

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

An Overview of the Disaster Assistance Process

Initial Response and Declaration of Emergency - Immediately following a disaster, an initial damage assessment is performed by the local jurisdiction to assess the impacts of the disaster. This assessment provides a rough estimate of the type and the extent of damages, including probable costs. Often this will require the coordination of the various municipal governments who will also perform their own damage assessments. When the information has been collected, it is transmitted to the Division of Emergency Management. Local jurisdictions have the authority to declare, by resolution, a local "state of emergency" pursuant to s. 252.38, F.S. The enactment of such a declaration enables counties to request state assistance, if needed; invoke emergency related mutual-aid assistance; and waive the procedures and formalities otherwise required of the political subdivision by law, to respond to the emergency.

If a county determines the emergency or disaster is beyond its ability to effectively respond, a state of emergency can be declared by the Governor through an executive order or proclamation. The declaration of a state of emergency by the Governor serves to: (1) activate the emergency response, recovery and mitigation phases of the state and local emergency management plans; and (2) provide authority for the mobilization and deployment of all resources to which the plans refer, pursuant to ss. 252.31-252.60, F.S., or any other provision of law relating to emergencies. Once the state has received the preliminary incident damage assessment and data information, the state and the Federal Emergency Management Agency (FEMA) initiate a joint damage assessment with the affected county government.

When state and local resources are inadequate to effectively respond to an emergency or major disaster, Public Law 100-707, allows for federal assistance through a Presidential Disaster Declaration. The Governor requests this assistance if the situation meets the criteria for a declaration. The Governor submits a written request to the President through FEMA. If FEMA develops information to supplement the Governor's request, this is sent to the President who determines the final disposition.

Damage Assessment Process - In the aftermath of a disaster, public, private non-profit and individual damage assessments are performed. Each type of assessment is designed to quantify the eligible amounts of damages a community incurred. "Public" damages can include any damage incurred by a structure or facility that is owned by a public or private non-profit entity. Eligibility for assistance is limited to the following seven categories:

- Category A - Debris Clearance - This category includes all storm-induced debris on non-federal public roads, including the right-of-way, non-federal public waterways, other public property, and private property when undertaken by local government forces.
- Category B - Emergency Protective Measures - This category addresses the need to provide appropriate emergency measures designed to protect life, safety, property, and health.
- Category C - Road System - This category addresses damages to non-federal roads, bridges, streets, culverts, and traffic control devices.
- Category D - Water Control Facilities - Eligible damages under this category include costs to repair or replace dikes, dams, drainage channels, irrigation works, and levees.

- Category E - Building and Equipment - Eligible damages under this category include costs to repair public buildings and equipment, supplies/inventories that were damaged and transportation systems such as public transit systems.
- Category F - Public Utility Systems - Under this category, assistance is available for damaged water systems, landfills, sanitary sewerage systems, storm drainage systems, and light/power facilities.
- Category G - Other - This category includes park and recreational facilities, or any other public facility damages that do not reasonably fit in one of the other six categories.

The federal Public Assistance Program provides supplemental federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, public owned facilities and the facilities of certain private nonprofit organizations. The federal share of the assistance is not less than 75% of the eligible costs for emergency measures and permanent restoration. The State determines how the non-federal share (up to 25%) is split among the applicants for assistance. Eligible private nonprofit facilities must be open to the public and perform essential services of a governmental nature. Eligible facilities generally include:

Medical facilities, such as hospitals, outpatient and rehabilitation facilities.

Custodial care facilities that provide institutional care for persons who require close supervision and some physical constraints in their daily activities.

Emergency facilities, such as fire departments, rescue squads and ambulance services.

Museums, zoos, community centers, libraries, homeless shelters, and facilities which provide health and safety services of a governmental nature.

House Bill 19A, Hurricane Relief Funding, was passed during 2004 Special Session A. The bill required that the state and the affected local government provide amounts of matching funds following acceptance of federal public assistance funds that are conditioned upon a match, authorized the Executive Office of the Governor to waive the requirement under certain circumstances, required that the recipient provide a required match before receiving federal hazard-mitigation funds, provided for retroactive application of the requirements for providing matching funds and provided requirements for local government matching funds. The bill did not specifically define local government or include references to private non profits organizations or private non profit facilities.

Effect of Proposed Changes

The bill clarifies the definition of a local government and a state agency for the purpose of state matching funds required for federal emergency funding. Section 257.37, F.S., is amended to provide when the state accepts financial assistance from the Federal Government, and matching funds are required to receive the federal assistance, the state will provide the entire match for state agencies and one-half of the required match for local governments and private nonprofit organizations.

The bill defines "local government" as a municipality, county or a political subdivision, and defines "state agency" as a state officer, a state department, a departmental unit as described in s. 20.04, F.S., a state university, community college, or a district school board.

C. SECTION DIRECTORY:

Section 1: Amends s. 252.37, F.S., defining local government and a state agency for the purpose of matching funds required for federal emergency funding.

Section 2: Provides the bill takes effect upon becoming law and applies retroactively to July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The bill codifies current practice with state matching assistance for Federal Public Assistance Grants, and should have no fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES