

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 181 Natural Hazards
SPONSOR(S): Appropriations Committee, Jacobs
TIED BILLS: IDEN./SIM. **BILLS:** SB 464

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Natural Resources & Public Lands Subcommittee	14 Y, 0 N	Moore	Shugar
2) Appropriations Committee	28 Y, 1 N, As CS	Delaney	Leznoff
3) Government Accountability Committee			

SUMMARY ANALYSIS

The Division of Emergency Management (DEM) is responsible for carrying out the State's Emergency Management Act (Act). This includes the responsibility for maintaining a comprehensive statewide emergency management program, including the coordination of efforts with the federal government, with other departments and agencies of state government, with county and municipal governments and school boards, and with private agencies that have a role in emergency management, and the administration of programs to rapidly apply all available aid to communities stricken by an emergency.

Under the Act, each executive agency, each water management district (WMD), and the Public Service Commission (PSC), the Fish and Wildlife Conservation Commission, and the Department of Military Affairs is required to designate a person within their agency to be the emergency coordination officer (ECO). The DEM Bureau of Mitigation, the agency ECOs, and representatives from private and public agencies with resources or expertise relevant to mitigation make up the State Hazard Mitigation Plan Advisory Team and are responsible for the progression and implementation of the state hazard mitigation plan (SHMP). The SHMP addresses the following natural hazards: inland and coastal floods; tropical cyclones, hurricanes and tropical storms; severe storms and tornadoes; wildfires; droughts; extreme heat; winter storms and freezes; erosion; sinkholes, earthquakes, and landslides; tsunamis and rogue waves; and solar storms.

The bill creates a natural hazards interagency workgroup for sharing information on current and potential impacts of natural hazards throughout the state; coordinating ongoing efforts of state agencies in addressing impacts of natural hazards; and collaborating on statewide initiatives to address natural hazards. The bill defines "natural hazards" to include: extreme heat; drought; wildfire; sea-level change; high tides; storm surge; saltwater intrusion; stormwater runoff; flash floods; inland flooding; and coastal flooding.

The bill requires the director of the DEM or designee to serve as the liaison to and coordinator of the workgroup; each executive agency, the WMDs, and the PSC to designate an agency liaison for the workgroup to provide information from their respective agency on the current and potential impacts of natural hazards to the agency, available agency resources to mitigate against natural hazards, and agency efforts to address the impacts of natural hazards. The bill also requires the workgroup to meet in person or by teleconference quarterly to share this information, leverage agency resources, coordinate ongoing efforts, and provide information for the annual progress report.

The bill requires the DEM to prepare an annual progress report on the implementation of the SHMP and any implementing regulations as it relates to natural hazards. The annual report must include an assessment of agency efforts to address the impacts of natural hazards. It must also strategize and prioritize ongoing efforts to address natural hazards. The annual progress report must be posted on each agency website, and the DEM must submit it to the Governor and Legislature by January 1, 2019, and annually thereafter.

The bill provides \$84,738 in recurring trust fund authority and \$4,046 of nonrecurring trust fund authority along with one full-time equivalent position to the Division of Emergency Management to implement the provisions of the act.

The bill has an effective date of July 1, 2017.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0181c.APC

DATE: 3/16/2017

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's Division of Emergency Management

The Division of Emergency Management (DEM) is responsible for carrying out the State's Emergency Management Act (Act).¹ This includes the responsibility for maintaining a comprehensive statewide emergency management program,² including the coordination of efforts with the federal government, with other departments and agencies of state government, with county and municipal governments and school boards, and with private agencies that have a role in emergency management, and the administration of programs to rapidly apply all available aid to communities stricken by an emergency.³

An emergency is any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.⁴ A natural emergency is an emergency caused by a natural event, including a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.⁵

Florida's Emergency Coordination Officers

Under the Act, each executive agency, each water management district (WMD), and the Public Service Commission (PSC), the Fish and Wildlife Conservation Commission, and the Department of Military Affairs is required to select from within their agency a person to be designated as the emergency coordination officer (ECO) and an alternate.⁶ The ECO is responsible for:

- Coordinating with the DEM on emergency preparedness issues, preparing and maintaining emergency preparedness and postdisaster response and recovery plans for their agency, maintaining rosters of personnel to assist in disaster operations, and coordinating appropriate training for agency personnel; and⁷
- Ensuring that each state agency and facility (e.g., a prison, office building, or university) has a disaster preparedness plan that is coordinated with the applicable local emergency-management agency and approved by the DEM.⁸

¹ s. 252.35(2), F.S.; ss. 252.31-252.60, F.S.

² "Emergency management" means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to: reduction of vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action; preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies; response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency; recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies; provision of an emergency management system embodying all aspects of preemergency preparedness and postemergency response, recovery, and mitigation; and assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use; s. 252.34(5), F.S.

³ ss. 14.2016, and 252.35(1), F.S.

⁴ s. 252.34(4), F.S.

⁵ s. 252.34(8), F.S.

⁶ s. 252.365(1), F.S.

⁷ s. 252.365(2), F.S.

⁸ s. 252.365(3), F.S.

Natural Hazard Mitigation Planning

Comprehensive emergency management involves a cycle of phased, coordinated and mutually supporting activities conducted by each level of government before, during, and after an emergency. Mitigation efforts help to ensure that residents, visitors, and businesses are safe and secure from natural, technological, and man-made hazards⁹ by reducing risk and vulnerability beforehand. These efforts include: enhancing and maintaining a state hazard mitigation plan (SHMP), supporting the development and enhancement of local capabilities for hazard mitigation, increasing public and private sector awareness of and support for mitigation, reducing hazard vulnerability through scientific research and development, and reducing the vulnerabilities of infrastructure to natural and man-made hazards.¹⁰

The DEM's Bureau of Mitigation, the ECO's and representatives from other private and public agencies with resources or expertise relevant to mitigation make up the State Hazard Mitigation Plan Advisory Team (SHMPAT) and are responsible for the progression and implementation of Florida's enhanced¹¹ SHMP.¹² The DEM's Bureau of Mitigation also assists all counties with the development and update of their multi-jurisdictional local mitigation strategies through training and technical assistance. The state and local mitigation plans must be updated and approved periodically to ensure continued eligibility for Federal Emergency Management Agency (FEMA) mitigation grants.¹³

Florida's current SHMP was approved in August 2013, and addresses the following natural hazards:

- Floods (inland and coastal);
- Tropical cyclones (hurricanes and tropical storms);
- Severe storms and tornadoes;
- Wildfires;
- Droughts;
- Extreme heat;
- Winter storms and freezes;
- Erosion;
- Sinkholes, earthquakes, and landslides;
- Tsunamis and rogue waves; and
- Solar storms.¹⁴

Appendix K of the SHMP contains a sea level rise compendium.¹⁵

⁹ 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; DEM. *The State of Florida 2014 Comprehensive Emergency Management Plan*,

<http://www.floridadisaster.org/documents/CEMP/2014/2014%20State%20CEMP%20Basic%20Plan.pdf> (last visited Feb. 16, 2017).

¹⁰ DEM. *The State of Florida 2014 Comprehensive Emergency Management Plan*,

<http://www.floridadisaster.org/documents/CEMP/2014/2014%20State%20CEMP%20Basic%20Plan.pdf> (last visited Feb. 16, 2017).

¹¹ FEMA. *Hazard Mitigation Plan Status*, <https://www.fema.gov/hazard-mitigation-plan-status> (last visited Feb. 17, 2107); A state with a FEMA-approved enhanced plan receives grant funds based on 20 percent of the total estimated eligible disaster assistance, versus 15 percent for states with non-enhanced mitigation plans. To receive FEMA approval of an enhanced mitigation plan, a state must demonstrate that it has developed a comprehensive mitigation program and is capable of managing increased funding to achieve its mitigation goals; FEMA. *Hazard Mitigation Planning Frequently Asked Questions*, <https://www.fema.gov/hazard-mitigation-planning-frequently-asked-questions> (last visited Feb. 15, 2017).

¹² DEM. *State of Florida Enhanced Hazard Mitigation Plan* (August 2013),

<http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Section%202%20Planning%20Process%20FINAL.pdf> (last visited Feb. 15, 2017).

¹³ DEM. *The State of Florida 2014 Comprehensive Emergency Management Plan*,

<http://www.floridadisaster.org/documents/CEMP/2014/2014%20State%20CEMP%20Basic%20Plan.pdf> (last visited Feb. 16, 2017).

¹⁴ DEM. *State of Florida Enhanced Mitigation Plan* (August 2013), <http://www.floridadisaster.org/Mitigation/State/Index.htm> (last visited Feb. 15, 2017).

The SHMP is currently being updated for each hazard and is anticipated to be completed by mid-2017, for federal review and approval by August 2018.¹⁶

Effect of Proposed Changes

The bill creates s. 252.3655, F.S., to establish a natural hazards interagency workgroup for the following purposes:

- Sharing information on current and potential impacts of natural hazards throughout the state;
- Coordinating 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 bill defines “natural hazards” to include, but not to the exclusion of:

- Extreme heat;
- Drought;
- Wildfire;
- Sea-level change;
- High tides;
- Storm surge;
- Saltwater intrusion;
- Stormwater runoff;
- Flash floods;
- Inland flooding; and
- Coastal flooding.

The bill requires:

- Each executive branch agency,¹⁷ the WMDs, and the PSC to select a person from within their agency as the designated agency liaison to the workgroup;
- The director of DEM or designee to serve as the liaison to and coordinator of the workgroup;
- Each agency liaison to provide information from their respective agency on the current and potential impacts of natural hazards to the agency, agency resources available to mitigate against natural hazards, and efforts made by the agency to address the impacts of natural hazards; and
- The workgroup to meet in person or by teleconference on a quarterly basis to share information, leverage agency resources, coordinate ongoing efforts, and provide information for inclusion in the annual progress report.

The bill also requires:

- The DEM to prepare an annual progress report on the implementation of the SHMP, developed and submitted in accordance with 42 U.S.C. s. 5165¹⁸ and any implementing regulations, as it relates to natural hazards;
- The annual progress report to, 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;

¹⁵ DEM. *State of Florida Enhanced Mitigation Plan Appendix K: Sea Level Rise Compendium* (August 2013), <http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Appendix%20K%20Sea%20Level%20Rise%20Compendium%20FINAL.pdf> (last visited Feb. 17, 2017).

¹⁶ 44 C.F.R. § 201.4(d); SHMPAT *Meeting Minutes* (December 2016), <http://www.floridadisaster.org/Mitigation/State/documents/12-2016%20SHMPAT%20Meeting%20Minutes.pdf> (last visited Feb. 17, 2017).

¹⁷ ch. 20, F.S.; Office of Program Policy Analysis and Open Government, *State of Florida Organizational Chart* <http://www.oppaga.state.fl.us/government/storgchart.aspx> (last visited Feb. 17, 2017).

¹⁸ Federal mitigation planning requirements.

- Each liaison is responsible for ensuring that the annual progress report is posted on each respective agency website; and
- The annual progress report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2019, and annually thereafter.

B. SECTION DIRECTORY:

Section 1. Creates s. 252.3655, F.S., establishing a natural hazards interagency workgroup.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides an appropriation of \$84,738 in recurring and \$4,046 in nonrecurring trust fund authority, and one full-time equivalent position with 47,000 in salary rate, to the Division of Emergency Management.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The requirement of each executive agency to post the annual report on their respective websites may confuse those trying to find the most current version since a search could include every agency's website instead of a single, common source.¹⁹

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 15, 2017, the Appropriations Committee adopted an amendment that provides an appropriation to the Division of Emergency Management. The Division was provided one FTE with 47,000 of salary rate and \$84,738 in recurring trust fund authority and \$4,046 in nonrecurring trust fund authority to implement the provisions of the bill.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute.

¹⁹ *Id.*