

**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.)

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Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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BILL: SB 1006

INTRODUCER: Senator Montford

SUBJECT: Disaster Response and Preparedness

DATE: February 6, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	<b>Pre-meeting</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 1006 amends the State Emergency Management Act<sup>1</sup> 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:

- Defines the term “comfort animal” to mean an animal, other than a pet or a service animal, which provides emotional support to help improve the physical, social, emotional, and cognitive condition of an individual;
- Requires the FDEM to include in the shelter component of the CEMP policy guidance for sheltering people with mental illness and individuals experiencing homelessness;
- Requires the FDEM to amend the post disaster response and recovery component of the CEMP to ensure a comprehensive statewide plan exists for the safe transfer of persons with special needs, mental illness, and individuals experiencing homelessness;
- Requires the FDEM 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, comfort animals, or pets;
- Requires the FDEM 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;
- Allows an individual to bring his or her comfort animal to a special needs shelter;
- Requires 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;
- Requires the FDEM and local emergency management agencies to address in the shelter component of their respective CEMPs strategies for evacuating persons with service animals or comfort animals; and

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<sup>1</sup> Sections 252.31-252.60, F.S., is collectively known as the State Emergency Management Act.

- 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 also allows school districts to take certain actions relating to school grading and advance pay for district staff in the event of an emergency or disaster.

The bill takes effect on July 1, 2018.

## 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.<sup>2</sup> 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.<sup>3</sup>

### *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 CEMP<sup>4</sup> serves as the master operations document for Florida and is the framework through which the state handles emergencies and disasters.<sup>5</sup> The CEMP must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters.<sup>6</sup> 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.<sup>7</sup>

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<sup>2</sup> Section 14.2016, F.S.

<sup>3</sup> Section 252.35(1), F.S.

<sup>4</sup> 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. *Supra* note 40.

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

<sup>6</sup> Section 252.35(2)(a), F.S.

<sup>7</sup> *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.<sup>8</sup>

### Postdisaster Response and Recovery Component

The postdisaster response and recovery component promotes intergovernmental coordination of postdisaster response and recovery activities and must provide for strategies according to whether a disaster is minor, major, or catastrophic. The component must:

- Establish the structure of the state's postdisaster response and recovery organization;
- Establish procedures for activating the state's plan;
- Set forth policies used to guide postdisaster response and recovery activities;
- Describe the chain of command during the postdisaster response and recovery period;
- Describe initial and continuous postdisaster response and recovery actions;
- Identify the roles and responsibilities of each involved agency and organization;
- Provide for a comprehensive communications plan;
- Establish procedures for monitoring mutual aid agreements;
- Provide for rapid impact assessment teams;
- Ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services;
- Ensure the existence of a comprehensive statewide medical care and relief plan administered by the Department of Health; and
- Establish systems for coordinating volunteers and accepting and distributing donated funds and goods.<sup>9</sup>

### ***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.

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<sup>8</sup> Section 252.35(2)(a)2., F.S.

<sup>9</sup> Section 252.35(2)(a)3., F.S.

## 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.<sup>10</sup> Each agency must have a director who is appointed by the board of county commissioners or the chief administrative officer of the county.<sup>11</sup> 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.<sup>12</sup>

## Municipal Emergency Management Programs

Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs.<sup>13</sup> 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 county.<sup>14</sup> County agencies serve as liaison for and coordinator of municipalities' requests for state and federal assistance during postdisaster emergency operations.<sup>15</sup>

## 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 Act<sup>16</sup> and Florida Accessibility Codes.<sup>17</sup>

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<sup>10</sup> 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.

<sup>11</sup> Section 252.38(1)(b), F.S.

<sup>12</sup> Id.

<sup>13</sup> Municipalities that do not elect to establish a municipal emergency management agency are served by their county emergency management agency.

<sup>14</sup> This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

<sup>15</sup> Section 252.38(2), F.S.

<sup>16</sup> 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/pccatoolkit/chap7shelterprog.htm> (last visited Feb. 6, 2018).

<sup>17</sup> 2017 Florida Building Code – Accessibility (6<sup>th</sup> ed.), available at <https://codes.iccsafe.org/public/document/FAC2017> (last visited Feb. 6, 2018).

### ***Special Needs Shelters***

Special needs shelters are for those who requires sheltering assistance due to physical impairment, mental impairment, cognitive impairment or sensory disabilities.<sup>18</sup> To be eligible for care at a special needs shelter an individual must have a special medical need, care for that special need exceeds the basic first aid provided at general population shelters, and the individual's impairments or disabilities are medically stabled and do not exceed the capacity, staffing, and equipment of the shelter.<sup>19</sup>

The FDEM is required every two years to produce a statewide emergency shelter plan that identifies the general location and square footage of special needs shelters, by regional planning council region, 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 local 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 include, at a minimum, a uniform electronic registration form and a database for uploading and storing submitted registration forms that may be accessed by the appropriate local emergency management agency.<sup>20</sup>

### ***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.<sup>21</sup>

### **Service Animals**

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

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<sup>18</sup> FDEM, *Important Shelter Information, Special Needs Shelters*, <https://www.floridadisaster.org/plan--prepare/disability/evacuations-and-shelters/shelter-information/> (last visited Feb. 6, 2018).

<sup>19</sup> Id.

<sup>20</sup> Section 252.355, F.S.(2)(a)

<sup>21</sup> 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).

“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. There is currently no definition for or reference to comfort animals in Florida Statutes.

### **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 declaration to help communities quickly respond 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 organizations. It also encourages protection of these damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process.<sup>22</sup>

Funds awarded through the PA program are granted to the FDEM, which manages the PA program and serves as the grant recipient. The FDEM then disperses funds to all eligible recipients of PA program.<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup>

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<sup>22</sup> 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).

<sup>23</sup> See supra note 21, at 46-47.

<sup>24</sup> 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).

<sup>25</sup> See s. 252.37(5)(a), F.S.

## School Grading System

School grades provide an easily understandable way to measure the performance of a school.<sup>26</sup> Parents and the general public can use the school grade and its components to understand how well each school is serving its students.<sup>27</sup> In Florida, the lowest performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting state determined student achievement goals.<sup>28</sup> Schools are graded using one of the following grades:<sup>29</sup>

- “A,” for schools making excellent progress – 62% or higher of total points.
- “B,” for schools making above average progress – 54% to 61% of total points.
- “C,” for schools making satisfactory progress – 41% to 53% of total points.
- “D,” for schools making less than satisfactory progress – 32% to 40% of total points.
- “F,” for schools failing to make adequate progress – 31% or less of total points.

The State Board of Education (SBE) must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must notify the public of any adjustment, and explain the reasons for such adjustment and the impact of the adjustment on school grades.<sup>30</sup>

## Florida Education Finance Program

Section 1011.60(3)(c), F.S., prohibits a school district which participates in the state appropriations for the Florida Education Finance Program to use such funds to make a salary payment to any employee in advance of services being rendered.

### III. Effect of Proposed Changes:

**Section 1** amends s. 252.34, F.S. to define the term “comfort animal” to mean an animal, other than a pet or a service animal, which provides emotional support to help improve the physical, social, emotional, and cognitive condition of an individual.

**Section 2** 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, mental illness, and individuals experiencing homelessness; and
- An amendment to the post disaster response and recovery component to ensure the existence of a comprehensive statewide plan for the safe transfer of persons with special needs, mental illness, and individuals experiencing homelessness.

<sup>26</sup> Florida Department of Education, *2016 Preliminary School Grades Overview*, available at <http://schoolgrades.fldoe.org/pdf/1516/SchoolGradesOverview16.pdf>.

<sup>27</sup> *Id.*

<sup>28</sup> Section 1008.33(2)(b) and (4), F.S.; *see* rule 6A-2.09981(2)(h), F.A.C. School improvement requirements were originally established under the federal 2002 reauthorization of Every Student Succeeds Act, otherwise known as the No Child Left Behind Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

<sup>29</sup> Section 1008.34(2), F.S.; Rule 6A-1.09981, F.A.C.

<sup>30</sup> Section 1008.34(3)(c)1., F.S.

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, comfort animals, or pets; and
- 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 3** amends s. 252.355, F.S., to allow an individual to bring his or her comfort animal to a special needs shelter

**Section 4** 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 5** 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 persons with service animals or comfort animals. The FDEM must also inform the public regarding policies governing the acceptance of pets, service animals, and comfort animals at shelters by developing informational materials that may be distributed at veterinary offices, public or private animal shelters, humane organizations, and any other appropriate locations.

**Section 6** 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.

**Section 7** makes technical changes in s. 252.385, F.S., updating references to state universities and Florida College System institutions.

**Section 8** reenacts and amends s. 1008.34, F.S., to define the term “eligible student” to mean a student who is present for both Survey Period 2 and Survey Period 3 of the full-time equivalent student membership surveys, not including a student who is a recent arrival to the school district from the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or any other territory of the U.S. where an emergency has been declared due to a natural disaster.

The bill excludes an eligible student, as previously defined, from the calculation process used to determine the designation of school grades.

**Section 9** amends s. 1011.60, F.S., to allow a school district to pay an employee for such days when the district or a school within that district is closed due to a natural disaster or other emergency so long as such time is made up at a later date in the school year.

**Sections 10-12** amends ss. 163.360, 474.2125, and 627.659, F.S., respectively, to conform cross-references.

The bill takes effect July 1, 2017.



**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 FDEM estimates that the creation and distribution of informational materials required by the bill will cost approximately \$30,000 annually. 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.<sup>31</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 252.3551 of the Florida Statutes.

The bill substantially amends sections 252.34, 252.35, 252.355, 252.3568, 252.38, 252.385, 1008.34, 1011.60, 163.360, 474.2125, and 627.659 of the Florida Statutes.

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<sup>31</sup> FDEM, *Senate Bill 1066 Agency Analysis* (Jan. 30, 2018) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

**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.

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

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