

HB 1047

2009

1                   A bill to be entitled  
2           An act relating to professional certification standards  
3           for emergency management officials; amending s. 20.18,  
4           F.S.; providing requirements for appointment as director  
5           of the Division of Emergency Management of the Department  
6           of Community Affairs; amending s. 252.38, F.S.; providing  
7           that each county emergency management director must meet  
8           minimum certification qualifications; creating s. 252.381,  
9           F.S.; providing requirements for appointment as a county  
10          emergency director or to an equivalent position; providing  
11          exceptions to such qualifications; providing an effective  
12          date.

13  
14   Be It Enacted by the Legislature of the State of Florida:

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16          Section 1. Paragraph (a) of subsection (2) of section  
17          20.18, Florida Statutes, is amended to read:

18          20.18 Department of Community Affairs.--There is created a  
19          Department of Community Affairs.

20          (2) The following units of the Department of Community  
21          Affairs are established:

22          (a) Division of Emergency Management. The division is a  
23          separate budget entity and is not subject to control,  
24          supervision, or direction by the Department of Community Affairs  
25          in any manner including, but not limited to, personnel,  
26          purchasing, transactions involving personal property, and  
27          budgetary matters. The division director shall be appointed by  
28          the Governor, shall serve at the pleasure of the Governor, and

29 shall be the agency head of the division for all purposes. The  
 30 director shall be appointed from among individuals who have a  
 31 demonstrated ability in and knowledge of emergency management  
 32 and homeland security and not less than 5 years of executive  
 33 leadership and management experience in the public or private  
 34 sector. The division shall enter into a service agreement with  
 35 the department for professional, technological, and  
 36 administrative support services. The division shall collaborate  
 37 and coordinate with the department on nonemergency response  
 38 matters, including, but not limited to, disaster recovery  
 39 programs, grant programs, mitigation programs, and emergency  
 40 matters related to comprehensive plans.

41 Section 2. Paragraph (b) of subsection (1) of section  
 42 252.38, Florida Statutes, is amended to read:

43 252.38 Emergency management powers of political  
 44 subdivisions.--Safeguarding the life and property of its  
 45 citizens is an innate responsibility of the governing body of  
 46 each political subdivision of the state.

47 (1) COUNTIES.--

48 (b) Each county emergency management agency created and  
 49 established pursuant to ss. 252.31-252.90 shall have a director.  
 50 The director must meet the minimum certification ~~training and~~  
 51 ~~education~~ qualifications established under s. 252.381 ~~in a job~~  
 52 ~~description approved by the county.~~ The director shall be  
 53 appointed by the board of county commissioners or the chief  
 54 administrative officer of the county, as described in chapter  
 55 125 or the county charter, if applicable, to serve at the  
 56 pleasure of the appointing authority, in conformance with

57 applicable resolutions, ordinances, and laws. A county  
 58 constitutional officer, or an employee of a county  
 59 constitutional officer, may be appointed as director following  
 60 prior notification to the division. Each board of county  
 61 commissioners shall promptly inform the division of the  
 62 appointment of the director ~~and other personnel~~. Each director  
 63 has direct responsibility for the organization, administration,  
 64 and operation of the county emergency management agency. The  
 65 director shall coordinate emergency management activities,  
 66 services, and programs within the county and shall serve as  
 67 liaison to the division and other local emergency management  
 68 agencies and organizations.

69 Section 3. Section 252.381, Florida Statutes, is created  
 70 to read:

71 252.381 County emergency management director or  
 72 equivalent; qualifications; exceptions to qualifications.--

73 (1) Except as provided in subsection (3), each person  
 74 appointed after July 1, 2009, as a county emergency management  
 75 director, or appointed after July 1, 2009, to an equivalent  
 76 position, must:

77 (a) Have completed either a 2-year degree in emergency  
 78 management or a 4-year degree from an accredited university, or  
 79 have at least 4 years of documented work experience as an  
 80 emergency management professional at either the federal, state,  
 81 or local government level, or any combination of such work  
 82 experience;

83 (b) Possess at least 4 years of documented work experience  
 84 in the area of emergency response or emergency management or as

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85 a first responder;

86 (c) Neither have been convicted of a felony nor pled nolo  
87 contendere to any charge of a felony;

88 (d) Have satisfactorily completed 200 hours of course work  
89 in emergency management as established by rule of the division;

90 (e) Have passed a written examination administered by the  
91 division; and

92 (f) By July 1, 2011, and every 3 years thereafter, have  
93 completed 40 hours of emergency management continuing education  
94 and training courses. Compliance with this requirement must be  
95 demonstrated by a county emergency management director on July 1  
96 every 3 years after his or her initial fulfillment of this  
97 requirement.

98 (2) The division shall establish by rule the reporting  
99 requirements and specifics regarding the examination, eligible  
100 courses, continuing education, and training for the requirements  
101 of paragraphs (1) (d), (e), and (f).

102 (3) (a) A county emergency management director, or person  
103 holding an equivalent position, serving in office prior to July  
104 1, 2009, is exempt from the requirements of paragraphs (1) (a)-  
105 (e).

106 (b) An acting or interim county emergency management  
107 director may serve in that capacity for 90 days without being in  
108 compliance with the requirements of this section. After the  
109 conclusion of the 90-day period, the requirements of this  
110 section shall be enforced.

111 Section 4. This act shall take effect July 1, 2009.