

By Senator Garcia

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

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

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17           Section 1. Paragraph (a) of subsection (2) of section  
18           20.18, Florida Statutes, is amended to read:

19           20.18 Department of Community Affairs.—There is created a  
20           Department of Community Affairs.

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

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

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

42 Section 2. Paragraph (b) of subsection (1) of section  
43 252.38, Florida Statutes, is amended to read:

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

48 (1) COUNTIES.—

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

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

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

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

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

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

84 (b) Possess at least 4 years of documented work experience  
85 in the area of emergency response or emergency management or as  
86 a first responder;

87 (c) Neither have been convicted of a felony nor pled nolo

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88 contendere to any charge of a felony;

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

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

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

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

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

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

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