

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Care Committee

BILL: SB 764

SPONSOR: Senator Aronberg

SUBJECT: Post Disaster Planning/Electric Power

DATE: April 22, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>Skelton</u>	<u>DS</u>	Fav/ 1 amendment
2.	<u>Harkey</u>	<u>Wilson</u>	<u>HE</u>	Favorable
3.	_____	_____	<u>CU</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see last section for Summary of Amendments

Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill requires nursing homes and residential care facilities to be given the same post disaster electric power restoration priority as that of hospitals and other health care facilities.

This bill creates section 252.357, Florida Statutes.

II. Present Situation:

Electric power restoration during recovery from an emergency event requires a complex decision-making process. Authority to set restoration priorities and agreement on those priorities becomes very important to the recovery effort.

The Energy Emergency Support Function

In the aftermath of an emergency event, preservation of life and restoration of vital services become paramount. To accomplish these goals, the Division of Emergency Management prepares a State Comprehensive Emergency Management Plan (CEMP) and adopts the plan by rule.¹ The Division also operates a task-organized emergency-operations center that includes 17

¹ S. 252.35, F.S.

designated Emergency Support Function (ESF) disciplines. This center is the State's main focal point for preparedness planning, event response, and recovery coordination. The State Emergency Operations Center (SEOC) serves as a communications link to local emergency operations centers as well as a liaison with Federal agencies and a coordinating agency for marshalling recovery resources.

Within this emergency management framework, the Public Service Commission is designated as the primary agency responsible for performing the energy emergency support function. At the SEOC level, the ESF-12 reviews recovery actions, develops strategies for meeting state and local needs, and must "(w)ork with the State Coordinating Officer and other (s)tate and local emergency organizations to establish priorities to repair or restore energy systems."²

The Health and Medical Services Emergency Support Function

The Department of Health is likewise designated as the primary agency responsible for performing the Health and Medical Services ESF-8 within the SEOC framework. The Department of Elder Affairs, the Department of Children and Families, and the Agency for Health Care Administration are assigned supporting agency roles in this effort.

The State Comprehensive Emergency Management Plan identifies restoration of operational status of essential health and medical components of permanent medical facilities as a responsibility of the health and medical services emergency support function.³ As such, the health and medical services function works closely with the energy function in electric power restoration to critical health facilities.

Throughout an emergency event, State level efforts focus on supporting the recovery requirements identified by local emergency management decision makers.

Nursing Homes Must Develop Comprehensive Emergency Management Plans

The Agency for Health Care Administration is required to adopt rules for nursing homes and related health care facilities establishing minimum criteria for the preparation and annual update of nursing home comprehensive emergency management plans. The plan components must include post disaster activities including emergency power provisions.⁴ The standard set for both hospital and nursing home emergency electrical operations includes self-sufficiency for vital functions for a period of up to 72 hours.

The Florida Building Code Establishes Emergency Generator Requirements

Part IV of chapter 553, F.S., expresses the purpose and intent to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. Enforcement of the code allows for reasonable protection for the public safety, health, and general welfare of all the people of Florida.

² State of Florida Comprehensive Emergency Management Plan 2004, Appendix XII, pgs. 4-5, February 1, 2004

³ Id., Appendix VIII, pg. 6

⁴ S. 400.23(2)(g), F.S.

Section 419.4.2.9 of the Florida Building Code addresses emergency electrical generator and essential electrical system standards for hospitals. In like manner, section 420.4.2.9 addresses emergency electrical generator and essential electrical system standards for nursing homes. Both sections require an on-site Level 1 emergency electrical generator system designed to support the occupied patient/resident area(s) and patient/resident support areas with ice making equipment or freezer storage equipment capable of storing ice for patients/residents; refrigerator unit(s) and food service equipment if required by the emergency food plan; life safety and critical branch lighting and systems as required by the sections; and selected HVAC systems as determined by the facility and other systems required by the code.

Most Florida Counties Experienced Substantial Electrical Power Outages During the 2004 Hurricane Season

The one tropical storm and four major hurricanes that struck Florida during the 2004 hurricane season affected electrical power delivery in virtually every county in the state. Electric power is required for critical life-saving equipment. Additionally, reliable air conditioning systems are the norm for hospitals, health care facilities, and nursing homes. The absence of accustomed air conditioning in the midst of the summer's high heat and humidity became potentially life threatening in some parts of the state. However, provisions of the Florida Building Code that require backup emergency electrical generators provided a degree of safety in response to severe electric power outages.

The extent of damage to the state's power grid in the summer of 2004 presented a critical challenge to emergency managers attempting to restore the system. Decision makers within the emergency support functions required detailed knowledge of the capabilities and resources available for recovery. This knowledge was coupled with an ability to rapidly process a large volume of information as initial post event damage assessments became available. Many decisions were made based on best available information while retaining flexibility as the final assessment emerged. Most decisions for specific electric power restoration priorities were made at the local level.

Many Counties Choose Not to Establish Pre-Set Electric Restoration Priorities

According to an analysis conducted by staff at the Public Service Commission, the responsibilities of the State Energy ESF are conducted for practical reasons at a very high level, while "local emergency agencies working with the electric utility are best suited to determine specific priorities for restoration of power, taking into account safety and reliability."⁵

The Public Service Commission analysis surveyed county emergency operations plans regarding establishment of electric power restoration priorities. According to the analysis, only 15 county plans established hospitals/health care facilities as a specific restoration priority (one county also included nursing homes at the same priority level as hospitals). Fourteen counties set a more general priority of health and safety for electric power restoration. Thirty-two counties did not

⁵ "Prioritization of Electric Power Restoration in Florida", Florida Public Service Commission, Oct. 20, 2004, pg. 6.

set electric power restoration priorities. The remaining six counties' data were insufficient for analysis.⁶

Okaloosa County's plan provided the following comment on setting restoration priorities. "Gulf Power and CHELCO have established a coordinated priority restoration list; however, such priority lists are of little use when the entire distribution system is out of operation. Power is restored to an area by re-establishing the grid, not individual addresses."⁷

III. Effect of Proposed Changes:

Where post disaster recovery plans establish electric power restoration priorities for hospitals and other health care facilities, this bill requires that the same level priority also be afforded to nursing homes and residential care facilities.

The bill does not require counties to set an electric power restoration priority for nursing homes and residential care facilities if the local comprehensive emergency management plan does not address restoration priorities for hospitals and other health care facilities.

This bill provides an effective date of July 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

⁶ Id., pgs. 21-35.

⁷ Id., pg. 31.

B. Private Sector Impact:

The economic impact to the private sector is unknown because of an extremely large variable set. One potential unintended consequence of a pre-determined restoration priority is an ability to force an uneconomic repair to meet the requirement when a slight delay at one location would allow a wider area geographic restoration.

An emerging trend reported in the Department of Health's *2004 Hurricane Season After Action Report* is that many persons requiring health care services are now receiving those services in their homes. Others depend on kidney dialysis centers for life-sustaining treatments. These individuals have similar electrical power requirements for the medical equipment they use, as that often required by nursing home and residential care facility residents. The impact of home health care individuals seeking temporary assistance through emergency public special needs shelters and hospitals, nursing homes, any other related facilities is a current topic of discussion. The economic impact is also unknown but is a subject related to the current discussion.

C. Government Sector Impact:

Given the existence of municipal power generation facilities, the impact would be similar to that of the private sector.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

Barcode 324412 by Domestic Security:

Adds assisted living facilities to the list of facilities to be assigned electrical power restoration priority.

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