HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 1567 Qualifications for County Emergency Management Directors
SPONSOR(S): State Affairs Committee; Constitutional Rights, Rule of Law & Government Operations Subcommittee; Grant and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 1262

FINAL HOUSE FLOOR ACTION: 113 **Y's** 1 **N's** **GOVERNOR'S ACTION:** Pending

SUMMARY ANALYSIS

CS/CS/HB 1567 passed the House on March 4, 2024, and subsequently passed the Senate on March 4, 2024.

The Division of Emergency Management (FDEM) is created in the Executive Office of the Governor to prepare the state emergency plan, coordinate emergency planning and response with local and federal authorities, and assist local government emergency planning, preparation, and response.

The State Emergency Management Act provides specific authorization and emergency powers to counties, requiring each to establish and maintain an emergency management agency and develop a county emergency management plan. Municipalities are encouraged to create their own emergency management plan but must coordinate with the county emergency management agency. Each county must have an emergency management agency headed by a director appointed either by the board of county commissioners or the county chief administrative officer and serving at the pleasure of the appointing authority. Current law provides no specific minimum qualifications for county emergency management directors (county directors) other than the minimum training and education standards in a job description approved by the county.

The bill creates minimum education, experience, and training standards for all county directors. All county directors must have at least 50 hours of training in specified fields or a bachelor's degree. County directors must have at least four years of verifiable experience in comprehensive emergency management services with direct supervisory responsibility for responding to at least one emergency or disaster. A master's degree in certain fields may be substituted for two years of the required experience but not for the required supervisory experience. Alternatively, a valid accreditation as a Certified Master Exercise Practitioner, a Certified Emergency Manager, or a Florida Professional Emergency Manager may substitute for the required experience but the accreditation must be kept in good standing until the actual time and experience requirement are satisfied. The bill further requires a county director to complete 150 hours of comprehensive emergency management training, including specific courses offered by the Federal Emergency Management Agency (FEMA) through the Emergency Management Institute (or equivalent courses established by FEMA). The bill also requires a county director to have a valid Florida driver license. County emergency management directors have until June 30, 2026, to meet the new criteria.

The bill does not appear to have a fiscal impact on the state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2024.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

State Emergency Management Act

Florida is vulnerable to a wide variety of emergencies, including natural, technological, and human origin disasters threatening the health and safety of people, damaging and destroying property, disrupting services, and impeding economic growth and development.[1] To reduce these vulnerabilities, promote emergency[2] preparedness, response, mitigation, recovery, and coordinate all emergency management functions of the state with the political subdivisions of the state, other states, and the Federal Government,[3] the Legislature adopted the State Emergency Management Act (Act).[4]

Under the Act, "emergency management" is defined as "the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters."[5] Specific emergency management responsibilities include without limitation:

- Reducing vulnerabilities of people and communities to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action.
- Preparing for prompt and efficient response and recovery to protect lives and property affected by emergencies.
- Responding to emergencies using all systems, plans, and resources necessary to preserve the health, safety, and welfare of persons or property affected by emergencies.
- Assisting recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.
- Providing an emergency management system embodying all aspects of pre-emergency preparedness and post-emergency response, recovery, and mitigation.
- Assisting with the anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.[6]

The Division of Emergency Management is created within the Executive Office of the Governor (DEM)[7] to implement the purposes of the Act, including coordinating planning and response to emergencies with local and federal authorities.[8] The duties of FDEM include preparing and updating the state comprehensive emergency management plan,[9] adopting standards and requirements for county emergency plans,[10] assisting political subdivisions[11] with preparing and maintaining their emergency management plans,[12] reviewing such plans of political subdivisions,[13] and coordinating federal, state,

[1] S. 252.311(1), F.S.
[2] Section 252.34(4), F.S., defines "emergency" as "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."
[3] Ss. 252.311 and 252.32, F.S.
[4] Ss. 252.31-252.60, F.S.; *see* s. 252.31, F.S.
[5] S. 252.34(5), F.S.
[6] S. 252.34(5)(a)-(f), F.S.
[7] S. 14.2016(1), F.S.
[8] S. 252.32, F.S.
[9] The state comprehensive emergency plan must be integrated into and coordinate with federal emergency management plans and programs. S. 252.35(2)(a), F.S.
[10] S. 252.35(2)(b), F.S.
[11] Section 252.34(10), F.S., defines "political subdivision" as any county or municipality.
[12] S. 252.35(2)(c), F.S.
[13] S. 252.35(2)(d), F.S.

and local emergency management actions in advance of an actual emergency to ensure availability of adequately trained and equipped personnel before, during, and after an emergency or disaster.[14]

The Governor is responsible for meeting the dangers presented by emergencies using the powers authorized in the Act.[15] The Governor also is responsible for appointing the director of DEM, who serves at the pleasure of the Governor and is the head of DEM for all purposes.[16]

Basic state policy for responding to disasters is to support local emergency response efforts while also recognizing the need for state assistance when the scope of a disaster is greater than can be met by local resources.[17] The Act provides specific authorization and emergency powers to counties, requiring each county to establish and maintain an emergency management agency and develop a county emergency management plan.[18] Municipalities are encouraged to create their own emergency management plans but must coordinate with the county emergency management agency.[19]

County emergency management agencies must have a director appointed by either the board of county commissioners or the county chief administrative officer and serving at the pleasure of the appointing authority. The county emergency management director (county director) may be a county constitutional officer[20] or an employee of such an officer. The county director is responsible for the organization, administration, and operation of the county emergency management agency; must coordinate the emergency activities, services, and programs of the agency throughout the county; and serves as the county liaison to DEM and other local emergency management agencies.[21]

By statute, the only qualifications a county director must meet are the minimum training and education standards in the job description approved by the county.[22] Since there are no uniform minimum requirements for county directors, counties vary in the qualifications required for the position as shown by the following table:

[14] S. 252.35(2)(l), F.S.
[15] S. 252.36(1)(a), F.S.
[16] S. 14.2016,(1), F.S.
[17] S. 252.311(3), F.S.
[18] S. 252.38(1)(a), F.S.
[19] S. 252.38(2), F.S.
[20] Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, or Clerk of Courts. Art. VIII, s. 1(d), Fla. Const.
[21] S. 252.38(1)(b), F.S.
[22] *Id.*

County	Minimum Required Education	Required Experience	Required Licenses/ Certifications
Broward[23]	Bachelor of Arts (BA) degree in required subject[24]	5 years full-time in emergency management, at least 1 year supervising emergency management programs and personnel	Accreditation as a Certified Emergency Manager
Escambia[25]	Graduation from a 2-year college or university or a BA degree	5 years professional experience in emergency management, emergency incident command and control; a BA degree can substitute for 2 years of experience	Valid driver license; National Incident Management System (NIMS) certifications IS700, IS800, IS100, IS200, ICS300, and ICS400
Sarasota[26]	BA degree in required subject[27]	6 years related experience or a master of arts degree with at least 4 years of related experience may be substituted; at least 4 years of supervisory experience in emergency management	Certified Emergency Manager (CEM), or Florida Professional Emergency Manager (FPEM) or ability to obtain within 1 year; valid driver license
Volusia[28]	BA degree in required subject[29]	5 years progressively responsible work in emergency management	Valid driver license

Emergency Manager Qualifications

The Emergency Management Institute (EMI) run by FEMA is the primary center for the development and delivery of emergency management training nationally, emphasizing programs such as the National Incident Management System (NIMS).[30] A comprehensive approach to managing emergency and disaster incidents, NIMS is intended to apply across all jurisdictional levels and functional disciplines for the management of all potential incidents, hazards, and impacts regardless of size, location, or complexity.[31] The National Qualification System (NQS) within NIMS establishes guidance and tools to assist stakeholders in developing processes for qualifying, certifying, and credentialing deployable emergency personnel.[32] The most advance program offered by FEMA is the Master Exercise Practitioner Program.[33] In addition to the NIMS program, national certification is available through the International Association of Emergency Managers (IAEM). IAEM has two levels of individual certification: the Certified Emergency Manager (CEM) and the Associate Emergency Manager (AEM).[34]

[23] "Training and Requirements for Emergency Management Professionals in Broward County," available at https://www.emergencymanagementedu.org/florida/broward-county/ (last visited January 16, 2024).
[24] Homeland security, terrorism studies, emergency preparedness, business administration, public health. *Id.*
[25] Escambia County, "BCC Job Descriptions," available at https://myescambia.com/our-services/human-resources/employment/job-descriptions (last visited January 16, 2024).
[26] Sarasota County Government, "Emergency Management Chief (Manager III) – R16608," available at https://sgrjobs.com/SGR/position.php?JobID=453641 (last visited January 18, 2024).
[27] Public administration, management, business science, or technical field. *Id.*
[28] Volusia County, "Emergency Management Director – Emergency Management Division; job notice" (12/29/2022), available at https://www.salary.com/job/volusia-county-fl/emergency-management-director-emergency-management-division/j202212291022506814877 (last visited January 16, 2024).
[29] Business, public administration, emergency management, homeland security, or related field. *Id.*
[30] National Association of Counties, "Managing Disasters at the County Level: A National Survey," available at https://www.naco.org/sites/default/files/documents/Emergency%20Management%20in%20County%20Government_03.25.19.pdf (last visited January 16, 2024).
[31] *Id. See also* "National Incident Management System," available at https://www.fema.gov/emergency-managers/nims (last visited January 19, 2024).
[32] FEMA, "National Incident Management System Guideline for the National Qualification System (Nov. 2017)," 1, available at https://www.fema.gov/sites/default/files/2020-05/fema_nims_nqs_guideline_0.pdf (last visited January 19, 2024).
[33] *See supra*, n. 17.
[34] International Association of Emergency Managers, "Associate Emergency Manager (AEM) and Certified Emergency Manager (CEM)," available at https://www.iaem.org/certification/intro (last visited January 19, 2024).

NIMS maintains a core training curriculum, including the following courses, some of which are available online as interactive web-based instruction:[35]

- ICS-100 is an introduction to the incident command system (ICS).[36] This course introduces the ICS, provides the foundation for higher level ICS training, describes the history, features and principles, and organizational structure of the ICS, and explains the relationship between ICS and NIMS.
- ICS-200 is an introduction to the ICS for single resources and initial action incidents. This course reviews the ICS, provides the context for ICS within initial incident response, supports higher level ICS training, and training on, and resources for, personnel who are likely to assume a supervisory position within ICS.
- ICS-300 is an intermediate course providing "an in-depth focus on the NIMS Incident Command System (ICS) that includes the tools, practices, and procedures that are available in ICS to effectively manage emergency incidents or planned local events at a local Type 3 level."[37,38]
- ICS-400 is an advanced course providing training on overall incident management, emphasizing "large-scale organizational development, roles and relationships of the command and general staff, and planning, operational, logistical, and fiscal considerations related to large and complex incident and event management."[39,40]
- IS-700 is an independent study course providing an introduction to the national incident management system.[41] This course provides an overview of the concepts, principles, and components making NIMS a comprehensive approach guiding the whole community – all levels of government, nongovernmental organizations, and the private sector – to work together to prevent, protect against, mitigate, respond to, and recover from the effects of incidents.
- IS-800 is an independent study course providing an introduction to the National Response Framework. This course provides guidance for the all entities involved in emergency management and response, focusing particularly on those who are involved in delivering and applying the response core capabilities.

DEM issues a professional development series certificate for successful completion of EMI independent study courses.[42]

The Florida Emergency Preparedness Association (FEPA) is a private non-profit corporation providing an educational network for emergency managers at all levels of government as well as the private sector.[43] FEPA issues a Florida Professional Emergency Manager certificate to emergency managers

---

[35] Information on ICS-100, ICS-200, ICS-300, ICS-400, IS-700, and IS-800 is found at FEMA, Emergency Management Institute, available at https://training.fema.gov/nims/ (last visited March 5, 2024).

[36] This course is available online for no charge. FEMA, Emergency Management Institute, "Independent Study: Online Courses Free of Charge," available at https://training.fema.gov/is/crslist.aspx?lang=en (last visited January 24, 2024).

[37] Emergency Management Services International, Inc., "ICS-300 Intermediate Incident Command System: Course Overview," available at https://www.emsics.com/training/ics/system/300-intermediate-incident-command-system/ (last visited March 5, 2024).

[38] FEMA uses a continuum to categorize emergency and disaster incidents, from Type 5, a low level incident handled with minimal resources and staff, to Type 1, the most complex incidents requiring national resources and the mobilization of all command staff together with total personnel usually exceeding 1,000. A Type 3 incident would classify as intermediate, requiring several days or more to resolve but not exceeding available capabilities. *See* FEMA, "National Incident Management System: Incident Complexity Guide (2021)," p. 8, available at https://www.fema.gov/sites/default/files/documents/nims-incident-complexity-guide.pdf (last visited March 5, 2024).

[39] Emergency Management Services International, Inc., "ICS-400 Advanced Incident Command System: Course Overview," available at http://www.emsics.com/training/ics/system/400-advanced-incident-command-system/ (last visited March 5, 2024).

[40] ICS-300 and ICS-400 courses are coordinated directly by local emergency management agencies. NIMS, "ICS and NIMS Courses," available at https://training.fema.gov/nims/ (last visited March 5, 2024). In Florida, these courses are administered through DEM. FEMA, "Training Officers/Training Managers Contact List," available at https://training.fema.gov/programs/aps/stolist.aspx (last visited March 5, 2024).

[41] This course is available online for no charge. *See supra,* n. 36.

[42] The EMI courses include: IS-120.c, An Introduction to Exercises; IS-230.e, Fundamentals of Emergency Management; IS-235.c, Emergency Planning; IS-240.c, Leadership and Influence; IS-241.c, Decision Making and Problem Solving; IS-242.c, Effective Communication; and IS-244.b, Developing and Managing Volunteers. FDEM, "Professional Development Series," available at https://www.floridadisaster.org/dem/preparedness/training-and-exercise/ (last visited January 24, 2024).

[43] FEPA, "About FEPA," available at https://www.fepa.org/about-us (last visited January 19, 2024).

who demonstrate advanced and diverse "knowledge, skills, and abilities to perform effectively" in a comprehensive emergency management program.[44]

Effect of the Bill

The bill creates the following minimum qualifications for those employed as county emergency management directors:

- Fifty hours of training in business or public administration, business or public management, or emergency management or preparedness. A bachelor's degree may be substituted for this training requirement.
- Four years of verifiable experience in comprehensive emergency management services, including improving preparedness for emergency and disaster protection, prevention, mitigation, response, and recovery. This must include direct supervisory responsibility for at least one emergency or disaster.
    - A master's degree in one or more of the following fields may be substituted for two years of the required experience, but not for the required supervisory experience: emergency preparedness or management, business or public administration, communications, finance, homeland security, public health, criminal justice, meteorology, or environmental science. Alternatively, a valid accreditation as a Certified Master Exercise Practitioner by FEMA, a Certified Emergency Manager, or a Florida Professional Emergency Manager may substitute for the required experience but the accreditation must be kept in good standing until the actual time and experience requirements may be satisfied.
- Completion of 150 hours of comprehensive emergency management training provided through or approved by FEMA or its successor, including completion of the following NIMS courses (or equivalent courses established by FEMA through EMI): ICS-100, Introduction to the Incident Command System; ICS-200, ICS for Single Resources and Initial Action Incidents; ICS-300, Intermediate ICS for Expanding Incidents; ICS-400, Advanced ICS for Command and General Staff; IS-700, National Incident Management System, An Introduction; and IS-800, National Response Framework, An Introduction. All required training must be completed no earlier than 10 years preceding a person's appointment as a county director, regardless whether it is an initial appointment or a reappointment.
- A valid driver license. If the license is not issued by Florida, the director must obtain a Florida driver license within 30 days after being appointed as director.

The bill provides that county directors who do not meet the required qualifications have until June 30, 2026, to complete the requirements.

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:

[44] FEPA, "FEPA Certification Program," available at https://www.fepa.org/certification (last visited January 19, 2024).

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate negative economic impact on private individuals seeking appointment as county directors by requiring minimum training and completion of specific courses pertaining to NIMS offered by EMI that are not offered without charge.

D. FISCAL COMMENTS:

None.