

# 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.)

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Prepared By: Domestic Security Committee

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BILL: CS/SB 1708

SPONSOR: Domestic Security Committee and Senator Wise

SUBJECT: Florida Disaster Supplier Program

DATE: March 15, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pardue	Skelton	DS	<b>Fav/CS</b>
2.			CA	
3.			TA	
4.				
5.				
6.				

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## I. Summary:

This committee substitute creates the Florida Disaster Supplier Program to provide oversight of the availability and provision of necessary supplies prior to, during, and after an emergency or disaster. The bill also creates the Florida Disaster Supplier Program Council to make recommendations for establishing the program.

This committee substitute creates section 252.63 of the Florida Statutes.

## II. Present Situation:

The timely flow of supplies in support of preparedness prior to and assisting in the recovery from an emergency or disaster is essential. For example, prior to Hurricane Wilma's landfall on October 24, 2005 supplies were pre-staged in preparation for the storm. As soon as it was safe to begin movement after landfall through November 10, 2005, over 3,489 trucks distributed more than 7.3 million gallons of water, 54.4 million pounds of ice, nearly 10.7 million meals, and 262,500 tarps to the affected areas.<sup>1</sup>

As required by s. 252.38, F.S., counties are responsible for maintaining an emergency management program at the county level. This program involves all government, private, and volunteer organizations which have responsibilities in the comprehensive emergency management system in the county. The program includes coordinating the emergency

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<sup>1</sup> Florida State Emergency Operations Center, "Hurricane Wilma Statewide Response Briefing Sheet," November 10, 2005.

management needs of all municipalities within the county and working to establish intra-county mutual aid agreements to render emergency assistance.<sup>2</sup>

Section 252.35, F.S., requires that the Division of Emergency Management maintain a comprehensive statewide program of emergency management. This includes supporting the emergency management needs of all counties by developing reciprocal intra- and inter-state mutual aid agreements, in addition to assistance from the Federal Emergency Management Agency. Further, the division is responsible for directing and controlling a state response and recovery organization based on emergency support functions. These emergency support functions involve broad participation from state, private and voluntary relief organizations. They also ensure that the response is compatible with the federal response and recovery organization and its concept of operations.<sup>3</sup>

### **III. Effect of Proposed Changes:**

This committee substitute creates the Florida Disaster Supplier Program Council under the Department of Community Affairs. The council shall be composed of one county emergency management director from each of the seven Division of Emergency Management operational regions. The council is charged with making recommendations for the establishment of a voluntary local program to be known as the Florida Disaster Supplier Program.

The Florida Disaster Supply Program's intent is to establish statewide oversight of the availability and provision of necessary supplies prior to, during, and following an emergency or disaster. The program allows businesses to voluntarily participate and provide for the sale of emergency-use supplies and services thus assisting in rapid recovery. The program is not intended to interfere with normal and ongoing commerce. However, it will be designed to offer the public alternative access to certain commodities such as pharmaceutical, food and water, building supplies, ice, and other supplies as recommended by the council.

Participation in the program is optional for county governments. Counties that choose to participate will be responsible for program administration within their jurisdiction. The Council is tasked with recommending guidelines and administration standards for participating counties.

The bill provides that the council:

- Shall elect a chair and vice-chair
- Meet at the call of the chair or at the request of the majority of the members
- Members shall serve for the duration of the existence of the council with a provision for filling vacancies
- Members shall serve without compensation but shall be entitled to per diem and travel expenses as provided in s. 112.061, F.S.

The duties and responsibilities of the council shall include, but not be limited to, recommending to the division:

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<sup>2</sup> The State of Florida Comprehensive Emergency Management Plan 2006, February 1, 2006, Basic, Page 14.

<sup>3</sup> Ibid, Basic Page 15.

- State disaster preparedness criteria necessary to implement the program
- A methodology for participating businesses to operate, supply, and staff their business units during times of limited access
- A statewide disaster supplier certification system for supplies of pharmaceuticals, food and water, building supplies, ice, and others as may be necessary
- The possible assessment of an annual program membership fee for participating businesses. The council shall make a recommendation for the necessity of any fees based on county surveys and input from business, industry, and state agencies. Such recommendation shall be included in a required report
- A State Emergency Response Team (SERT) logo to be displayed by participating businesses

This committee substitute provides that contingent upon recommendation of procedures and standards by the council, a participating business will be certified through county emergency managers or their designees as set forth by the county's elected governing body.

The bill requires that the council determine methods of collecting program membership fees if the council determines that such fees are applicable. Based upon council recommendation, program membership fees shall be used in whole or in part to recover the program administrative cost. The bill requires that if recommended, program membership fees shall be used by participating counties and state agencies as determined by council recommendation and provided by law.

The bill requires a report be submitted by the council to the Governor, the Speaker of the House, and the President of the Senate no later than February 1, 2007. The report must include recommendations for any needed legislation and fees with respect to the program. The report must also include recommendations concerning the program's effectiveness during a state of emergency or disaster.

The bill requires the council terminate on July 1, 2008.

This bill provides for an effective date of July 1, 2006.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

It appears that records and meetings of the Florida Disaster Supplier Program Council are subject to provisions of the Florida Sunshine Laws. The council meets the definition found in s. 20.03 (7), F.S. of "council or advisory council" and therefore is subject to the provisions of s. 20.052, F.S., regarding meetings and records of advisory bodies.

Public records are subject to the provisions of s. 119.07(1), F.S., and s. 24 (a) Article I of the State Constitution. Public meetings are subject to the provisions of s. 286.011, F.S., s. 24 (b) Article I of the State Constitution, and the provisions of s. 120.525, F.S.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:**

**A. Tax/Fee Issues:**

This bill may impose an annual program membership fee on businesses seeking certification. The bill does not set the fee nor impose a range in which the fee may be set. It only recognizes that the Florida Disaster Supplier Program Council may recommend a fee if deemed applicable. The bill provides that such recommendation must be included in a report to the Governor and the Legislature's presiding officers.

**B. Private Sector Impact:**

The private sector may incur annual program membership fees charged for participation in the Florida Disaster Supplier Program. The program is voluntary therefore only those businesses seeking certification as a state disaster supplier would be affected. The amount of the fees is unknown at this time and subject to future recommendation.

**C. Government Sector Impact:**

This bill does not provide for the administrative costs of the program except that program membership fees for such purpose may be recommended in the future. Participation on the part of county governments, however, is voluntary.

**VI. Technical Deficiencies:**

This committee substitute requires the Florida Disaster Supplier Program Council make certain recommendations to the Division of Emergency Management including the possible assessment of annual program membership fees. The same recommendation is also required in a report to the Governor and the Legislature's presiding officers. It is unclear which decision making body is intended to review and impose such fees if recommended by the council. The Department of Community Affairs would require authority from the Legislature to impose any fees.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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

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