

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1544

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Clemens and others

SUBJECT: Natural Hazards

DATE: February 10, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1544 creates an interagency workgroup to address the impacts of natural hazards in this state. Natural hazards are defined to include, but are not limited to, extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The natural hazards interagency workgroup is comprised of a liaison from each agency within the executive branch of state government, each water management district, and the Florida Public Service Commission. The director of the Florida Division of Emergency Management (FDEM), or his or her designee, will serve as both the agency liaison and the coordinator of the workgroup.

The FDEM is responsible for preparing an annual progress report on the implementation of the state's hazard mitigation plan as it relates to natural hazards. The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2018 and each year thereafter. Each liaison is responsible for ensuring that the workgroup's annual report is posted to their respective agency's website.

The bill has an indeterminate, but expected to be minimal, fiscal impact to state government.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Natural Disasters in Florida

Since 1980, the United States has been affected by 151 weather/climate disasters that resulted in over \$1 billion in damages for each event, costing U.S. taxpayers in excess of \$1 trillion in total damages.¹ Seventeen of those billion dollar disasters were hurricanes or severe flooding events that impacted Florida, causing 2,740 deaths and \$321.5 billion in damages in affected states.² Florida has received 24 major disaster declarations since 2000 and of those 9 were hurricanes, 9 were for severe weather and flooding, 5 were tropical storms, and 1 was for a severe freeze.³

Florida Division of Emergency Management

Florida's Division of Emergency Management (FDEM) administers programs to rapidly apply all available aid to impacted communities stricken by emergency.⁴ The FDEM is responsible for maintaining a comprehensive statewide program of emergency management to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts. In doing so, the FDEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.⁵

Bureau of Mitigation

Mitigation is the effort to create safer communities by reducing loss of life and property, enabling individuals to recover more rapidly from floods and other disasters, and lessening the financial impacts to local, state, and federal governments.⁶

The FDEM Bureau of Mitigation administers several federal mitigation grant programs, including the Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, Flood Mitigation Assistance Program, Severe Repetitive Loss Program, and the Repetitive Flood Claims Program. The Bureau also administers the Residential Construction Mitigation Program, which is a state mitigation grant program.⁷ Mitigation activities funded by these grants have been successful in avoiding flood losses, reducing the need for public sheltering, and reducing the cost of disaster response and recovery.⁸ Examples of mitigation efforts include elevating or relocating

¹ National Oceanic and Atmospheric Administration, *U.S. Billion-Dollar Weather and Climate Disasters 1980-2015*, available at <http://www.ncdc.noaa.gov/billions/events.pdf> (last visited Jan. 28, 2016).

² *Id.*

³ Federal Emergency Management Agency, *Disaster Declarations*, available at https://www.fema.gov/disasters?field_state_tid_selective=47&field_disaster_type_term_tid=All&field_disaster_declaration_type_value=All&items_per_page=20 (last visited Jan. 28, 2016).

⁴ Section 14.2016, F.S.

⁵ Section 252.35(1), F.S.

⁶ *Id.*

⁷ Florida Division of Emergency Management, *Mitigation*, available at <http://www.floridadisaster.org/Mitigation/index.htm> (last visited Jan. 28, 2016).

⁸ Florida Division of Emergency Management, *State of Florida Enhanced Hazard Mitigation Plan Executive Summary* (2013), available at [http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20\(final%20draft\).pdf](http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20(final%20draft).pdf) (last visited Jan. 28, 2016).

chronically flood-damaged homes away from flood hazard areas, retrofitting buildings to make them resistant to earthquakes or strong winds, and adopting and enforcing adequate building codes and standards set by local, state, and federal governments.⁹

In addition, to comply with federal regulations, the Bureau of Mitigation routinely updates the state hazard mitigation plan and supports mitigation planning efforts in local communities.

State of Florida Enhanced Hazard Mitigation Plan

The Federal Emergency Management Agency (FEMA) requires all states to have a FEMA-approved hazard mitigation¹⁰ plan as a condition to receive federal disaster assistance.¹¹ As specified in the Robert T. Stafford Disaster Relief and Emergency Assistance Act¹², the state's mitigation plan must:

- Identify the natural hazards, risks, and vulnerabilities of areas in the state;
- Support the development of local mitigation plans;
- Provide technical assistance to local and tribal governments for mitigation planning; and
- Identify and prioritize mitigation actions that the state will support, as resources become available.¹³

The State of Florida Enhanced Hazard Mitigation Plan (plan) identifies potential hazards and vulnerabilities, sets goals, and establishes specific mitigation actions to reduce risks to people, buildings, infrastructure, and the environment.¹⁴ The state must review and update the plan every five years in order to continue program eligibility.¹⁵ Members of the planning team include numerous state agencies, regional planning councils, water management districts, state universities, other government entities, and community stakeholders.¹⁶

Within the plan is a section dedicated to profiling Florida's natural, technological, and man-made hazards in extensive detail. Of those natural hazards, the plan profiles:

- Flooding, to include flash floods, inland floods, and coastal floods;
- Tropical cyclones, to include storm surge;
- Severe storms and tornadoes;
- Wildfires;

⁹ Federal Emergency Management Agency, *The Disaster Process & Disaster Aid Programs*. Available at:

<http://www.fema.gov/disaster-process-disaster-aid-programs>

¹⁰ A hazard is any event or condition with the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural loss, environmental damage, business interruption, or other structural and financial loss. See Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan*, 2 (2013), available at

[http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20\(final%20draft\).pdf](http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20(final%20draft).pdf)

(last visited Jan. 27, 2016); Hazard mitigation is defined as any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards. See 44 C.F.R. s. 201.2.

¹¹ *Id.*

¹² 42 U.S.C. 5121 et seq.

¹³ 42 U.S.C. s.5165(c).

¹⁴ Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan* (2013), available at

[http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20\(final%20draft\).pdf](http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20(final%20draft).pdf)

(last visited Jan. 27, 2016).

¹⁵ 44 C.F.R. s. 201.3(3).

¹⁶ Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan, Appendix B: Planning Process Documentation* (Aug. 2013).

- Drought;
- Extreme heat;
- Winter storms and freezes;
- Erosion;
- Sinkholes, earthquakes, and landslides;
- Tsunamis; and
- Solar storms.

III. Effect of Proposed Changes:

The bill creates s. 252.3655, F.S., to establish a natural hazards interagency workgroup. This workgroup is tasked with sharing information on the current and potential impacts of natural hazards throughout the state, coordinating the ongoing efforts of state agencies in addressing the impacts of natural hazards, and collaborating on statewide initiatives to address the impacts of natural hazards.

The term “natural hazards” includes, but is not limited to, extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The workgroup is comprised of a liaison from each agency within the executive branch of state government, each water management district, and the Florida Public Service Commission. The director of the Florida Division of Emergency Management (FDEM), or his or her designee, will serve as both the agency liaison and the coordinator of the workgroup.

The FDEM is responsible for preparing an annual progress report on behalf of the workgroup on the implementation of the state’s hazard mitigation plan, as it relates to natural hazards. The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2018 and each year thereafter. Each liaison is responsible for ensuring that the workgroup’s annual report is posted to their respective agency’s website. The report shall, at a minimum:

- Assess the relevance, level, and significance of current agency efforts to address the impacts of natural hazards; and
- Strategize and prioritize ongoing efforts to address the impacts of natural hazards.

The bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may increase the workload for existing agency personnel who are designated as an agency's liaison to the natural hazards interagency workgroup. The bill directs the FDEM, as the coordinator of the workgroup, to produce an annual report on behalf of the workgroup. The FDEM indicates that they are unable to determine a fiscal impact for the bill based on the information provided at this time.¹⁷

The fiscal impact of the bill is indeterminate, but expected to be minimal, and will be covered within the existing resources of the participating agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 252.3655 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on February 1, 2016:

The CS makes the following changes:

¹⁷ Email from the FDEM (February 4, 2016)(on file with the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development).

- Renames the “weather interagency workgroup” the “natural hazards interagency workgroup” and replaces the term “weather events” with “natural hazards” elsewhere in the bill.
- Clarifies the workgroup membership and defines the role of the participating agency liaisons.
- Requires the workgroup to meet on a quarterly basis.
- Requires the Division of Emergency Management to produce the workgroup’s annual report on behalf of the workgroup.
- Removes the requirement for the workgroup to produce a vulnerability assessment as part of its annual report.
- Changes the due date of the first annual report to January 1, 2018.

B. Amendments:

None.