

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 Appropriations

BILL: CS/SB 96

INTRODUCER: Appropriations Committee and Senator Burgess

SUBJECT: Emergency Preparedness and Response Fund

DATE: January 14, 2022

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Hrdlicka</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 96 amends the financing provisions related to state expenditures made in response to a disaster. The bill requires funding for the resources to respond to a disaster to first come from funds specifically appropriated to state and local agencies for disaster relief or response. If those funds are insufficient, authorizes the Governor to make funds available by transferring and expending moneys in the Emergency Preparedness and Response Fund.

The bill authorizes the Governor to request the Legislative Budget Commission to approve a request to transfer additional funds to the Emergency Preparedness and Response Fund. The bill directs the immediate transfer of \$1 billion from the General Revenue Fund to the Emergency Preparedness and Response Fund.

The bill is effective upon the passage of SB 98 or similar legislation being enacted to create the Emergency Preparedness and Response Fund. SB 98 takes effect upon becoming a law.

II. Present Situation:

The Governor is responsible for meeting the dangers presented to this state and its people by emergencies.¹ In the event of an emergency or threat of one, the Governor may declare a state of emergency by executive order or proclamation. The state of emergency continues until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist.²

¹ Section 252.36(1)(a), F.S.

² Section 252.36(2), F.S. A state of emergency may not continue for longer than 60 days unless renewed by the Governor.

When a state of emergency is declared by the Governor, predetermined emergency management plans become effective. One piece of the emergency plans is to provide resources necessary to protect and mitigate the effects of a disaster, including the use or distribution of supplies, equipment, and materials.³

Funding for the resources generally come from funds regularly appropriated to state and local agencies.⁴ The policy of the state is that funds to meet emergencies must always be available.⁵

If those funds are insufficient, the Governor may make funds available by transferring and expending moneys appropriated for other purposes, or by transferring and expending moneys out of any unappropriated surplus funds, or from the Budget Stabilization Fund.⁶

Following the expiration or termination of the state of emergency, the Governor may transfer moneys with a budget amendment, subject to approval by the Legislative Budget Commission, to satisfy the budget authority granted for such emergency.⁷ The Governor's authority to apply for, administer, and expend any grants, gifts, or payments in aid of emergency prevention, mitigation, preparedness, response, or recovery is not limited by these financing provisions.⁸

III. Effect of Proposed Changes:

The bill amends the provisions in s. 252.37, F.S., related to state expenditures made in response to a disaster. The bill requires funding for the resources to respond to a disaster to first come from funds *specifically* appropriated to state and local agencies for disaster relief or response.

If those funds are insufficient, the Governor may make funds available by transferring and expending moneys in the Emergency Preparedness and Response Fund. Under the bill, the Governor is not authorized to transfer or expend funds appropriated for other purposes, out of any unappropriated surplus funds, or from the Budget Stabilization Fund.

Following expiration or termination of the state of emergency, if the Governor requests the Legislative Budget Commission to approve fund transfers and expenditures through budget amendments, the bill requires such transfers and expenditures to be directly related to the declared disaster or emergency.

The Governor is authorized to request the Legislative Budget Commission to approve a request to transfer additional funds to the Emergency Preparedness and Response Fund. The bill amends s. 11.90, F.S., to authorize the Legislative Budget Commission to convene to transfer surplus funds to the Emergency Preparedness and Response Fund.

³ Section 252.36(4), F.S.

⁴ Section 252.37(2), F.S.

⁵ Section 252.37(1), F.S.

⁶ *Id.*

⁷ Section 252.37(2), F.S.

⁸ Section 252.37(3), F.S.

The bill directs the Chief Financial Officer to immediately transfer \$1 billion from the General Revenue Fund to the Emergency Preparedness and Response Fund, created by SB 98, to be used for purposes of preparing for and responding to a disaster declared by the Governor as a state of emergency.

The bill is effective upon the passage of SB 98 or similar legislation being enacted to create the Emergency Preparedness and Response Fund. SB 98 takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill allows the Governor to expend funds to respond to a declared state of emergency from the Emergency Preparedness Response Fund. The bill directs the transfer of \$1 billion from the General Revenue Fund to the Emergency Preparedness Response Fund and authorizes the Governor to request the Legislative Budget Commission to allow for additional transfers into the fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.90 and 252.37.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on January 12, 2022:

The committee substitute adds the bill number of SB 98 to the contingent effective date of this bill.

B. Amendments:

None.