

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 Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 1544

INTRODUCER: Senator Clemens and others

SUBJECT: Weather Impacts

DATE: January 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	Pre-meeting
2.			ATD	
3.			FP	

I. Summary:

SB 1544 creates a weather interagency workgroup to address the impacts of weather events. Weather events 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 workgroup is comprised of an agency liaison from each executive department and also a liaison from each of the following entities:

- Each water management district;
- Florida Public Service Commission;
- Fish and Wildlife Conservation Commission;
- Department of Military Affairs;
- Office of Insurance Regulation of the Financial Services Commission;
- Office of Financial Regulation of the Financial Services Commission;
- Board of Governors of the State University System; and
- The director of the Florida Division of Emergency Management, or his or her designee, who will also serve as the coordinator of the workgroup.

The workgroup is responsible for preparing a report due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2017 and each year thereafter. Each liaison is responsible for posting the workgroup's annual report to their respective agency's website.

The bill takes effect 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 \$321.5 billion in damages in affected states and resulted in 2,740 deaths.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 impact to the local, state, and federal government.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, 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 the elevation or relocation of chronically

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

flood-damaged homes away from flood hazard areas, retrofitting buildings to make them resistant to earthquakes or strong winds, and adoption and enforcement of 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 local communities with their mitigation planning efforts.

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 development of local mitigation plans;
- Provide for 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 risk to people, buildings, infrastructure, and the environment.¹⁴ The state must review and update the plan every five years from the date of the approval of the previous plan 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

[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).

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).

floods, inland floods, and coastal floods; tropical cyclones, to include storm surge; severe storms and tornadoes; wildfires; 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 weather interagency workgroup. This workgroup is tasked with sharing information on the current and potential impacts of weather events throughout the state, coordinating the ongoing efforts of state agencies in addressing the impacts of weather events, and collaborating on statewide initiatives to address the impacts of weather events.

The term “weather events” 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 an agency liaison from each executive department and also a liaison from each of the following entities:

- Water management districts;
- Florida Public Service Commission;
- Fish and Wildlife Conservation Commission;
- Department of Military Affairs;
- Office of Insurance Regulation of the Financial Services Commission;
- Office of Financial Regulation of the Financial Services Commission;
- Board of Governors of the State University System; and
- The director of the Florida Division of Emergency Management, or his or her designee, who will also serve as the coordinator of the workgroup.

The workgroup is responsible for preparing a report due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2017 and each year thereafter. Each liaison is responsible for posting the workgroup’s annual report 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 weather events;
- Create a uniform vulnerability assessment based on current scientific literature to identify and evaluate potential weather impacts that the agencies have not addressed; and
- Strategize and prioritize ongoing efforts to address the impacts of weather events.

The bill takes effect on 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:

As the coordinator of the workgroup, the Division of Emergency Management may be responsible for producing the annual report required by the bill and therefore incur additional administrative costs.

The bill may increase the workload for existing agency personnel who are designated as an agency's liaison to the weather interagency workgroup.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The requirement that the workgroup create a uniform vulnerability assessment (lines 53-55) may be a duplication of ongoing effort within the Florida Division of Emergency Management (FDEM). In order to receive federal disaster assistance from the Federal Emergency Management Agency (FEMA), the FDEM must develop a FEMA approved state hazard mitigation plan, which requires the state to identify natural hazards, risks, and vulnerabilities of areas in the state.¹⁷

The bill takes effect on July 1, 2016 and provides a January 1, 2017 due date for the annual report required of the workgroup. This may be restrictive in that time is limited for the workgroup to complete the annual report.

VIII. Statutes Affected:

This bill creates section 252.3655 of the Florida Statutes.

¹⁷ 42 U.S.C. s.5165(a).

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
