

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1109 State Emergency Communications and Warning System  
**SPONSOR(S):** Stark  
**TIED BILLS:** IDEN./SIM. **BILLS:** CS/SB 1466

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee	10 Y, 0 N	Toliver	Harrington
2) Appropriations Committee			
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The Division of Emergency Management (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. DEM is responsible for carrying out the State's Emergency Management Act, which includes creating a statewide comprehensive emergency management plan.

DEM is required to establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations and can communicate emergency response decisions. To accomplish this mandate, DEM has created the State Watch Office (SWO), a "24-hour emergency communications center and situational awareness hub" within the State Emergency Operations Center.

The bill requires the system of communications and warning established by DEM, which is operated under the SWO, that warns the state's population and emergency management agencies of a developing emergency situation to have a qualified interpreter in any televised broadcast of a developing weather emergency. The term "qualified interpreter" is defined to mean a person who is certified by the National Registry of Interpreters for the Deaf or the Florida Registry of Interpreters for the Deaf.

The bill does not appear to have a fiscal impact state or local government.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

###### Division of Emergency Management

The Division of Emergency Management (DEM) is established within the Executive Office of the Governor as a separate budget entity.<sup>1</sup> The director of DEM is appointed by and serves at the pleasure of the Governor.<sup>2</sup> 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.<sup>3</sup> DEM is responsible for carrying out the State's Emergency Management Act,<sup>4</sup> which includes creating a statewide comprehensive emergency management plan (CEMP).<sup>5</sup>

DEM is required to establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations and can communicate emergency response decisions.<sup>6</sup> To accomplish this mandate, DEM has created the State Watch Office (SWO), a "24-hour emergency communications center and situational awareness hub" within the State Emergency Operations Center (SEOC).<sup>7</sup> The CEMP sets forth the purposes and goals of the SWO:

The SWO provides the state with a single point to disseminate information and warnings to governmental officials (federal, state and/or local) that a hazardous situation could threaten or has threatened the general welfare, health, safety, and/or property of the state's population. The SWO maintains continuous situational awareness of natural and technological hazards during non-emergency periods as well as in times of emergencies and disasters.<sup>8</sup>

The SWO is equipped with multiple communication networks composed of local, state, and federal emergency communications systems.<sup>9</sup>

###### State Comprehensive Emergency Management Plan (CEMP)

DEM is required by law to prepare a CEMP.<sup>10</sup> The CEMP serves as the master operations document for Florida and is the framework through which the state handles emergencies and disasters. The CEMP must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters.<sup>11</sup>

Additionally, each county is required to establish and maintain an emergency management program and develop a county CEMP that is consistent with the state emergency management program and

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<sup>1</sup> Section 14.2016, F.S.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*; s. 252.35(1), F.S.

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

<sup>5</sup> Section 252.35(2)(a), F.S.

<sup>6</sup> Section 252.35(2)(a)6., F.S.,

<sup>7</sup> 2014 Comprehensive Emergency Management Plan, DIVISION OF EMERGENCY MANAGEMENT, pgs. 25-27, incorporated by reference in FLA. ADMIN. CODE. R. 27P-2.002, available at <https://floridadisaster.org/globalassets/importedpdfs/2014-state-cemp-basic-plan.pdf> (last visited January 25, 2018).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Section 252.35(2)(a), F.S.

<sup>11</sup> *Id.*

state CEMP.<sup>12</sup> Municipalities may also elect to establish an emergency management program and in doing so must comply with the guidelines for a county CEMP.<sup>13</sup>

#### Emergency Support Function 14 – Public Information

The State Emergency Response Team (SERT) serves as the primary operational mechanism through which state assistance to local governments is managed.<sup>14</sup> To facilitate effective operations, the SERT is organized into 18 groups called Emergency Support Functions (ESF).<sup>15</sup> Each ESF focuses on a specific mission area and is led by a representative from the state agency that best reflects the authorities, resources, and capabilities of the ESF.

ESF 14 (External Affairs) is responsible for the dissemination of information to the media and general public.<sup>16</sup> The Executive Office of the Governor Office of Communications serves as the lead agency in ESF 14. One of their primary functions is to provide clear and consistent direction to citizens before, during, and after a disaster. It is a current practice of ESF 14 to include a qualified interpreter in all televised broadcasts during emergency situations.<sup>17</sup>

#### National Registry of Interpreters for the Deaf

The Registry of Interpreters for the Deaf (RID) is a non-profit organization and national membership organization that advocates for excellence in the delivery of interpretation and transliteration services between people who use sign language and people who use spoken language.<sup>18</sup> RID encourages the growth of the profession through the establishment of a national standard for qualified sign language interpreters and transliterators, ongoing professional development, and adherence to a code of professional conduct.<sup>19</sup>

RID currently offers certified, associate, student, supporting, and organizational memberships.<sup>20</sup> Certified members of RID must hold the National Interpreter Certification (NIC) or be a Certified Deaf Interpreter (CDI). Associate members must be engaged in interpreting or transliterating and enrolled in a continuing education program.<sup>21</sup> There are currently 564 RID certified and 299 associate members in Florida.<sup>22</sup>

The NIC requires demonstrated general knowledge in the field of interpreting, ethical decision making, and interpreting skills. Candidates earn NIC Certification if they demonstrate professional knowledge

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<sup>12</sup> Section 252.38(1)(a), F.S. DEM is required to adopt standards and requirements for county CEMPs, assist local governments in preparing and maintaining their CEMP's, and periodically review local government CEMPs for consistency with the state CEMP and the standards and requirements adopted by the DEM. *See* s. 252.35(2)(b), F.S.

<sup>13</sup> Section 252.38(2), F.S.

<sup>14</sup> 2014 Comprehensive Emergency Management Plan, DIVISION OF EMERGENCY MANAGEMENT, incorporated by reference in FLA. ADMIN. CODE R. 27P-2.002, available at <https://floridadisaster.org/globalassets/importedpdfs/2014-state-cemp-basic-plan.pdf> (last visited Jan. 25, 2018).

<sup>15</sup> *Id.*

<sup>16</sup> 2014 Comprehensive Emergency Management Plan, Appendix XIV, DIVISION OF EMERGENCY MANAGEMENT, incorporated by reference in Fla. Admin. Code R. 27P-2.002, available at [https://floridadisaster.org/globalassets/importedpdfs/2014-esf-14-appendix\\_finalized.pdf](https://floridadisaster.org/globalassets/importedpdfs/2014-esf-14-appendix_finalized.pdf) (last visited Jan. 25, 2018).

<sup>17</sup> 2018 Agency Bill Analysis for HB 1109, DIVISION OF EMERGENCY MANAGEMENT, on file with the Oversight, Transparency & Administration Subcommittee.

<sup>18</sup> About RID, REGISTRY OF INTERPRETERS FOR THE DEAF, INC. (RID), <https://www.rid.org/about-rid/> (last visited Jan. 25, 2018).

<sup>19</sup> *Id.*

<sup>20</sup> Membership, Join/Renew Membership, RID, <https://www.rid.org/membership/join/> (last visited Jan. 25, 2018).

<sup>21</sup> *Id.*

<sup>22</sup> Membership, RID, <https://www.rid.org/membership/> (last visited Jan. 25, 2018).

and skills that meet or exceed the minimum professional standards<sup>23</sup> necessary to perform in a broad range of interpretation and transliteration assignments.<sup>24</sup>

A CDI has specialized training and experience in the use of gesture, mime, props, drawings and other tools to enhance communication. Holders possess native or near-native fluency in American Sign Language and are recommended for a broad range of assignments where an interpreter who is deaf or hard-of-hearing would be beneficial.<sup>25</sup>

#### Florida Registry of Interpreters for the Deaf

The Florida Registry of Interpreters for the Deaf (FRID) is a non-profit corporation that initiates, sponsors, promotes, and executes policies and activities that further the profession of interpreting and transliterating.<sup>26</sup> FRID works to improve the professional lives of interpreters and to improve quality and accessibility of interpreting services for the deaf and hard-of-hearing individuals living in Florida.<sup>27</sup> Membership options include nationally certified, pre-certified associate, organizational, and supporting memberships.<sup>28</sup> FRID members are eligible to apply for testing and monetary scholarships to pursue national certifications such as the NIC and CDI, and other professional development opportunities.<sup>29</sup>

Beginning in 2012, FRID began a partnership with the DEM, Florida Department of Health, and other emergency management personnel from across the state to discuss interpreting services and to provide training. As part of the training, officials were taught the logistics of having interpreters in public briefings, what information interpreters would need to be successful, and that the interpreter needed to remain visible in the frame at all times.<sup>30</sup> DEM and the Executive Office of the Governor currently include a qualified interpreter in all televised broadcasts during emergency situations.<sup>31</sup>

#### **Effect of the Bill**

The bill provides that the system of communications and warning established by DEM, which is operated under the SWO, that warns the state's population and emergency management agencies of a developing emergency situation is required to have a qualified interpreter in any televised broadcast of a developing weather emergency. The term "qualified interpreter" is defined to mean a person who is certified by the National Registry of Interpreters for the Deaf or the Florida Registry of Interpreters for the Deaf.

#### **B. SECTION DIRECTORY:**

Section 1 amends s. 252.35, F.S., relating to DEM's emergency management powers.

Section 2 provides an effective date of July 1, 2018.

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<sup>23</sup> RID's Standard Practice Papers articulate the consensus of its membership by outlining standard practices and positions on various interpreting roles and issues. See *Interpreting Resources, Standard Practice Papers*, RID, <https://www.rid.org/about-rid/about-interpreting/standard-practice-papers/> (last visited Jan. 25, 2018).

<sup>24</sup> *National Interpreter Certification (NIC)*, RID, <https://www.rid.org/rid-certification-overview/nic-certification/> (last visited Jan. 25, 2018). This credential has been available since 2005.

<sup>25</sup> *Certified Deaf Interpreter (CDI)*, RID, <https://www.rid.org/rid-certification-overview/cdi-certification/> (last visited Jan. 25, 2018).

<sup>26</sup> *Mission Statement*, FLORIDA REGISTRY OF INTERPRETERS FOR THE DEAF (FRID), <http://www.fridcentral.org/> (last visited Jan. 25, 2018).

<sup>27</sup> *About FRID*, FRID, <http://www.fridcentral.org/about-us> (last visited Jan. 25, 2018).

<sup>28</sup> *New Member Online Application*, FRID, <http://www.fridcentral.org/apply-online> (last visited Jan. 25, 2018).

<sup>29</sup> *FRID Scholarships*, FRID, <http://www.fridcentral.org/scholarships> (last visited Jan. 25, 2018).

<sup>30</sup> *FRID's Statement on Hurricane Irma, Manatee County, and Access to Emergency Information for Florida's Deaf Community* (Sept. 28, 2017), FRID, <http://www.fridcentral.org/FRID-Blog/5285203> (last visited Jan. 25, 2018).

<sup>31</sup> 2018 Agency Bill Analysis for HB 1109, DIVISION OF EMERGENCY MANAGEMENT, on file with the Oversight, Transparency & Administration Subcommittee.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor 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:

Comments

DEM maintains that they currently include qualified interpreters in all televised broadcasts during emergency situations.<sup>32</sup> However, they note that while the bill will have little to no effect on current procedures, it “would ensure accountability at the state and local level that the interpreter used is qualified and registered with the State of Florida.”<sup>33</sup>

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.