

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: CS/SB 1006

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

SUBJECT: Disaster Response and Preparedness

DATE: February 9, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	_____	_____	<u>ATD</u>	_____
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1006 amends the State Emergency Management Act¹ by modifying certain components of the state comprehensive emergency management plan (CEMP), assigning additional responsibilities to the Florida Division of Emergency Management (FDEM), and enhancing the participation of state colleges and universities during emergencies. Specifically, the bill requires the FDEM to:

- Include in the CEMP policy guidance for sheltering people with special needs or mental illness and individuals experiencing homelessness, and strategies for sheltering and evacuating persons with service animals or pets;
- Publish information on its website regarding policies governing the acceptance of service animals or pets at shelters;
- Include in its statewide public awareness programs information on the different types of shelters available such as special needs shelters and shelters that accept individuals with service animals or pets;
- Deploy public or private resources to provide guidance regarding procedures and required documentation to any entity entitled to receive reimbursements for disaster-related expenditures from FEMA; and
- Establish and maintain, in coordination with each local emergency management agency, a registry with each homeless shelter and homeless service provider in the state.

¹ Sections 252.31-252.60, F.S., are collectively known as the State Emergency Management Act.

The bill also requires Florida College System institutions and state universities to provide facilities, necessary personnel to staff such facilities, and transportation assistance during a declared state or local disaster, if requested by a local emergency manager.

The bill takes effect on upon becoming a law.

II. Present Situation:

Florida Division of Emergency Management

The Florida Division of Emergency Management (FDEM) administers programs to rapidly apply all available aid to impacted communities stricken by emergency.² 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.³

Comprehensive Emergency Management Plan

FDEM is required by s. 252.35(2)(a), F.S., to prepare a state comprehensive emergency management plan (CEMP). The CEMP⁴ serves as the master operations document for Florida and is the framework through which the state handles emergencies and disasters.⁵ The CEMP must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters.⁶ Those provisions include:

- An evacuation component;
- A shelter component;
- A post-disaster response and recovery component;
- Additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the FDEM;
- A section addressing the need for coordinated and expeditious deployment of state resources, including the Florida National Guard;
- A section establishing a system of communications and warning;
- A section establishing guidelines and schedules for annual exercises; and
- Assignments for lead and support responsibilities to state agencies and personnel.⁷

² Section 14.2016, F.S.

³ Section 252.35(1), F.S.

⁴ The state CEMP defines the responsibilities of the government, private, volunteer, and non-governmental organizations that comprise the State Emergency Response Team. The CEMP ensures that all levels of government are able to mobilize as a unified emergency organization to safeguard the well-being of the state's residents and visitors. It is the plan to which Florida's other disaster response plans are aligned.

⁵ FDEM, *CEMP*, available at <http://www.floridadisaster.org/cemp.htm> (last visited March 20, 2017).

⁶ Section 252.35(2)(a), F.S.

⁷ Id.

Shelter Component

The shelter component of the CEMP promotes coordination of shelter activities between the public, private, and nonprofit sectors. This component must:

- Contain strategies to ensure the availability of adequate public shelter space in each region of the state;
- Establish strategies for refuge-of-last-resort programs;
- Provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel;
- Provide for a postdisaster communications system for public shelters;
- Establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and
- Set forth policy guidance for sheltering people with special needs.⁸

Statewide Public Awareness Programs

Section 252.35(2)(i), F.S., requires the FDEM to institute statewide public awareness programs to include an intensive public educational campaign on emergency preparedness issues. The public educational campaign must include information on statewide disaster plans, evacuation routes, fuel suppliers, and shelters. All educational materials must be available in alternative formats and mediums to ensure that they are available to persons with disabilities.

Local Emergency Management Agencies

In order to provide effective and orderly governmental control and coordination of emergency operations, each of Florida's 67 counties are required to establish an emergency management agency. The agency must develop and maintain a county emergency management program and CEMP that is consistent with the state emergency management program and state CEMP.⁹ Each agency must have a director who is appointed by the board of county commissioners or the chief administrative officer of the county.¹⁰ The director is responsible for coordinating emergency management activities, services, and programs within the county and serves as liaison to the division and other local emergency management agencies and organizations.¹¹

Municipal Emergency Management Programs

Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs. The municipal program must comply with all laws, rules, and requirements applicable to county emergency management agencies. Each municipal CEMP must be consistent with and subject to the applicable county CEMP. In addition, each municipality must coordinate requests for state or federal emergency response assistance with its

⁸ Section 252.35(2)(a)2., F.S.

⁹ Section 252.38(1)(a), F.S. The FDEM is required to adopt standards and requirements for county CEMPs, assist local governments in preparing and maintaining their CEMP's, and periodically review local government CEMPs for consistency with the state CEMP and the standards and requirements adopted by the FDEM. See s. 252.35(2)(b), F.S.

¹⁰ Section 252.38(1)(b), F.S.

¹¹ Id.

county.¹² Municipalities without emergency management programs shall be served by their respective county agencies.¹³

Shelters

Section 252.385(4)(a), F.S., requires that any public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, which are suitable for use as public hurricane evacuation shelters shall be made available at the request of the local emergency management agencies. The local emergency management agency is required to coordinate with these entities to ensure that designated facilities are ready to activate prior to a specific hurricane or disaster. Designated facilities are used as either general population shelters, special needs shelters, or pet friendly shelters. All shelters must meet physical and programmatic accessibility requirements, as defined by the Americans with Disabilities Act¹⁴ and Florida Accessibility Codes.¹⁵

Special Needs Shelters

Special needs shelters are for those who require sheltering assistance due to physical impairment, mental impairment, cognitive impairment, or sensory disabilities.¹⁶ To be eligible for care at a special needs shelter, an individual must have a special medical need and require care that exceeds the basic first aid provided at general population shelters. The individual must be medically stable without impairments or disabilities that exceed the capacity, staffing, and equipment of the shelter.¹⁷

The FDEM is required every two years to produce a statewide emergency shelter plan that identifies the general location, by regional planning council region, and square footage of special needs shelters during the next five years. The plan includes information on the availability of shelters that accept pets. The Department of Health assists the division in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.

Special Needs Registry

Section 252.355, F.S., requires the FDEM, in coordination with each local emergency management agency in the state, to maintain a registry of persons with special needs located within the jurisdiction of the agency. Registration identifies those persons in need of assistance and allows local emergency management agencies to plan for resource allocation to meet those identified needs. The FDEM is responsible for maintaining the registry program, which must

¹² This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

¹³ Section 252.38(2), F.S.

¹⁴ See U.S. Department of Justice Civil Rights Division, *ADA Best Practices Tool Kit for State and Local Governments, Chapter 7 Addendum 2: The ADA and Emergency Shelters* (Oct. 26, 2009), <https://www.ada.gov/pcautookit/chap7shelterprog.htm> (last visited Feb. 6, 2018).

¹⁵ 2017 Florida Building Code – Accessibility (6th ed.), available at <https://codes.iccsafe.org/public/document/FAC2017> (last visited Feb. 6, 2018).

¹⁶ FDEM, *Important Shelter Information, Special Needs Shelters*, <https://www.floridadisaster.org/plan--prepare/disability/evacuations-and-shelters/shelter-information/> (last visited Feb. 9, 2018).

¹⁷ *Id.*

include, at a minimum, a uniform electronic registration form and a database for uploading and storing submitted registration forms. The forms must then be made accessible by the appropriate local emergency management agency.¹⁸

Pet Friendly Shelters

Section 252.3568, F.S., directs the FDEM, in collaboration with the Department of Agriculture and Consumer Services, to address strategies for the evacuation of persons with pets. A person who uses a service animal must be allowed to bring his or her service animal into a general population or special needs shelter and has the right to be accompanied by a service animal in all areas of a public accommodation. In light of these statutory requirements, the FDEM considers in its strategies allowing pet owners to interact with their animals and care for them, and how to ensure animals are properly cared for during an emergency.¹⁹

Service Animals

Section 413.08(1)(d), F.S., defines the term “service animal” to mean:

“an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual’s disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet.”

Federal Disaster Assistance

The Federal Emergency Management Agency (FEMA) offers the Public Assistance (PA) grant program to state, tribal, local, and certain non-profit organizations following a presidential disaster declaration²⁰ to help communities quickly respond to and recover from major disasters or emergencies. The PA program provides supplemental financial assistance for activities such as debris removal, life-saving emergency protective measures, and the repair, replacement, or restoration of disaster-damaged publicly-owned facilities, and the facilities of certain non-profit

¹⁸ Section 252.355, F.S.(2)(a)

¹⁹ FDEM, *The State of Florida 2016 Comprehensive Emergency Management Plan*, 38 (2016), <https://www.floridadisaster.org/globalassets/importedpdfs/2016-state-cemp-complete-final-draft.pdf> (last visited Jan. 23, 2018).

²⁰ A presidential disaster declaration is based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments and that federal assistance is necessary. See 42 U.S.C. 5170(a).

organizations. It also encourages protection of these damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process.²¹

After receiving a presidential disaster declaration, PA grant funds are made available to the affected state. The FDEM administers the funds awarded by FEMA to all eligible recipients.²² To be eligible for assistance, prospective applicants must fill out a Request for Public Assistance (RPA) through the State of Florida Public Assistance Web Portal.²³ The federal share of assistance is typically 75 percent of eligible costs. The remaining 25 percent is shared between the state and local sources. In Florida, the remaining share is split evenly between the state and local governments.²⁴

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 252.35, F.S., requiring the Florida Division of Emergency Management (FDEM) to include in the state's comprehensive emergency management plan (CEMP) an amendment to the shelter component providing policy guidance for sheltering people with special needs or mental illness and individuals experiencing homelessness. The FDEM is also required to:

- Include in its statewide public awareness programs information on the different types of shelters available such as special needs shelters and shelters that accept individuals with service animals or pets; and
- Deploy public or private resources to provide guidance regarding procedures and required documentation to any entity entitled to receive reimbursements for disaster-related expenditures from FEMA to ensure that such entities receive the maximum allowable reimbursement.

Section 2 of the bill creates s. 252.3551, F.S., requiring the FDEM, in coordination with each local emergency management agency, to establish and maintain a registry with each homeless shelter and homeless service provider in the state.

Section 3 of the bill amends s. 252.3568, F.S., requiring the FDEM and local emergency management agencies to address in the shelter component of their respective CEMPs strategies for evacuating and sheltering persons with service animals or pets. The FDEM must also publish information on its website regarding policies governing the acceptance of service animals or pets at shelters.

Section 4 of the bill amends s. 252.38, F.S., requiring Florida College System institutions and state universities to provide facilities, necessary personnel to staff such facilities, and transportation assistance during a declared state or local disaster, if requested by a local emergency manager.

²¹ FEMA, *Public Assistance: Local, State, Tribal, and Private Non-Profit*, <https://www.fema.gov/public-assistance-local-state-tribal-and-non-profit> (last visited Feb. 6, 2018).

²² See *supra* note 19, at 46-47.

²³ The Public Assistance Web Portal is a resource with information on the PA program, forms, funding availability announcements, and a management application that allows sub-grant recipients to manage their process from start to finish. See <http://floridapa.org/> (last visited Feb. 6, 2018).

²⁴ See s. 252.37(5)(a), F.S.

Section 5 of the bill makes technical changes in s. 252.385, F.S., updating references to state universities and Florida College System institutions.

The bill takes effect upon becoming a law.

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 cost to create an electronic form and database for the registry of homeless shelters and homeless service providers is approximately \$400,000 with a recurring maintenance cost of \$100,000 annually.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 252.3551 of the Florida Statutes.

²⁵ FDEM, *Senate Bill 1066 Agency Analysis* (Jan. 30, 2018) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

The bill substantially amends sections 252.35, 252.3568, 252.38, and 252.385 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 7, 2018.

The CS:

- Removes the definition of the term “comfort animal” and all subsequent mention of comfort animals throughout the bill;
- Substitutes the term “individuals experiencing homelessness” for “homeless individuals” throughout the bill;
- Removes the provision requiring the FDEM to amend the CEMP to ensure a statewide plan exists for the safe transfer of persons with special needs, mental illness, and individuals experiencing homelessness;
- Requires the FDEM to deploy public or private resources in order to provide guidance regarding procedures and required documentation to entities seeking reimbursement for disaster-related expenditures from FEMA;
- Requires the FDEM to publish information on its website regarding policies governing the acceptance of service animals or pets at shelters rather than printing and distributing materials to veterinary offices, animal shelters, humane organizations, or other appropriate locations;
- Removes provisions pertaining to school grading and advance pay for school district staff in the event of an emergency or disaster; and
- Makes the bill effective upon becoming a law.

B. Amendments:

None.