

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: Domestic Security Committee

BILL: SB 1888

SPONSOR: Senator Fasano

SUBJECT: Emergency Mgmt. Div. Director/DCA

DATE: March 1, 2006

REVISED: 03/08/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pardue	Skelton	DS	Favorable
2.			CA	
3.			GO	
4.			TA	
5.				
6.				

I. Summary:

This bill provides for a codified direct operational relationship between the Governor and the Division of Emergency Management in carrying out the responsibilities of Chapter 252, F.S. The bill provides the division with autonomy for matters involving personnel, purchasing, and budget.

This bill substantially amends Section 20.18 of the Florida Statutes.

II. Present Situation:

The Governor is vested with supreme executive power as specified in Article IV, Section 1 of the Florida Constitution. Chapter 252 of the Florida Statutes, known as the Florida Emergency Management Act, establishes a Division of Emergency Management. The division is tasked with coordinating emergency management efforts so that the most effective preparation and use may be made of the workforce, resources, and facilities of the nation in dealing with any emergency that may occur.¹ Section 20.18, F.S., created the Department of Community Affairs and established the Division of Emergency Management as one of the department's units.

The current operational and administrative chain of command, in statute, flows from the Governor through the Secretary of the Department of Community Affairs to the Director of the Division of Emergency Management.

Under Chapter 252, F.S., the Governor is responsible for meeting the dangers presented to this state and its people by emergencies. In the event of an emergency beyond the capabilities of

¹ S. 252.32 (2), F.S.

local authorities, the Governor may assume direct operational control over all or any part of the emergency management functions within this state. The Governor is authorized to delegate such powers as she or he may deem prudent.²

Chapter 252, F.S. assigns responsibility to the Division of Emergency Management for maintaining a comprehensive statewide program of emergency management. This program includes:

- preparation of a comprehensive statewide emergency management plan
- adopting standards and requirements for county emergency management plans
- ascertaining the requirements for equipment and supplies for use in an emergency
- coordinating federal, state, and local emergency management activities in advance of an emergency, and
- using and employing the property, services, and resources within the state in accordance with the Florida Emergency Management Act³

In an emergency that is beyond the capability of local authorities, the Governor determines the need to declare a state of emergency. This declaration takes the form of an Executive Order that describes the emergency condition, issues orders, assigns missions, and may delegate certain authority.

For example, Executive Order 05-219 declared a state of emergency for Hurricane Wilma. As part of the Executive Order, the Governor designated the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of the emergency. The Director was authorized to act as the Governor's Authorized Representative and instructed to confer with the Governor to the fullest extent possible.

The Director was authorized to:

- activate the Comprehensive Emergency Management Plan
- invoke and administer the Statewide Mutual Aid Agreement
- invoke and administer the Emergency Management Assistance Compact
- granted authority to seek direct assistance from any and all agencies of the United States Government as may be needed to meet the emergency
- distribute any and all supplies stockpiled to meet the emergency
- direct all state, regional and local government agencies, including law enforcement agencies, to identify needed personnel and place them under the direct command of the State Coordinating Officer to meet the emergency, and
- perform other duties relating to the management of the emergency

In current practice, the Governor and the Director, acting as the State Coordinating Officer, have a direct operational link in managing an emergency.

² S. 252.36 (1)(a), F.S.

³ S. 252.35, F.S.

III. Effect of Proposed Changes:

This bill provides for the Director of the Division of Emergency Management to be appointed by and serve under the oversight of the Governor in carrying out the responsibilities of Chapter 252, F.S. The bill makes the division a separate budget entity with autonomy for matters involving personnel, purchasing, and budget while remaining an established unit of the Department of Community Affairs.

The bill requires the division to enter into a service agreement with the department for professional, technological, and administrative support services. The bill also requires the division to collaborate and coordinate with the department on non-emergency response matters such as recovery programs, grant programs, mitigation programs, and emergency matters relating to comprehensive plans.

The bill provides for an effective date of July, 1, 2006.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Section 252.371, F.S., establishes the Emergency Management, Preparedness, and Assistance Trust Fund administered by the Department of Community Affairs. The Division of Emergency Management currently performs administration of this trust fund within the department. This bill does not appear to conflict with Section 252.371, F.S. since the division will remain statutorily a unit of the department. Further, the bill specifies that the division will collaborate and coordinate with the department on such matters as grant programs. Emergency management grants and aids to local governments and non-state entities as well as other related programs are funded through this trust fund.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill should have little fiscal impact. The department will continue to provide professional, technical, and administrative support services to the division. No additional requirements for support staff or facilities have been identified for what is essentially a codification of existing operational relationships with some additional autonomy enhancements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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