

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/HB 181	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SUBJECT/SHORT TITLE</b>	Natural Hazards	111	Y's 1 N's
<b>SPONSOR(S):</b>	Appropriations Committee; Jacobs	<b>GOVERNOR'S ACTION:</b>	Approved
<b>COMPANION BILLS:</b>	SB 464		

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**SUMMARY ANALYSIS**

CS/HB 181 passed the House on March 30, 2017, and subsequently passed the Senate on May 3, 2017.

The Division of Emergency Management (DEM) is established within the Executive Office of the Governor and is responsible for carrying out the State's Emergency Management Act, which includes maintaining a comprehensive statewide emergency management program. DEM is responsible for administering programs to rapidly apply all available aid to communities stricken by an emergency and is the liaison with federal agencies and other public and private agencies.

Currently, each executive agency, each water management district (WMD), the Public Service Commission (PSC), the Fish and Wildlife Conservation Commission, and the Department of Military Affairs are required to designate a person within its agency as the emergency coordination officer (ECO). DEM's Bureau of Mitigation, 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). 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 to share information on current and potential impacts of natural hazards throughout the state; coordinate ongoing efforts of state agencies in addressing impacts of natural hazards; and collaborate on statewide initiatives to address natural hazards. The bill requires the director of DEM or designee to serve as the liaison to and coordinator of the workgroup and for each executive agency, each WMD, and the PSC to designate an agency liaison to the workgroup. The bill requires the workgroup to meet quarterly to provide information from the agency on the current and potential impacts of natural hazards, leverage agency resources to mitigate against natural hazards, coordinate efforts to address the impacts of natural hazards, and provide information for an annual progress report (report). The bill requires DEM to prepare and submit the report to the Governor and Legislature by January 1, 2019, and annually thereafter, and requires the agency liaisons to ensure the report is posted on their respective agency websites.

For the 2017-2018 fiscal year, the bill appropriates \$84,738 in recurring funds and \$4,046 in nonrecurring funds from the Grants and Donations Trust Fund to DEM. It also authorizes one full-time equivalent position at a specified salary rate.

The bill was approved by the Governor on June 2, 2017, ch. 2017-48, L.O.F., and will become effective on July 1, 2017.

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

**STORAGE NAME:** h0181z1.NRPL

**DATE:** June 13, 2017

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Present Situation

##### *Division of Emergency Management*

The Division of Emergency Management (DEM) is established within the Executive Office of the Governor as a separate budget entity.<sup>1</sup> The director of DEM is appointed by and serves at the pleasure of the Governor.<sup>2</sup> DEM is responsible for administering programs to rapidly apply all available aid to communities stricken by an emergency and is the liaison with federal agencies and other public and private agencies.<sup>3</sup> DEM is responsible for carrying out the State's Emergency Management Act,<sup>4</sup> which includes maintaining a comprehensive statewide emergency management program.<sup>5</sup>

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.<sup>6</sup> A natural emergency is an emergency caused by a natural event, including a hurricane, a storm, a flood, a severe wave action, a drought, or an earthquake.<sup>7</sup>

##### *Emergency Coordination Officers*

Each executive agency, each water management district (WMD), the Public Service Commission (PSC), the Fish and Wildlife Conservation Commission, and the Department of Military Affairs must select from within its agency a person to be designated as the emergency coordination officer (ECO) and an alternate.<sup>8</sup> ECOs are responsible for coordinating with 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.<sup>9</sup> In addition, ECOs are responsible for ensuring that each state agency and facility has a disaster preparedness plan that is coordinated with the applicable local emergency-management agency and approved by DEM.<sup>10</sup>

##### *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 hazards 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

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<sup>1</sup> Section 14.2016, F.S.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*; s. 252.35(1), F.S.

<sup>4</sup> Sections 252.31-252.60, F.S., are known as the "State Emergency Management Act."

<sup>5</sup> Section 252.35, F.S.

<sup>6</sup> Section 252.34(4), F.S.

<sup>7</sup> Section 252.34(8), F.S.

<sup>8</sup> Section 252.365(1), F.S.

<sup>9</sup> Section 252.365(2), F.S.

<sup>10</sup> Section 252.365(3), F.S.

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.<sup>11</sup>

A state with an enhanced plan approved by the Federal Emergency Management Agency (FEMA) receives grant funds based on 20 percent of the total estimated eligible disaster assistance versus 15 percent for states with non-enhanced mitigation plans.<sup>12</sup> 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.<sup>13</sup> The state and local mitigation plans must be updated and approved periodically to ensure continued eligibility for FEMA mitigation grants.<sup>14</sup>

DEM's Bureau of Mitigation, ECOs, and representatives from other private and public agencies with resources or expertise relevant to mitigation make up the SHMP Advisory Team and are responsible for the progression and implementation of Florida's enhanced SHMP.<sup>15</sup> 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.

Florida's current enhanced SHMP was approved in August 2013, and addresses the following natural hazards: inland and coastal floods; tropical cyclones, including 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.<sup>16</sup>

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.<sup>17</sup>

### Effect of Proposed Changes

The bill creates s. 252.3655, F.S. It establishes a natural hazards interagency workgroup for the purpose of 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 provides that the term "natural hazards" includes, but is not limited to, 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, each WMD, and the PSC to select a person from within its agency to be designated as the agency liaison to the workgroup. The DEM director or designee serves as the liaison to and coordinator of the workgroup.

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<sup>11</sup> 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).

<sup>12</sup> FEMA, *Hazard Mitigation Planning Frequently Asked Questions*, <https://www.fema.gov/hazard-mitigation-planning-frequently-asked-questions> (last visited Feb. 15, 2017).

<sup>13</sup> *Id.*

<sup>14</sup> 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).

<sup>15</sup> 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).

<sup>16</sup> DEM, *State of Florida Enhanced Mitigation Plan* (August 2013), <http://www.floridadisaster.org/Mitigation/State/Index.htm> (last visited Feb. 15, 2017).

<sup>17</sup> 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).

Each liaison must provide information from his or her 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. The workgroup must meet in person or by teleconference on a quarterly basis to share information, leverage agency resources, coordinate ongoing efforts, and provide information for the annual progress report.

On behalf of the workgroup, the bill requires DEM to prepare an annual progress report on the implementation of the SHMP, developed and submitted in accordance with 42 U.S.C. s. 5165<sup>18</sup> and any implementing regulations, as it relates to natural hazards. At a minimum, the annual progress report must:

- 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.

By January 1, 2019, and annually thereafter, the workgroup must submit the annual progress report to the Governor, President of the Senate, and Speaker of the House of Representatives. In addition, each liaison is responsible for ensuring that the annual progress report is posted on each respective agency website.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### 1. Revenues:

None.

#### 2. Expenditures:

For the 2017-2018 fiscal year, the bill appropriates to DEM from the Grants and Donations Trust Fund the sums of \$84,738 in recurring funds and \$4,046 in nonrecurring funds. It also provides for one full-time equivalent position with an associated salary rate of 47,000.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.

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<sup>18</sup> Federal mitigation planning requirements.