

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**MILITARY AND VETERANS AFFAIRS, SPACE, AND  
DOMESTIC SECURITY**

**Senator Altman, Chair**  
**Senator Gibson, Vice Chair**

**MEETING DATE:** Monday, February 1, 2016  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** *Mallory Horne Committee Room, 37 Senate Office Building*

**MEMBERS:** Senator Altman, Chair; Senator Gibson, Vice Chair; Senators Evers, Sachs, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 1262</b> Simpson (Similar H 1133)	Emergency Management; Creating the "Facilitating Business Rapid Response to State Declared Disasters Act"; providing exemptions from certain registration and licensing requirements and taxes for out-of-state businesses and employees who enter the state in response to a disaster or an emergency; requiring an out-of-state business or registered business to provide a statement to the Division of Emergency Management in the Executive Office of the Governor under certain circumstances, etc.  MS     02/01/2016 Fav/CS FT AP	Fav/CS Yeas 4 Nays 0
2	<b>SB 1544</b> Clemens (Identical H 1223)	Weather Impacts; Creating an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to weather events; designating the director of the Division of Emergency Management or the director's designee as the liaison to and coordinator of the workgroup, etc.  MS     02/01/2016 Fav/CS ATD FP	Fav/CS Yeas 4 Nays 0
Other Related Meeting Documents			

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL 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: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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BILL: CS/SB 1262

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Simpson

SUBJECT: Emergency Management

DATE: February 3, 2016      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	_____	_____	<u>FT</u>	_____
3.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 1262 provides that out-of-state businesses and employees who enter this state to perform emergency-related work during a disaster-response period are excluded from certain registration and licensing requirements and taxes.

Specifically, the bill provides that an out-of-state business performing emergency-related work or conducting operations pursuant to a mutual aid agreement during a disaster-response period is not considered to have established a level of presence that would require that business to register, file, and remit state or local taxes or fees. Such an out-of-state business would not be subject to any of the following:

- Reemployment assistance taxes;
- State or local professional or occupational licensing requirements or related fees;
- Local business taxes;
- Taxes on the operation of commercial motor vehicles;
- Corporate Income Tax; and
- Tangible personal property tax on specified equipment brought into the state by the out-of-state business.

Additionally, an out-of-state employee performing emergency-related work in this state is not required to:

- Register, file, or remit state or local taxes; and
- Comply with state or local occupational licensing requirements, or pay related fees.

An out-of-state business or out-of-state employee who remains in this state after the disaster-response period is not entitled to the exclusions provided in the bill and will be subject to the state's normal standards for establishing presence or residency or doing business in this state.

The bill also provides that 75-percent of the funds received with respect to economic and other claims pursuant to the September 2015 settlement agreement arising from the Deepwater Horizon oil spill are to fund the principal of the Recovery Fund administered by Triumph Gulf Coast, Inc..

The bill takes effect upon becoming law.

## II. Present Situation:

### **Emergency Management**

According to the Florida Division of Emergency Management (FDEM), Florida may be considered the most vulnerable state in the nation to the impacts from hurricanes, tropical storms, and tropical depressions. In addition, the state of Florida is vulnerable to numerous other types of severe weather such as tornadoes, drought, various types of flooding, and extreme temperatures, including freezes. The vulnerable geography and environment of the state combined with the subtropical climate create continuous threats from these severe weather events.<sup>1</sup>

#### *Florida Division of Emergency Management*

The FDEM administers programs to rapidly apply all available aid to impacted communities stricken by emergency.<sup>2</sup> The FDEM is responsible for maintaining a comprehensive statewide program of emergency management to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts. In doing so, the FDEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.<sup>3</sup>

#### *Emergency Management Powers of the Governor*

The Governor is responsible for meeting the dangers presented to this state and its people by emergencies.<sup>4</sup> In the event of an emergency beyond local control, the Governor, or his or her

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<sup>1</sup> Florida Division of Emergency Management, *The State of Florida Tropical and Non-Tropical Severe Weather Annex to the 2014 Florida Comprehensive Emergency Management Plan*, available at <http://www.floridadisaster.org/documents/CEMP/2014/2014%20Hazard%20Annexes/2014%20Tropical%20and%20Non-Tropical%20Severe%20Weather%20Annex%20to%20the%20CEMP.pdf> (last visited, Feb. 3, 2016).

<sup>2</sup> Section 14.2016, F.S.

<sup>3</sup> Section 252.35(1), F.S.

<sup>4</sup> Section 252.36(1)(a), F.S.

designee, may assume direct operational control over all or any part of the emergency management functions within this state.<sup>5</sup> As part of the Governor's power, he or she may by executive order or proclamation declare a state of emergency. A state of emergency has the force and effect of law and assists in the management of an emergency by activating the emergency mitigation, response, and recovery aspects of the state, local, and interjurisdictional emergency management plans applicable to the political subdivision or area in question.<sup>6</sup> A state of emergency may be declared if the Governor finds that an emergency has occurred or is imminent.

A state of emergency may continue for no longer than 60 days unless renewed by the Governor.<sup>7</sup> The Legislature by concurrent resolution may terminate a state of emergency at any time.<sup>8</sup>

### **Private Sector Response to Infrastructure Damage**

The American Legislative Exchange Council (ALEC) and the National Conference of State Legislatures (NCSL) have approved model legislation for states to consider to address states' tax and regulatory policies that have historically slowed efforts to respond to natural disasters. The model legislation proposes that activities for repairing damage to critical communications networks and utility-related infrastructure in a state for a reasonable period of time during and after an officially-declared disaster or emergency do not establish a nexus for state and local business activity tax purposes and business licensing. The NCSL Executive Committee Task Force on State and Local Taxation initially adopted this model legislation in 2011 and the ALEC Board of Directors adopted it in 2012.

A December 2011 NCSL resolution emphasizes the importance of repairing and replacing damaged infrastructure, specifically buildings, roads, communications networks, and utility lines, caused by an emergency or disaster.<sup>9</sup> According to the NCSL, such damage results in an interruption of crucial civic and business services to a state's citizens and that the demand for resources to repair and replace the damaged property and infrastructure can exceed local capacity.<sup>10</sup> In order to promptly address an interruption of service companies may need to bring in resources on a temporary basis from out-of-state including materials, equipment, temporary shelters, and personnel to assist in the repair and restoration of the damaged infrastructure and property.<sup>11</sup>

Twenty-two state legislatures have enacted the model legislation and it is currently effective in 21 states.<sup>12</sup>

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<sup>5</sup> Id.

<sup>6</sup> Section 252.36, F.S.

<sup>7</sup> Section 252.36(2), F.S.

<sup>8</sup> Id.

<sup>9</sup> National Conference of State Legislatures, *NCSL Resolution on Response to Declared Disaster to Repair and Replace Damaged Infrastructure* (Dec. 2011), available at <http://www.ncsl.org/ncsl-in-dc/standing-committees/communications-financial-services-and-interstate-commerce/resolution-on-response-to-declared-disasters.aspx> (last visited Jan. 28, 2016).

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> National Conference of State Legislatures, *NCSL Disaster Legislation Status Update* (Jan. 2016), available at <http://www.ncsl.org/research/telecommunications-and-information-technology/ncsl-disaster-legislation-status.aspx> (last visited Jan. 26, 2016).

## **State Revenue Sources Referenced in the Bill**

### ***Reemployment Assistance Taxes***

Florida's Reemployment Assistance Program imposes a tax on wages paid by Florida employers to pay for unemployment benefits received by unemployed individuals. The tax imposed on the first \$7,000 of compensation paid to each employee. The tax rate varies from 0.1 percent to 5.4 percent depending upon the benefit experience of the employer.<sup>13</sup>

### ***Professional and Occupational Licensing Fees***

The Department of Business and Professional Regulation (DBPR) is the agency charged with licensing and regulating various businesses and professionals in this state. Many professions and occupations pay annual or biennial examination and license fees designed to cover the cost of regulation.<sup>14</sup> Section 455.213, F.S., provides the general provisions for issuance of professional licensure by the DBPR.

There are 22 professions regulated by DBPR. Cumulatively, there are more than 450 fees associated with the regulation of these professions. The fees range from \$5 to \$2,500.<sup>15</sup>

### ***Local Business Taxes***

The local business tax represents the fees charged and the method by which a local government grants the privilege of engaging in or managing any business, profession, and occupation within its jurisdiction. Counties and municipalities may levy a business tax, and the tax proceeds are considered general revenue for the local government. This tax does not refer to any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection.<sup>16</sup>

### ***Taxes on the Operation of Commercial Motor Vehicles***

Motor vehicles and mobile homes must register annually in Florida. License fees for private autos and light trucks range from \$14.50 to \$32.50 according to vehicle weight. License fees for truck tractors are based on gross vehicle weight and range from \$60.75 to \$1,322. Mobile home license fees range from \$20 to \$80 according to length and recreational vehicle license fees are \$27 to \$47.25 depending on vehicle type and weight.<sup>17</sup>

### ***Corporate Income Tax***

Certain corporations doing business in Florida must pay tax on 5.5 percent on income earned in Florida. Florida "piggybacks" the federal income tax code in its determination of taxable income. Taxable income earned by corporations operating in more than one state is taxed in Florida on an apportioned basis using a formula based 25 percent on property, 25 percent on payroll and 50

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<sup>13</sup> Florida Revenue Estimating Conference, *2016 Florida Tax Handbook*, 150.

<sup>14</sup> *Id.* at 147.

<sup>15</sup> *Id.* at 148.

<sup>16</sup> Office of Economic and Demographic Research, *2014 Local Government Financial Information Handbook, Local Business Tax* (Dec. 2014), 147.

<sup>17</sup> *Supra* note 15, at 132.

percent on sales. The first \$50,000 of net income is exempt, effective with tax years beginning January 1, 2013.<sup>18</sup>

### ***Tangible Personal Property Tax***

Tangible Personal Property (TPP) means all goods, chattels, and other articles of value (excluding some vehicular items) capable of manual possession and whose chief value is intrinsic to the article itself. Inventory and household goods are excluded.<sup>19</sup>

Anyone who owns TPP on January 1 and who has a proprietorship, partnership, or corporation, or is a self-employed agent or contractor, must file a tangible personal property return to the property appraiser by April 1 of each year.<sup>20</sup> Property owners who lease, lend, or rent property must also file.

### **Deepwater Horizon Oil Spill**

On April 20, 2010, the Transocean offshore drilling rig known as Deepwater Horizon exploded in the Gulf of Mexico with the loss of 11 crewmembers.<sup>21</sup> At the time of the explosion, the rig was under the operation of BP and anchored in the Macondo prospect approximately 45 miles southeast of the Louisiana coast. Over the next three months, an estimated 4.9 million barrels of crude oil was discharged into the Gulf of Mexico.<sup>22</sup> As a result of the spreading oil spill in the Gulf of Mexico, a state of emergency was declared in 26 Florida counties.<sup>23</sup>

### ***Triumph Gulf Coast, Inc.***

In 2013, the Legislature created Triumph Gulf Coast, Inc., a nonprofit corporation administratively housed within the Department of Economic Opportunity, to oversee 75 percent of all funds recovered by the Florida Attorney General for economic damages resulting from the Deepwater Horizon oil spill.<sup>24</sup> Triumph Gulf Coast must establish, hold, invest and administer a Recovery Fund<sup>25</sup> for the economic recovery, diversification, and enhancement of the eight Northwest Florida counties disproportionately affected by the oil spill. Those counties include Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla.

Triumph Gulf Coast shall make awards from available earnings and principal in the trust account to projects or programs that meet the priorities of economic recovery, diversification, and enhancement of the disproportionately affected counties.<sup>26</sup>

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<sup>18</sup> Id. at 58.

<sup>19</sup> Section 192.001(11)(d), F.S.

<sup>20</sup> See s. 193.062, F.S.

<sup>21</sup> Wall Street Journal, *Rig Disaster: Timeline*, available at <http://online.wsj.com/article/SB10001424052748704302304575213883555525958.html> (last visited Feb. 2, 2016).

<sup>22</sup> National Incident Command and the United States Department of the Interior, *Assessment of Flow Rate Estimates for the Deepwater Horizon / Macondo Well Oil Spill*, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3528583/> (last visited Feb. 2, 2016).

<sup>23</sup> Fla. Exec. Order Nos. 10-99, 10-100, and 10-106.

<sup>24</sup> Chapter 2013-39, Laws of Fla.

<sup>25</sup> Section 288.8012(4), F.S., defines “Recovery Fund” as a trust account established by Triumph Gulf Coast, Inc., for the benefit of disproportionately affected counties.

<sup>26</sup> Section 288.8017, F.S.

### ***Deepwater Horizon Oil Spill Settlement***

In April 2013, the Florida Attorney General filed a lawsuit against BP and Halliburton seeking reimbursement for the economic damages suffered by the State of Florida due to the oil spill. The lawsuit was later consolidated with the Multidistrict Litigation case in New Orleans.<sup>27</sup>

On July 2, 2015, BP entered into an agreement-in-principle to settle governments' civil claims under the Clean Water Act, natural resources damage claims under the Oil Pollution Act, and economic damages claims of the five Gulf states<sup>28</sup> and local governments. On October 5, 2015, the settlement was finalized and a Proposed Consent Decree was lodged with the U.S. District Court in New Orleans. Under the Proposed Consent Decree, BP must pay:

- \$5.5 billion, plus interest, as a civil penalty under the Clean Water Act;
- \$8.1 billion in natural resource damages, including \$1 billion BP previously committed for early restoration projects;
- \$600 million to further reimburse the governments for assessment and removal costs, lost royalties, and to resolve a False Claims Act investigation; and
- Up to \$700 million to address natural resource conditions that are presently unknown.<sup>29</sup>

Separate from, but in connection to the Proposed Consent Decree, BP has agreed to pay \$4.9 billion, in total, to the five Gulf states, and up to \$1 billion to local governments to resolve economic damages claims.<sup>30</sup> The \$4.9 billion payout is divided up among the Gulf states as follows:

- Florida: \$2 billion
- Louisiana: \$1 billion
- Alabama: \$1 billion
- Mississippi: \$750 million
- Texas: \$150 million<sup>31</sup>

Seventy-five percent of such funds recovered for economic damages to this state are to be overseen and managed by the Triumph Gulf Coast, Inc., pursuant to s. 288.8013(2), F.S.

Florida stands to receive at least a total of \$3.252 billion as a result of the BP settlement.<sup>32</sup> The final resolution is contingent upon approval of the Proposed Consent Decree by the U.S. District

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<sup>27</sup> Florida Office of the Attorney General, *The Office of the Attorney General's Role Regarding the Deepwater Horizon Oil Spill*, available at <http://www.myfloridalegal.com/deepwaterhorizon> (last visited Feb. 3, 2016).

<sup>28</sup> The five Gulf states affected by the Deepwater Horizon oil spill are Florida, Alabama, Mississippi, Louisiana, and Texas.

<sup>29</sup> U.S. Department of Justice, *Summary of the federal-state Consent Decree with BP Exploration & Production Inc.*, available at <http://www.justice.gov/enrd/file/780461/download>, (last visited Feb. 3, 2016).

<sup>30</sup> Id.

<sup>31</sup> Florida Office of the Attorney General, *Deepwater Horizon Oil Spill Settlement Fact Sheet – October 5, 2015*, available at [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-A3HJJD/\\$file/FactSheet.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-A3HJJD/$file/FactSheet.pdf) (last visited Feb. 3, 2016).

<sup>32</sup> \$2 billion for economic damages; at least \$680 million for natural resource damages; and at least \$572 million from the Clean Water Act penalties.

Court.<sup>33</sup> According to the Office of the Florida Attorney General's website, the Court may hold a hearing to consider approval of the Proposed Consent Decree in March 2016.<sup>34</sup>

### III. Effect of Proposed Changes:

#### *Out-of-State Businesses and Employees Performing Emergency-related Work*

Section 1 of the bill amends s. 213.055, F.S., to provide that out-of-state businesses and employees who enter this state to perform emergency-related work during a disaster-response period are excluded from certain registration and licensing requirements and taxes.

The bill defines the following terms:

*Disaster-response period* means:

- A period that begins 10 calendar days before the first day of a declared state of emergency and ends on the 60th calendar day after the end of the declared state of emergency; or
- A period that begins on the date that an out-of-state business enters this state in good faith under a mutual aid agreement and in anticipation of a disaster, regardless of whether a state of emergency is declared, and ends on the date that the work is concluded, or 7 calendar days after the out-of-state business enters this state, whichever occurs first.

*Emergency-related work* means repairing, renovating, installing, building, rendering services, or other business activities that relate to infrastructure that has been damaged, impaired, or destroyed by an event that has resulted in a declaration of a state of emergency; or rendering such services or performing such activities in anticipation of a disaster, regardless of whether a state of emergency is declared.

*Infrastructure* means public roads; public bridges; property and equipment owned or used by communication networks, electric generating systems, transmission and distribution systems, gas distribution systems, or water pipelines; and related support facilities that serve multiple persons which include, but are not limited to, buildings, offices, power and communication lines and poles, pipes, structures, and equipment.

*Mutual aid agreement* means an agreement to which one or more business entities are parties and under which a public utility, municipally owned utility, electric cooperative, or joint agency owning, operating, or owning and operating infrastructure used for electric generation, transmission, or distribution in this state may request that an out-of-state business perform work in this state in anticipation of a disaster or an emergency.

*Out-of-state business* means a business entity that:

- Does not have a presence in this state, except with respect to the performance of emergency-related work, and conducts no business in this state, and whose services are requested by a registered business or by a unit of state or local government for purposes of performing emergency-related work in this state; and

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<sup>33</sup> Supra note 34.

<sup>34</sup> Office of the Florida Attorney General, *Deepwater Horizon Response Timeline*, available at [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-A3HJKP/\\$file/DWHResponseTimeline.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-A3HJKP/$file/DWHResponseTimeline.pdf) (last visited Feb. 3, 2016).



- Is not registered and does not have tax filings or presence sufficient to require the collection or payment of a tax in this state during the tax year immediately before the disaster-response period. The term also includes a business entity that is affiliated with a registered business solely through common ownership.

*Out-of-state employee* means an employee who does not work in this state, except for emergency-related work during a disaster-response period.

*Registered business* means a business entity that is registered to do business in this state before the disaster-response period begins.

The bill provides that an out-of-state business performing emergency-related work or conducting operations pursuant to a mutual aid agreement during a disaster-response period is not considered to have established a level of presence that would require that business to register, file, and remit state or local taxes or fees. Such an out-of-state business would not be subject to any of the following:

- Reemployment assistance taxes;
- State or local professional or occupational licensing requirements or related fees;
- Local business taxes;
- Taxes on the operation of commercial motor vehicles;
- Corporate Income Tax; and
- Tangible personal property tax on specified equipment brought into the state by the out-of-state business.

Additionally, an out-of-state employee whose only employment in this state is for the performance of emergency-related work or pursuant to a mutual aid agreement during a disaster-response period is not required to:

- Register, file, or remit state or local taxes; or
- Comply with state or local occupational licensing requirements or related fees.

An out-of-state business or out-of-state employee who remains in this state after the disaster-response period is not entitled to the exclusions provided in the bill and will be subject to the state's normal standards for establishing presence or residency or doing business in this state.

### ***Deepwater Horizon Oil Spill Economic Claims Settlement***

Section 2 of the bill amends s. 288.8013, F.S., to reference a September 2015 settlement agreement between the Gulf states and BP entities relating to the Deepwater Horizon oil spill. The bill provides that the principal of the Recovery Fund administered by Triumph Gulf Coast, Inc., shall derive from 75-percent of the funds received pursuant to the September 2015 settlement agreement with respect to economic and other claims. Additionally, the bill requires moneys that account for the principal of the Recovery Fund to be transferred to the Recovery Fund no later than 30 days after they are received.

The bill takes effect upon becoming law.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. Other Constitutional Issues:

Art. III, s. 6, of the Florida Constitution requires, in part that “Every law shall embrace but one subject and matter properly connected therewith.” This constitutional provision is commonly known as the single-subject requirement.

The bill revises the law on approved activities of out-of-state businesses and employees conducting emergency-related work in this state. It also revises the law governing economic damages recovered by the state resulting from the Deepwater Horizon oil spill. The bill may appear to address multiple subjects.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Out-of-state businesses and employees who enter this state in order to perform emergency-related work may experience tax relief.

## C. Government Sector Impact:

The Revenue Estimating Conference has not yet adopted a fiscal impact for SB 1262 or similar language.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill references a 2015 September settlement agreement between the Gulf states and BP. However, the settlement agreement between the Gulf states and BP was finalized in October

2015. This agreement is contingent upon the U.S. District Court's approval of the Proposed Consent Decree lodged on October 5, 2015.

**VIII. Statutes Affected:**

This bill amends sections 213.055 and 288.8013 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Military and Veterans Affairs, Space, and Domestic Security on February 1, 2016:**

As it relates to out-of-state business conducting emergency-related work in this state, the CS does the following:

- Relocates the bill provisions from the State Emergency Management Act (ch. 252) to the tax chapter (ch. 213) of the Florida Statutes.
- Removes the Gross Receipts Tax from the list of taxes that do not apply to an out-of-state business.
- Changes references to “disaster-related work or emergency-related work” to strictly “emergency-related work” and refines the definition of the term.
- Removes the provision allowing the Florida Division of Emergency Management to request notification from out-of-state businesses as they enter the state to perform emergency-related work.

The CS also addresses a settlement agreement between the Gulf states and BP with respect to economic and other claims arising from the Deepwater Horizon oil spill.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

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Comm: RCS	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (3) is added to section 213.055,  
Florida Statutes, to read:

213.055 Declared emergency; waiver or suspension of  
specified revenue laws.—The following actions to waive or  
suspend a revenue law may be implemented only when the Governor  
has declared a state of emergency pursuant to s. 252.36.



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11 (3) (a) As used in this subsection, the term:

12 1. "Disaster-response period" means:

13 a. A period that begins 10 calendar days before the first  
14 day of a declared state of emergency and ends on the 60th  
15 calendar day after the end of the declared state of emergency;  
16 or

17 b. A period that begins on the date that an out-of-state  
18 business enters this state in good faith under a mutual aid  
19 agreement and in anticipation of a disaster, regardless of  
20 whether a state of emergency is declared, and ends on the date  
21 that the work is concluded, or 7 calendar days after the out-of-  
22 state business enters this state, whichever occurs first.

23 2. "Emergency-related work" means repairing, renovating,  
24 installing, building, rendering services, or other business  
25 activities that relate to infrastructure that has been damaged,  
26 impaired, or destroyed by an event that has resulted in a  
27 declaration of a state of emergency; or rendering such services  
28 or performing such activities in anticipation of a disaster,  
29 regardless of whether a state of emergency is declared.

30 3. "Infrastructure" means public roads; public bridges;  
31 property and equipment owned or used by communication networks,  
32 electric generating systems, transmission and distribution  
33 systems, gas distribution systems, or water pipelines; and  
34 related support facilities that serve multiple persons which  
35 include, but are not limited to, buildings, offices, power and  
36 communication lines and poles, pipes, structures, and equipment.

37 4. "Mutual aid agreement" means an agreement to which one  
38 or more business entities are parties and under which a public  
39 utility, municipally owned utility, electric cooperative, or



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40 joint agency owning, operating, or owning and operating  
41 infrastructure used for electric generation, transmission, or  
42 distribution in this state may request that an out-of-state  
43 business perform work in this state in anticipation of a  
44 disaster or an emergency.

45 5. "Out-of-state business" means a business entity that:

46 a. Does not have a presence in this state, except with  
47 respect to the performance of emergency-related work, and  
48 conducts no business in this state, and whose services are  
49 requested by a registered business or by a unit of state or  
50 local government for purposes of performing emergency-related  
51 work in this state; and

52 b. Is not registered and does not have tax filings or  
53 presence sufficient to require the collection or payment of a  
54 tax in this state during the tax year immediately before the  
55 disaster-response period. The term also includes a business  
56 entity that is affiliated with a registered business solely  
57 through common ownership.

58 6. "Out-of-state employee" means an employee who does not  
59 work in this state, except for emergency-related work during a  
60 disaster-response period.

61 7. "Registered business" means a business entity that is  
62 registered to do business in this state before the disaster-  
63 response period begins.

64 (b)1. Notwithstanding any other law, an out-of-state  
65 business that is conducting operations within this state during  
66 a disaster-response period solely for purposes of performing  
67 emergency-related work or pursuant to a mutual aid agreement is  
68 not considered to have established a level of presence that



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69 would require that business to register, file, and remit state  
70 or local taxes or fees or require that business to be subject to  
71 any registration, licensing, or filing requirements in this  
72 state. For purposes of any state or local tax on or measured, in  
73 whole or in part, by net or gross income or receipts, the  
74 activity of the out-of-state business conducted in this state  
75 during the disaster-response period must be disregarded with  
76 respect to any filing requirements for such tax, including the  
77 filing required for a consolidated group of which the out-of-  
78 state business may be a part. This includes the following:

- 79 a. Reemployment assistance taxes.
- 80 b. State or local professional or occupational licensing  
81 requirements or related fees.
- 82 c. Local business taxes.
- 83 d. Taxes on the operation of commercial motor vehicles.
- 84 e. Corporate income tax.
- 85 f. Tangible personal property tax and use tax on equipment  
86 that is brought into the state by the out-of-state business,  
87 used by the out-of-state business only to perform emergency-  
88 related work during the disaster-response period, and removed  
89 from the state by the out-of-state business following the  
90 disaster-response period.

91 2. Notwithstanding any other law, an out-of-state employee  
92 whose only employment in this state is for the performance of  
93 emergency-related work or pursuant to a mutual aid agreement  
94 during a disaster-response period is not required to:

- 95 a. Register, file, or remit state or local taxes.
- 96 b. Comply with state or local occupational licensing  
97 requirements or related fees.



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98           (c) An out-of-state business or out-of-state employee who  
99           remains in this state after the disaster-response period is not  
100           entitled to the exemptions provided in this subsection for  
101           activities performed after the disaster-response period ends and  
102           is subject to the state's normal standards for establishing  
103           presence or residency or doing business in the state.

104           Section 2. This act shall take effect upon becoming a law.

105

106           ===== T I T L E   A M E N D M E N T =====

107           And the title is amended as follows:

108           Delete everything before the enacting clause

109           and insert:

110

                                  A bill to be entitled

111

                  An act relating to emergency management; amending s.

112

                  213.055, F.S.; defining terms; providing exemptions

113

                  from certain registration and licensing requirements

114

                  and taxes for out-of-state businesses and employees

115

                  who enter the state in response to a disaster or an

116

                  emergency; specifying the obligations of an out-of-

117

                  state business or employee after the disaster-response

118

                  period; providing an effective date.





275898

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
	.	
	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Stargel) recommended the following:

1           **Senate Amendment to Amendment (972916) (with title**  
2 **amendment)**

3  
4           Delete line 100  
5 and insert:  
6 entitled to the provisions of this subsection for

7  
8 ===== T I T L E   A M E N D M E N T =====

9 And the title is amended as follows:

10           Delete lines 112 - 116



275898

11 and insert:

12       213.055, F.S.; defining terms; providing that out-of-  
13       state businesses and employees who enter the state in  
14       response to a disaster or an emergency are excluded  
15       from certain registration and licensing requirements  
16       and taxes; specifying the obligations of an out-of-



433448

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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	.	
	.	

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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Stargel) recommended the following:

1       **Senate Amendment to Amendment (972916) (with title**  
2 **amendment)**

3  
4       Between lines 103 and 104  
5 insert:

6       Section 2. Subsection (2) of section 288.8013, Florida  
7 Statutes, is amended to read:

8       288.8013 Triumph Gulf Coast, Inc.; Recovery Fund; creation;  
9 investment.—

10       (2) Triumph Gulf Coast, Inc., must create and administer



433448

11 the Recovery Fund for the benefit of the disproportionately  
12 affected counties. The principal of the fund shall derive from  
13 75 percent of all funds received by the state pursuant to the  
14 September 2015 settlement agreement between the gulf states and  
15 the BP entities with respect to economic and other claims  
16 arising from the Deepwater Horizon oil spill ~~recovered by the~~  
17 Attorney General for economic damage to the state resulting from  
18 the Deepwater Horizon disaster, after payment of reasonable and  
19 necessary attorney fees, costs, and expenses, including such  
20 attorney fees, costs, and expenses pursuant to s. 16.0155.  
21 Moneys that account for the principal of the Recovery Fund shall  
22 be transferred to the Recovery Fund no later than 30 days after  
23 they are received.

24  
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete line 118

28 and insert:

29 period; amending s. 288.8013, F.S.; revising the  
30 source of the principal for the Recovery Fund  
31 administered by Triumph Gulf Coast, Inc.; providing  
32 that moneys accounting for the principal of the  
33 recovery fund must be transferred to the Recovery Fund  
34 within a specified timeframe; providing an effective  
35 date.

By Senator Simpson

18-01030-16

20161262\_\_

A bill to be entitled

An act relating to emergency management; creating s. 252.64, F.S.; providing a short title; defining terms; providing exemptions from certain registration and licensing requirements and taxes for out-of-state businesses and employees who enter the state in response to a disaster or an emergency; specifying the applicability of certain transaction taxes and fees; requiring an out-of-state business or registered business to provide a statement to the Division of Emergency Management in the Executive Office of the Governor under certain circumstances; prescribing the content of the statement; specifying the obligations of an out-of-state business or employee after the disaster-response period; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 252.64, Florida Statutes, is created and incorporated into part I of chapter 252, Florida Statutes, to read:

252.64 Facilitating Business Rapid Response to State Declared Disasters Act.—

(1) SHORT TITLE.—This section may be cited as the “Facilitating Business Rapid Response to State Declared Disasters Act.”

(2) DEFINITIONS.—As used in this section, the term:

(a) “Disaster-related work” or “emergency-related work” means repairing, renovating, installing, building, rendering services, or other business activities that relate to infrastructure that has been damaged, impaired, or destroyed by an event that has resulted in a declaration of a state of

Page 1 of 6

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

18-01030-16

20161262\_\_

emergency.

(b) “Disaster-response period” means:

1. A period that begins 10 calendar days before the first day of a declared state of emergency and ends on the 60th calendar day after the end of the declared state of emergency;

or

2. A period that begins on the date that an out-of-state business enters this state in good faith under a mutual aid agreement and in anticipation of a disaster, regardless of whether a state of emergency is declared, and ends on the date that the work is concluded, or 7 calendar days after the out-of-state business enters this state, whichever occurs first.

(c) “Infrastructure” means public roads; public bridges; property and equipment owned or used by communication networks, electric generating systems, transmission and distribution systems, gas distribution systems, or water pipelines; and related support facilities that serve multiple persons which include, but are not limited to, buildings, offices, power and communication lines and poles, pipes, structures, and equipment.

(d) “Mutual aid agreement” means an agreement to which one or more business entities are parties and under which a public utility, municipally owned utility, or joint agency owning, operating, or owning and operating infrastructure used for electric generation, transmission, or distribution in this state may request that an out-of-state business perform work in this state in anticipation of a disaster or an emergency.

(e) “Out-of-state business” means a business entity that:

1. Does not have a presence in this state, except with respect to the performance of disaster-related work or

Page 2 of 6

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

18-01030-16 20161262\_\_  
 62 emergency-related work, that conducts no business in this state,  
 63 and whose services are requested by a registered business or by  
 64 a unit of state or local government for purposes of performing  
 65 disaster-related work or emergency-related work in this state;  
 66 and

67 2. Is not registered and does not have tax filings or  
 68 presence sufficient to require the collection or payment of a  
 69 tax in this state before the disaster-response period.

70 The term also includes a business entity that is affiliated with  
 71 a registered business solely through common ownership.

72 (f) "Out-of-state employee" means an employee who does not  
 73 work in this state, except for disaster-related work or  
 74 emergency-related work during a disaster-response period.

75 (g) "Registered business" means a business entity that is  
 76 registered to do business in this state before the disaster-  
 77 response period begins.

78 (3) EXEMPTIONS FOR OUT-OF-STATE BUSINESSES AND EMPLOYEES.-

79 (a) Notwithstanding any other law and except as provided in  
 80 subsection (4), an out-of-state business that is conducting  
 81 operations within this state solely for purposes of performing  
 82 disaster-related work or emergency-related work during a  
 83 disaster-response period or pursuant to a mutual aid agreement  
 84 is not considered to have established a level of presence that  
 85 would require that business to register, file, and remit state  
 86 or local taxes or fees or require that business to be subject to  
 87 any registration, licensing, or filing requirements in this  
 88 state. For purposes of any state or local tax on or measured, in  
 89 whole or in part, by net or gross income or receipts, the  
 90

18-01030-16 20161262\_\_  
 91 activity of the out-of-state business conducted in this state  
 92 during the disaster-response period must be disregarded with  
 93 respect to any filing requirements for such tax, including the  
 94 filing required for a consolidated group of which the out-of-  
 95 state business is a subsidiary. This exemption includes the  
 96 following:

97 1. Reemployment assistance taxes.

98 2. State or local professional or occupational licensing  
 99 requirements or related fees.

100 3. Gross receipts taxes.

101 4. Local business taxes.

102 5. Taxes on the operation of commercial motor vehicles.

103 6. Corporate income tax.

104 7. Tangible personal property tax on equipment that is  
 105 brought into the state by the out-of-state business, used by the  
 106 out-of-state business only to perform disaster-related work or  
 107 emergency-related work during the disaster-response period, and  
 108 removed from the state by the out-of-state business following  
 109 the disaster-response period.

110 (b) Notwithstanding any other law and except as provided in  
 111 subsection (4), an out-of-state employee whose only employment  
 112 in this state is for the performance of disaster-related or  
 113 emergency-related work during a disaster-response period is not  
 114 required to:

115 1. Register, file, or remit state or local taxes.

116 2. Comply with state or local occupational licensing  
 117 requirements or related fees.

118 (4) TRANSACTION TAXES AND FEES.-An out-of-state employee or  
 119 out-of-state business whose transaction of business in this

18-01030-16 20161262\_\_  
 120 state is limited to the performance of disaster-related work or  
 121 emergency-related work during a disaster-response period is  
 122 subject to motor and other fuel taxes imposed pursuant to  
 123 chapter 206 and sales and use taxes imposed pursuant to chapter  
 124 212, unless the employee or business is otherwise exempt from  
 125 such tax.

126 (5) NOTIFICATION PROCEDURES.-

127 (a) If requested by the division, an out-of-state business  
 128 shall provide to the division a statement specifying that the  
 129 out-of-state business has entered the state for purposes of  
 130 performing disaster-related work or emergency-related work. The  
 131 statement must also include the following information regarding  
 132 the out-of-state business:

133 1. The business name.

134 2. The state of domicile.

135 3. The address of its principal office.

136 4. The federal tax identification number.

137 5. The date that the business entered the state.

138 6. Contact information.

139 (b) If requested by the division, a registered business  
 140 shall provide a statement to the division that includes the  
 141 information listed in paragraph (a) for any affiliate of the  
 142 registered business which has entered the state as an out-of-  
 143 state business. The statement must also include the contact  
 144 information for the registered business.

145 (6) OBLIGATIONS AFTER DISASTER-RESPONSE PERIOD.-An out-of-  
 146 state business or out-of-state employee who remains in this  
 147 state after the disaster-response period is not entitled to any  
 148 exemptions provided in this section and is subject to the

18-01030-16 20161262\_\_  
 149 state's normal standards for establishing presence or residency  
 150 or doing business in the state.

151 Section 2. This act shall take effect upon becoming a law.

## GRAHAM.LOIS

---

**From:** RYON.ELIZABETH  
**Sent:** Sunday, January 31, 2016 3:51 PM  
**To:** GRAHAM.LOIS  
**Subject:** FW: 1262

**From:** SIMPSON.WILTON  
**Sent:** Saturday, January 30, 2016 9:21 AM  
**To:** ALTMAN.THAD <ALTMAN.THAD@flsenate.gov>  
**Cc:** RYON.ELIZABETH <RYON.ELIZABETH@flsenate.gov>  
**Subject:** 1262

Please allow my assistant, Rachel Perrin Rogers, to present this bill as I will be chairing my committee on Monday during the same time slot. Thanks.

WS





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Community Affairs, *Chair*  
Environmental Preservation and Conservation,  
*Vice Chair*  
Appropriations Subcommittee on General Government  
Finance and Tax  
Judiciary  
Transportation

### JOINT COMMITTEE:

Joint Legislative Auditing Committee

**SENATOR WILTON SIMPSON**  
18th District

January 12, 2016

The Honorable Thad Altman  
Senate Committee on Military Affairs, Chair  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Altman:

I respectfully request that Senate Bill 1262, relating to *Emergency Management*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson, State Senator, 18<sup>th</sup> District

CC: Elizabeth Ryon, Staff Director

### REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/1/16

Meeting Date

1262

Bill Number (if applicable)

Topic Emergency Management

Amendment Barcode (if applicable)

Name Jim Smith

Job Title Director

Address 315. S. Calhoun St. Suite 500

Phone 850 599 7091

Street

Tallahassee

City

FL

State

32301

Zip

Email j.smith@centurylink.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Centurylink

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-1-16

Meeting Date

1262

Bill Number (if applicable)

Topic Emergency Management

Amendment Barcode (if applicable)

Name Casey Reed

Job Title State Director - Legislative Affairs

Address 150 E. College Ave

Phone (850) 591-6002

Street

Tallahassee FL 32307

Email CR8243@ATT.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing AT & T

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL 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: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

---

BILL: CS/SB 1544

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Clemens and others

SUBJECT: Weather Impacts

DATE: February 3, 2016

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1544 creates an interagency workgroup to address the impacts of natural hazards in this state. Natural hazards are defined to include, but are not limited to, extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The natural hazards interagency workgroup is comprised of a liaison from each agency within the executive branch of state government, each water management district, and the Florida Public Service Commission. The director of the Florida Division of Emergency Management (FDEM), or his or her designee, will serve as both the agency liaison and the coordinator of the workgroup.

The FDEM is responsible for preparing an annual progress report on the implementation of the state's hazard mitigation plan as it relates to natural hazards. The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2018 and each year thereafter. Each liaison is responsible for posting the workgroup's annual report to their respective agency's website.

The bill takes effect July 1, 2016.

## II. Present Situation:

### Natural Disasters in Florida

Since 1980, the United States has been affected by 151 weather/climate disasters that resulted in over \$1 billion in damages for each event, costing U.S. taxpayers in excess of \$1 trillion in total damages.<sup>1</sup> Seventeen of those billion dollar disasters were hurricanes or severe flooding events that impacted Florida, causing \$321.5 billion in damages in affected states and resulted in 2,740 deaths.<sup>2</sup> Florida has received 24 major disaster declarations since 2000 and of those 9 were hurricanes, 9 were for severe weather and flooding, 5 were tropical storms, and 1 was for a severe freeze.<sup>3</sup>

### Florida Division of Emergency Management

Florida's Division of Emergency Management (FDEM) administers programs to rapidly apply all available aid to impacted communities stricken by emergency.<sup>4</sup> The FDEM is responsible for maintaining a comprehensive statewide program of emergency management to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts. In doing so, the FDEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.<sup>5</sup>

### *Bureau of Mitigation*

Mitigation is the effort to create safer communities by reducing loss of life and property, enabling individuals to recover more rapidly from floods and other disasters, and lessening the financial impact to the local, state, and federal government.<sup>6</sup>

The FDEM Bureau of Mitigation administers several federal mitigation grant programs including the Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, Flood Mitigation Assistance Program, Severe Repetitive Loss Program, and the Repetitive Flood Claims Program. The Bureau also administers the Residential Construction Mitigation Program, which is a state mitigation grant program.<sup>7</sup> Mitigation activities funded by these grants have been successful in avoiding flood losses, reducing the need for public sheltering, and reducing the cost of disaster response and recovery.<sup>8</sup> Examples of mitigation efforts include the elevation or relocation of

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<sup>1</sup> National Oceanic and Atmospheric Administration, *U.S. Billion-Dollar Weather and Climate Disasters 1980-2015*, available at <http://www.ncdc.noaa.gov/billions/events.pdf> (last visited Jan. 28, 2016).

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

<sup>3</sup> Federal Emergency Management Agency, *Disaster Declarations*, available at [https://www.fema.gov/disasters?field\\_state\\_tid\\_selective=47&field\\_disaster\\_type\\_term\\_tid=All&field\\_disaster\\_declaration\\_type\\_value=All&items\\_per\\_page=20](https://www.fema.gov/disasters?field_state_tid_selective=47&field_disaster_type_term_tid=All&field_disaster_declaration_type_value=All&items_per_page=20) (last visited Jan. 28, 2016).

<sup>4</sup> Section 14.2016, F.S.

<sup>5</sup> Section 252.35(1), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Florida Division of Emergency Management, *Mitigation*, available at <http://www.floridadisaster.org/Mitigation/index.htm> (last visited Jan. 28, 2016).

<sup>8</sup> Florida Division of Emergency Management, *State of Florida Enhanced Hazard Mitigation Plan Executive Summary* (2013), available at

chronically flood-damaged homes away from flood hazard areas, retrofitting buildings to make them resistant to earthquakes or strong winds, and adoption and enforcement of adequate building codes and standards set by local, state, and federal governments.<sup>9</sup>

In addition, to comply with federal regulations, the Bureau of Mitigation routinely updates the state hazard mitigation plan and supports mitigation planning efforts in local communities.

### ***State of Florida Enhanced Hazard Mitigation Plan***

The Federal Emergency Management Agency (FEMA) requires all states to have a FEMA-approved hazard mitigation<sup>10</sup> plan as a condition to receive federal disaster assistance.<sup>11</sup> As specified in the Robert T. Stafford Disaster Relief and Emergency Assistance Act<sup>12</sup>, the state's mitigation plan must:

- Identify the natural hazards, risks, and vulnerabilities of areas in the state;
- Support development of local mitigation plans;
- Provide for technical assistance to local and tribal governments for mitigation planning; and
- Identify and prioritize mitigation actions that the state will support, as resources become available.<sup>13</sup>

The State of Florida Enhanced Hazard Mitigation Plan (plan) identifies potential hazards and vulnerabilities, sets goals, and establishes specific mitigation actions to reduce risk to people, buildings, infrastructure, and the environment.<sup>14</sup> The state must review and update the plan every five years from the date of the approval of the previous plan in order to continue program eligibility.<sup>15</sup> Members of the planning team include numerous state agencies, regional planning councils, water management districts, state universities, other government entities, and community stakeholders.<sup>16</sup>

Within the plan is a section dedicated to profiling Florida's natural, technological, and man-made hazards in extensive detail. Of those natural hazards, the plan profiles flooding, to include flash floods, inland floods, and coastal floods; tropical cyclones, to include storm surge; severe storms

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[http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20\(final%20draft\).pdf](http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20(final%20draft).pdf)  
(last visited Jan. 28, 2016).

<sup>9</sup> Federal Emergency Management Agency, *The Disaster Process & Disaster Aid Programs*. Available at:

<http://www.fema.gov/disaster-process-disaster-aid-programs>

<sup>10</sup> A hazard is any event or condition with the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural loss, environmental damage, business interruption, or other structural and financial loss. See Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan*, 2 (2013), available at

[http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20\(final%20draft\).pdf](http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20(final%20draft).pdf)  
(last visited Jan. 27, 2016); Hazard mitigation is defined as any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards. See 44 C.F.R. s. 201.2.

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

<sup>12</sup> 42 U.S.C. 5121 et seq.

<sup>13</sup> 42 U.S.C. s.5165(c).

<sup>14</sup> Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan* (2013), available at

[http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20\(final%20draft\).pdf](http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20(final%20draft).pdf)  
(last visited Jan. 27, 2016).

<sup>15</sup> 44 C.F.R. s. 201.3(3).

<sup>16</sup> Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan, Appendix B: Planning Process Documentation* (Aug. 2013).

and tornadoes; wildfires; drought; extreme heat; winter storms and freezes; erosion; sinkholes, earthquakes, and landslides; tsunamis; and solar storms.

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

The bill creates s. 252.3655, F.S., to establish a natural hazards interagency workgroup. This workgroup is tasked with sharing information on the current and potential impacts of natural hazards throughout the state, coordinating the 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 term “natural hazards” includes, but is not limited to, extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The workgroup is comprised of a liaison from each agency within the executive branch of state government, each water management district, and the Florida Public Service Commission. The director of the Florida Division of Emergency Management (FDEM), or his or her designee, will serve as both the agency liaison and the coordinator of the workgroup.

The FDEM is responsible for preparing an annual progress report on behalf of the workgroup on the implementation of the state’s hazard mitigation plan, as it relates to natural hazards. The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2018 and each year thereafter. Each liaison is responsible for posting the workgroup’s annual report to their respective agency’s website. The report shall, at a minimum:

- 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.

The bill takes effect on July 1, 2016.

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

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

None.

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

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill directs the FDEM, as the coordinator of the workgroup, to produce an annual report on behalf of the workgroup. The FDEM will likely incur additional administrative costs in fulfilling this requirement.

The bill may increase the workload for existing agency personnel who are designated as an agency's liaison to the natural hazards interagency workgroup.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 252.3655 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Military and Veterans Affairs, Space, and Domestic Security on February 1, 2016:**

The CS makes the following changes:

- Renames the “weather interagency workgroup” the “natural hazards interagency workgroup” and replaces the term “weather events” with “natural hazards” elsewhere in the bill.
- Clarifies the workgroup membership and defines the role of the participating agency liaisons.
- Requires the workgroup to meet on a quarterly basis.
- Requires the Division of Emergency Management to produce the workgroup's annual report on behalf of the workgroup.
- Removes the requirement for the workgroup to produce a vulnerability assessment as part of its annual report.



- Changes the due date of the first annual report to January 1, 2018.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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469952

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
	.	
	.	
	.	

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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Gibson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 252.3655, Florida Statutes, is created to read:

252.3655 Natural hazards interagency workgroup.-

(1) (a) An interagency workgroup is created for the purpose of sharing information on the current and potential impacts of natural hazards throughout the state, coordinating the ongoing



469952

11 efforts of state agencies in addressing the impacts of natural  
12 hazards, and collaborating on statewide initiatives to address  
13 the impacts of natural hazards. As used in this section, the  
14 term "natural hazards" includes, but is not limited to, extreme  
15 heat, drought, wildfire, sea-level change, high tides, storm  
16 surge, saltwater intrusion, stormwater runoff, flash floods,  
17 inland flooding, and coastal flooding.

18 (b) Each agency within the executive branch of state  
19 government, each water management district, and the Florida  
20 Public Service Commission shall select from within such agency a  
21 person to be designated as the agency liaison to the workgroup.

22 (c) The director of the Division of Emergency Management or  
23 his or her designee shall serve as the liaison to and  
24 coordinator of the workgroup.

25 (d) Each liaison shall provide information from his or her  
26 respective agency on the current and potential impacts of  
27 natural hazards to his or her agency, agency resources available  
28 to mitigate against natural hazards, and efforts made by the  
29 agency to address the impacts of natural hazards.

30 (e) The workgroup shall meet in person or by teleconference  
31 on a quarterly basis to share information, leverage agency  
32 resources, coordinate ongoing efforts, and provide information  
33 for inclusion in the annual progress report submitted pursuant  
34 to subsection (2).

35 (2) (a) On behalf of the workgroup, the Division of  
36 Emergency Management shall prepare an annual progress report on  
37 the implementation of the state's hazard mitigation plan,  
38 developed and submitted in accordance with 42 U.S.C. s. 5165 and  
39 any implementing regulations, as it relates to natural hazards.



469952

40 At a minimum, the annual progress report must:

41 1. Assess the relevance, level, and significance of current  
42 agency efforts to address the impacts of natural hazards; and

43 2. Strategize and prioritize ongoing efforts to address the  
44 impacts of natural hazards.

45 (b) Each liaison is responsible for ensuring that the  
46 workgroup's annual progress report is posted on his or her  
47 agency's website.

48 (c) By January 1, 2018, and each year thereafter, the  
49 workgroup shall submit the annual progress report to the  
50 Governor, the President of the Senate, and the Speaker of the  
51 House of Representatives.

52 Section 2. This act shall take effect July 1, 2016.

53  
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete everything before the enacting clause  
57 and insert:

58 A bill to be entitled  
59 An act relating to natural hazards; creating s.  
60 252.3655, F.S.; creating an interagency workgroup to  
61 share information, coordinate ongoing efforts, and  
62 collaborate on initiatives relating to natural  
63 hazards; defining the term "natural hazards";  
64 requiring certain agencies to designate liaisons to  
65 the workgroup; designating the director of the  
66 Division of Emergency Management or his or her  
67 designee as the liaison to and coordinator of the  
68 workgroup; specifying duties and responsibilities of



469952

69       each liaison and the workgroup; requiring the division  
70       to prepare an annual report; specifying report  
71       requirements; requiring each agency liaison to ensure  
72       that the report is posted on his or her agency's  
73       website; requiring the workgroup to submit the report  
74       to the Governor and the Legislature; providing an  
75       effective date.

By Senator Clemens

27-01368A-16

20161544\_\_

A bill to be entitled

An act relating to weather impacts; creating s. 252.3655, F.S.; creating an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to weather events; defining the term "weather events"; providing for specified agencies to select liaisons to the workgroup; designating the director of the Division of Emergency Management or the director's designee as the liaison to and coordinator of the workgroup; requiring the workgroup to prepare a specified annual report; requiring the workgroup to submit the report to the Governor and the Legislature; requiring the director of the division or the director's designee to post the report on the division's website; requiring each agency liaison to post the report on the respective agency's website; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 252.3655, Florida Statutes, is created to read:

252.3655 Weather interagency workgroup.-

(1) (a) An interagency workgroup is created for the purpose of sharing information on the current and potential impacts of weather events throughout the state, coordinating the ongoing efforts of state agencies in addressing the impacts of weather events, and collaborating on statewide initiatives to address the impacts of weather events. As used in this section, the term "weather events" includes, but is not limited to, extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27-01368A-16

20161544\_\_

flooding, and coastal flooding.

(b) The head of each executive department, the executive director of each water management district, the Florida Public Service Commission, the Fish and Wildlife Conservation Commission, the Department of Military Affairs, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, and the Board of Governors of the State University System shall select from within such agency a person to be designated as the agency liaison to the workgroup. The director of the Division of Emergency Management or the director's designee shall serve as the liaison to and coordinator of the workgroup. The workgroup may meet in person or by teleconference as often as the workgroup deems necessary to share information, leverage resources, coordinate ongoing efforts, and prepare an annual report pursuant to this section.

(2) (a) The workgroup is responsible for preparing an annual report that shall, at a minimum:

1. Assess the relevance, level, and significance of current agency efforts to address the impacts of weather events.

2. Create a uniform vulnerability assessment based on current scientific literature to identify and evaluate potential weather impacts that the agencies have not addressed.

3. Strategize and prioritize ongoing efforts to address the impacts of weather events.

(b) In preparing the report, the workgroup is encouraged to seek out state and national academic resources.

(3) (a) By January 1, 2017, and each year thereafter, the workgroup shall issue a report on the current initiatives of the

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27-01368A-16

20161544\_\_

62 workgroup in coordinating and developing efforts to address the  
63 current and potential impacts of weather events. The report  
64 shall be submitted to the Governor, the President of the Senate,  
65 and the Speaker of the House of Representatives.

66 (b) The director of the Division of Emergency Management or  
67 the director's designee is responsible for posting the  
68 workgroup's annual report on the division's website.

69 (c) Each agency liaison is responsible for posting the  
70 workgroup's annual report on the respective agency's website.

71 Section 2. This act shall take effect July 1, 2016.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development, *Vice Chair*  
Banking and Insurance  
Criminal Justice  
Education Pre-K-12  
Ethics and Elections  
Fiscal Policy

**SENATOR JEFF CLEMENS**  
27th District

January 21, 2016

Senator Thad Altman, Chair  
Senate Committee on Military and Veterans Affairs,  
Space, and Domestic Security  
215 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Altman:

I respectfully request that SB 1544 – Weather Impacts be added to the agenda for the next Senate Committee on Military and Veterans Affairs, Space, and Domestic Security meeting.

SB 1544 creates an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to weather events.

Please feel free to contact me with any questions. Thank you, in advance, for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Clemens".

Senator Jeff Clemens  
Florida Senate District 27

**REPLY TO:**

- 508 Lake Avenue, Unit C, Lake Worth, Florida 33460 (561) 540-1140 FAX: (561) 540-1143
- 226 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5027

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/1/16  
Meeting Date

1544  
Bill Number (if applicable)

Topic Weather Impacts

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title \_\_\_\_\_

Address 433 N Magnolia Dr

Phone 339 6211

Street

Talk

City

FL

State

32301

Zip

Email rao@theriaguolaw.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Fla. League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/1/16  
Meeting Date

1544  
Bill Number (if applicable)

Topic WEATHER IMPACTS

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title \_\_\_\_\_

Address 1674 UNIVERSITY PKWY  
Street

Phone 941-323-2404

SARASOTA FL 34243  
City State Zip

Email cullen@sesa.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_ Bill Number (if applicable) \_\_\_\_\_

Topic V.A. Amendment Barcode (if applicable) \_\_\_\_\_

Name Antonio Davis

Job Title \_\_\_\_\_

Address 2313NW 6th Court F Phone 762-359-1803  
Street

Ft Lauderdale FL Email Big Tony 9899@yahoo.com  
City State Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.** S-001 (10/14/14)

# CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Committee on Military and Veterans Affairs, Space, and Domestic Security

Judge:

Started: 2/1/2016 1:37:11 PM

Ends: 2/1/2016 2:08:54 PM Length: 00:31:44

1:37:15 PM Chairman Altman calls the meeting to order  
1:37:16 PM CAA Lois Graham calls the roll  
1:37:29 PM CAA Graham announces quorum is present  
1:37:34 PM Chairman Altman with opening comments  
1:37:51 PM Chairman takes up Tab 2 - SB 1544 Weather Impacts by Senator Clemens  
1:38:01 PM Senator Clemens explains the bill-indicates a strike-all amendment  
1:38:45 PM Strike-All Amendment Barcode 469952 by Senator Gibson  
1:38:57 PM Senator Clemens explains the strike-all amendment  
1:39:12 PM Chairman Altman calls for questions and debate  
1:40:21 PM Senator Clemens waives closing on amendment  
1:40:26 PM Strike-all amendment adopted  
1:40:32 PM Chairman indicates back on bill as amended  
1:40:46 PM Chairman Altman calls for questions/debate  
1:40:57 PM Appearance card Ms. Rebecca O'Hara, Florida League of Cities  
1:41:07 PM Ms. O'Hara waives in support  
1:41:11 PM Appearance card - Mr. David Cullen, Sierra Club of Florida  
1:41:28 PM Mr. Cullen waives in support  
1:41:31 PM Chairman Altman with comments - ask Senator Clemens to close on bill  
1:42:02 PM Chairman Altman with comments and ask for roll call on SB 1544  
1:42:09 PM CAA Graham calls the roll on CS/SB 1544  
1:42:19 PM CS/SB 1544 is reported favorably  
1:42:30 PM Chairman Altman with comments  
1:42:48 PM Tab 1 - SB 1262, Emergency Management - by Senator Simpson  
1:43:03 PM Senator Simpson's Aide Rachel Perrin Rogers to present the bill  
1:43:12 PM Ms. Rogers explains the bill  
1:43:32 PM Chairman Altman indicates an amendment Barcode #972916 by Senator Stargel  
1:44:08 PM Ms. Rogers explains amendment 972916  
1:44:37 PM Chairman calls for questions/debate on amendment  
1:44:45 PM Chairman moves to amendment to amendment Barcode# 275898 by Senator Stargel  
1:45:04 PM Ms. Rogers explains amendment  
1:45:09 PM Amendment to amendment is adopted  
1:45:28 PM Chairman takes up late-filed amendment to amendment Barcode# 433448 by Senator Stargel  
1:46:05 PM Ms. Rogers explains amendment  
1:46:22 PM Chairman Altman calls for questions/debate on amendment  
1:46:29 PM Amendment to the amendment is adopted  
1:47:00 PM Back on the bill as amended  
1:47:19 PM Chairman calls for questions/debate  
1:47:48 PM Ms. Rogers waives close on amendment  
1:47:54 PM Amendment to the amendment adopted  
1:48:08 PM Chairman Altman calls for questions

1:48:17 PM Senator Gibson with question  
1:48:54 PM Ms. Rogers responds  
1:49:53 PM Senator Evers with question  
1:50:00 PM Ms. Rogers responds  
1:50:36 PM Senator Evers with follow-up  
1:50:47 PM Ms. Rogers responds  
1:51:00 PM Chairman Altman with comments  
1:51:08 PM Senator Evers with comments  
1:51:17 PM Chairman Altman with comments  
1:51:58 PM Senator Gibson with comments  
1:53:05 PM Chairman Altman with comments/question  
1:53:13 PM Staff, Margaret Sanders with explanation  
1:53:40 PM Senator Gibson with comments  
1:54:14 PM Chairman Altman with comments  
1:54:27 PM Appearance card Mr. Casey Reed, AT&T  
1:54:56 PM Mr. Reed speaks to committee  
1:55:34 PM Mr. Reed explains process  
1:55:55 PM Senator Gibson with questions  
1:56:02 PM Mr. Reed responds  
1:56:24 PM Senator Gibson with follow-up  
1:57:32 PM Mr. Reed with response  
1:59:06 PM Chairman Altman with comments  
1:59:19 PM Mr. Reed responds  
1:59:33 PM Chairman Altman with comments  
1:59:55 PM Mr. Reed responds  
2:00:17 PM Chairman Altman with comments  
2:01:19 PM Appearance card Jim Smith, Director, CenturyLink  
2:01:36 PM Mr. Smith waives in support  
2:01:46 PM Chairman Altman with comments  
2:01:53 PM Ms. Rogers closes on bill  
2:02:37 PM CAA Graham calls the roll on CS/SB 1262  
2:02:44 PM CS/SB 1262 is reported favorably  
2:02:57 PM Chairman recognizes appearance of Antonio Davis - Veteran  
2:03:16 PM Mr. Davis speaks to committee  
2:07:03 PM Chairman Altman with comments  
2:07:58 PM Mr. Davis with comments  
2:08:22 PM Chairman Altman with closing comments  
2:08:32 PM Senator Gibson moves to rise - without objection  
2:08:38 PM Meeting adjourned



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Higher Education, *Vice Chair*  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Communications, Energy, and Public Utilities  
Fiscal Policy  
Military and Veterans Affairs, Space, and  
Domestic Security  
Regulated Industries

### SENATOR MARIA LORTS SACHS

*Deputy Democratic Whip*  
34th District

February 1, 2016

Senator Thad Altman, Chairman  
Committee on Military and Veterans Affairs, Space, and Domestic Security  
215 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Altman:

Please excuse Senator Sachs from the committee meeting held on February 1, 2016, as her flight was delayed out of Atlanta and did not arrive to Tallahassee until after the committee business was concluded.

Sincerely,



Maria Sachs  
Senator, District 34

#### REPLY TO:

- Delray Beach City Hall, 100 NW 1st Avenue, Delray Beach, Florida 33444 (561) 279-1427 FAX: (561) 279-1429
- 216 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5034

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

ANDY GARDINER

GARRETT RICHTER