

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 865 Emergency Reporting

**SPONSOR(S):** State Affairs Committee, 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	21 Y, 0 N, As CS	Villa	Williamson

### SUMMARY ANALYSIS

The State Watch Office (SWO) within the Division of Emergency Management (Division) is an emergency management watch center that serves as a clearinghouse of information. The primary purpose of the SWO is to record, analyze, and share information with federal, state, and county entities for appropriate response to emergencies. The SWO is manned 24 hours a day, seven days a week, and monitors an array of incidents across the state.

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. Although counties and municipalities generally participate with the SWO, counties and municipalities are not required to do so.

The bill requires the Division to create and maintain a list of reportable incidents. The Division 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 Division to establish guidelines specifying the method and format a political subdivision must use when reporting an incident.

The bill does not appear to have a fiscal impact to the state and may have an insignificant fiscal impact on local governments.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### The State Watch Office

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.<sup>1,2</sup> The State Watch Office (SWO) within the Division is an emergency management watch center that serves as a clearinghouse of information. The primary purpose of the SWO is to record, analyze, and share information with federal, state, and county entities for appropriate response to emergencies.<sup>3</sup>

The SWO shares information pertaining to emergencies with other governmental entities that can independently act within their own authority and protocols.<sup>4</sup> The SWO is 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 county and municipality "Reportable Incidents."<sup>5</sup> The list is divided into the following categories:<sup>6</sup>

- 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.

The list also contains information on statewide communication systems, important contact information, the SWO Incident Tracker,<sup>7</sup> and emergency resources.

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 is logged into an incident tracking system and then disseminated to local, state, tribal, federal, and private partners to aid in response actions.<sup>8</sup>

Although wastewater and chemical spills are the only incidents required by law to be reported to the SWO,<sup>9</sup> counties and municipalities regularly share information concerning reportable incidents with the SWO.

#### **Effect of the Bill**

---

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

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

<sup>3</sup> Section 14.2016(2), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> 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).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* The Incident Tracker is a web based situational awareness tool that is used to document all active incidents statewide.

<sup>8</sup> *Id.*

<sup>9</sup> 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.

The bill provides for mandatory reporting of certain incidents by counties and municipalities. Specifically, the bill requires the Division, 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), F.S.
- 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 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 Division to establish guidelines specifying the method and format a political subdivision must use when reporting an incident.

The Division must annually provide the list of reportable incidents to each political subdivision by December 1.

#### 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:

None.

**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 to be reported to the SWO. However, counties and municipalities already provide the information required by the bill regularly as part of the list of "Reportable Incidents" that is provided to them by the Division.<sup>10</sup>

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

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The municipality/county mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because the bill requires counties and municipalities to report certain information to the SWO; however, an exemption may apply because the requirement will likely result in an insignificant fiscal impact.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires the Division to create a list of reportable incidents. The bill also authorizes the Division to establish guidelines specifying the method and format a political subdivision must use when reporting an incident. As such, it appears the bill requires the Division to adopt rules. The Division appears to have sufficient rulemaking authority to comply with these requirements.

**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:

- Required the SWO, by December 1, 2020, to create and maintain a list of reportable incidents;
- Required the SWO to annually provide the list of reportable incidents to each political subdivision;
- Authorized the SWO to establish guidelines specifying the method and format a political subdivision must use when reporting an incident; and

---

<sup>10</sup> 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.

- As soon as practicable following its initial response to an incident, required a political subdivision to notify the SWO that an incident specified on the list of reportable incidents has occurred within its jurisdiction.

On March 2, 2020, the State Affairs Committee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

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

This analysis is drafted to the committee substitute as approved by the State Affairs Committee.