

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 865 Emergency Reporting

SPONSOR(S): Oversight, Transparency & Public Management Subcommittee, Rodriguez, A. and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 538

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Public Management Subcommittee	14 Y, 0 N, As CS	Villa	Smith
2) Appropriations Committee	27 Y, 0 N	Cobb	Pridgeon
3) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Emergency Management (Division) is responsible for all professional, technical, and administrative support functions necessary to carry out the State's Emergency Management Act. Within the Division, is the State Watch Office (SWO) whose primary purpose is to record, analyze, and share information with federal, state, and county entities for appropriate response to emergencies.

The SWO is a watch center, manned 24 hours a day, seven days a week, that monitors an array of incidents across the state and serves as a clearinghouse of information for emergency response.

Currently, the SWO maintains and provides to counties and municipalities a list of reportable incidents divided into the following categories:

- Fire or search and rescue;
- Law enforcement incidents and suspicious activity;
- Natural hazards;
- Population protective actions;
- Technical hazards or environmental concerns;
- Transportation incidents;
- Utilities or infrastructure; and
- Military events.

Counties and municipalities are asked to notify the SWO of an incident after the initial response is handled at the local level by first responders.

The bill requires the SWO to create and maintain a list of reportable incidents. The SWO must annually provide the list of reportable incidents to each political subdivision. The bill requires political subdivisions to provide notification to the SWO that an incident specified on the list of reportable incidents has occurred within its jurisdiction as soon as practicable following its initial response to the incident. The bill authorizes the SWO to establish guidelines specifying the method and format a political subdivision must use when reporting an incident.

According to the Division, the bill does not have a fiscal impact to its operations. The bill may have an insignificant fiscal impact on local governments.

The bill has an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The State Watch Office within the Division of Emergency Management

The Division of Emergency Management (Division) is responsible for all professional, technical, and administrative support functions necessary to carry out the State's Emergency Management Act.^{1,2} Within the Division is the State Watch Office (SWO) whose primary purpose is to record, analyze, and share information with federal, state, and county entities for appropriate response to emergencies.³

The SWO is not a dispatch center, but a clearinghouse of information to be shared with other governmental entities that can independently act within their own authority and protocols.⁴ The SWO is a watch center manned by Division personnel 24 hours a day, seven days a week, monitoring an array of incidents including fuel spills, damages from severe weather, and rocket launches from Cape Canaveral.

Reportable Incidents

For National Emergency Accreditation purposes, the SWO maintains and disseminates a list of "Reportable Incidents" to counties and municipalities.⁵ The document also contains information on statewide communication systems, important contact information, the SWO Incident Tracker, and emergency resources. The "Reportable Incidents" list is divided into the following categories:

- Fire or search and rescue;
- Law enforcement incidents and suspicious activity;
- Natural hazards;
- Population protective actions;
- Technical hazards or environmental concerns;
- Transportation incidents;
- Utilities or infrastructure; and
- Military events.

Counties and municipalities are asked to notify the SWO of an incident after the initial response is handled at the local level by first responders. Initial response action takes precedence. The information for these incidents is generally given to the SWO from a county Public Safety Answering Point. Guidelines of what information is to be conveyed to the SWO when reporting an incident is provided as part of the "Reportable Incidents" list. The collected information is logged into an incident tracking system and then disseminated to local, state, tribal, federal, and private partners to aid in response actions.⁶

Although wastewater and chemical spills are the only incidents required by law to be reported to the SWO,⁷ counties and municipalities regularly share information concerning reportable incidents with the SWO.

¹ Section 14.2016(1), F.S.

² Sections 252.31 – 252.63, F.S., are cited as the State Emergency Management Act. Section 252.31, F.S.

³ Section 14.2016(2), F.S.

⁴ *Id.*

⁵ Florida Division of Emergency Management, *State Watch Office Guide for Florida County Warning Points and PSAPs*, <https://www.floridadisaster.org/globalassets/dem/response/operations/state-watch-office-reportable-incidents-list.pdf> (last visited January 21, 2020).

⁶ *Id.*

⁷ Section 403.077(2), F.S.; see also Rules 62-762.411, 62-761.405, 62-780.210, 62S-6.022, and 62S-6.033, F.A.C.

Effect of the Bill

The bill provides for mandatory reporting of certain incidents by counties and municipalities. Specifically, the bill requires the SWO, by December 1, 2020, to create and maintain a list of reportable incidents to include:

- Major fires, including wildfires, commercial or multi-unit residential fires, and industrial fires.
- Search and rescue operations, including structure collapse or urban search and rescue response.
- Bomb threat or threat to inflict harm on a large number of people or significant infrastructure, a suspicious device or device detonation.
- Natural hazards and severe weather, including earthquake, landslide, or ground subsidence or sinkholes.
- Public health and population protective actions, including public health hazards, evacuation orders, or emergency shelter openings.
- Animal or agricultural events, including suspected or confirmed animal disease, suspected or confirmed agricultural disease, crop failure, or food supply contamination.
- Environmental concerns, including an incident of reportable pollution release as required in s. 403.077(2).
- Nuclear power plant events, including events in process or that have occurred that indicate a potential degradation of the level of safety of the plant or that indicate a security threat to facility protection.
- Major transportation events, including aircraft or airport incidents, passenger or commercial railroad incidents, major road or bridge closures, or marine incidents involving a blocked navigable channel of a major waterway.
- Major utility or infrastructure events, including dam failure or overtopping, drinking water facility breach, or major utility outages or disruptions involving transmission lines or substations.
- Military events, when information regarding such activity is provided to a political subdivision.

The SWO must annually provide the list of reportable incidents to each political subdivision. The bill requires political subdivisions to provide notification to the SWO that an incident specified on the list of reportable incidents has occurred within its jurisdiction as soon as practicable following its initial response to the incident.

The bill authorizes the SWO to establish guidelines specifying the method and format a political subdivision must use when reporting an incident.

B. SECTION DIRECTORY:

Section 1 creates s. 252.351, F.S., relating to mandatory reporting of certain incidents by counties and municipalities.

Section 2 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to the Division, the bill does not have a fiscal impact on its operations.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There may be an insignificant fiscal impact on local governments due to the potential increased workload relating to the mandatory reporting requirements of the bill. Currently, only wastewater and chemical spills are required in statute to be reported to the SWO. However, counties and municipalities provide the information required by the bill regularly as part of the list of "Reportable Incidents" that is provided to them by the Division.⁸

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The municipality/county mandates provision of Art. VII, section 18, of the Florida Constitution may apply because of the mandatory reporting requirements of the bill; however, an exemption may apply due to an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not confer rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 29, 2020, the Oversight, Transparency & Public Management Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment provides for the following:

- The SWO, by December 1, 2020, shall create and maintain a list of reportable incidents;
- The SWO shall annually provide the list of reportable incidents to each political subdivision;
- The SWO may establish guidelines specifying the method and format a political subdivision must use when reporting an incident; and
- As soon as practicable following its initial response to an incident, a political subdivision must notify the SWO that an incident specified on the list of reportable incidents has occurred within its jurisdiction.

⁸ Florida Division of Emergency Management, *FDEM Legislative Priorities 2019-2020 (Fla. Stat. § 252)*, on file with the Florida House of Representatives Oversight, Transparency & Public Management Subcommittee.

This analysis is drafted to the committee substitute as passed by the Oversight, Transparency & Public Management Subcommittee.