoing efforts to address the impacts of natural hazards.

By January 1, 2019, and annually thereafter, the workgroup must submit the annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In addition, each liaison is responsible for ensuring that the annual progress report is posted on each respective agency website.

B. SECTION DIRECTORY:

Section 1. Creates s. 252.3655, F.S., establishing a natural hazards interagency workgroup.

Section 2. Provides an appropriation for the 2017-2018 fiscal year.

Section 3. Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

For the 2017-2018 fiscal year, the bill appropriates to DEM from the Grants and Donations Trust Fund the sums of \$84,738 in recurring funds and \$4,046 in nonrecurring funds. It also provides for one full-time equivalent (FTE) position with an associated salary rate of 47,000.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

¹⁸ Federal mitigation planning requirements.
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III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: DEM

According to DEM, the requirement for each agency to post the annual report on its website may confuse those trying to find the most current version of the report since a search could include every agency's website instead of a single, common source.¹⁹

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 15, 2017, the Appropriations Committee adopted an amendment that provides an appropriation to DEM. DEM was provided one FTE with 47,000 of salary rate and \$84,738 in recurring trust fund authority and \$4,046 in nonrecurring trust fund authority to implement the provisions of the bill.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute.

¹⁹ DEM, *2017 Agency Legislative Bill Analysis for HB 181*, at p. 4, Jan. 13, 2017 (on file with the Natural Resources & Public Lands Subcommittee).