

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 Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/CS/SB 1480

INTRODUCER: Appropriations Committee on Transportation, Tourism and Economic Development; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Calatayud

SUBJECT: Grants for Nonprofit Organization Safety

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lloyd</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Nortelus</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1480 creates the Nonprofit Security Grant Program (Program) in the Division of Emergency Management (division). The Program’s purpose is to award grants to nonprofit entities that are at high risk for violence and hate crimes who were deemed eligible for but did not receive funding from the United State Department of Homeland Security’s Nonprofit Security Grant Program within the federal fiscal year. The minimum grant award is \$10,000 and the maximum grant award is \$150,000. The grant funds may be used for the hiring and training of security personnel and staff, and to increase safety and security, including, but not limited to, the purchase and installation of:

- Security infrastructure;
- Perimeter lighting and fencing;
- Door hardening;
- Security camera systems;
- Barriers and bollards;
- Blast-resistant film; and
- Shatter-resistant glass for windows.

The Program is repealed on January 1, 2028, unless saved from repeal by the Legislature.

The bill is effective July 1, 2023.

II. Present Situation:

Federal Emergency Management Agency

For more than 40 years, the mission of the Federal Emergency Management Agency (FEMA) has been focused on helping citizens recover from disasters before, during, and after the event. The FEMA has made a formal commitment to build resilience and develop a culture of preparedness across the country and to unify all levels of community and government in an integrated approach to emergency management.¹ To achieve those goals, the FEMA coordinates several grant programs and cooperative agreements with funds available for pre- and post-emergency or disaster related projects. The FEMA grants support recovery initiatives, research, and many other programs, and are the principal mechanism used by the FEMA to award federal funding to state, local, tribal, territorial, certain private nonprofits, individuals, and institutions of higher learning.²

One major category for FEMA grant funding are the Preparedness Grants, such as the FEMA Nonprofit Security Grant Program (NSGP) which is one of three grant programs supporting the comprehensive measures authorized by Congress enabling the Department of Homeland Security (DHS) and the FEMA to help strengthen the nation's communities against extremist attacks.³

These grants support first responders to ensure their coordination to protect against, respond to, and recover from issues of terrorism and other emergencies.⁴ The NSGP also provides funding support for target hardening and physical security enhancements to nonprofit organizations that are at high risk of terrorist attack.⁵ The intent of NSGPs is to promote preparedness activities among state and local governments and agencies, emphasizing coordination with public and private community representatives.⁶

Funding allocated under the NSGP is further broken down by two categories: Urban Area (UA) and State (NSGP-S). Funds allocated to UA are awarded to nonprofit organizations located within one of the Urban Area Security Initiative designated high-risk urban areas. The NSGP-S funding is for nonprofit organizations located outside of the high-risk urban areas.⁷

The designated State Administrative Agency (SAA) is the only entity eligible to apply for the NSGP funds. The SAA applies to the FEMA for available funding on behalf of the eligible nonprofit organizations.⁸ For federal FY 2023, the DHS is providing \$305 million for facility hardening and other physical security enhancements for eligible nonprofit organizations.⁹

¹ FEMA, *Fiscal Year 2023 Preparedness Grant Manual*, pg. 7, available at https://www.fema.gov/sites/default/files/documents/fema_gpd-fy-23-preparedness-grants-manual.pdf (last visited March 26, 2023)

² *Id.*

³ FEMA, *FY 2023 Nonprofit Security Grant Program Fact Sheet*, available at <https://www.fema.gov/grants/preparedness/nonprofit-security> (last visited March 27, 2023).

⁴ FEMA, *Preparedness Grants*, available at <https://www.fema.gov/grants/preparedness> (last visited March 24, 2023).

⁵ FEMA, *FEMA Grants*, available at www.fema.gov/grants (last visited March 24, 2023).

⁶ *Id.*

⁷ *Id.*

⁸ *Supra* note 3 at 2.

⁹ *Supra* note 3 at 1.

Florida Department of Emergency Management

In the State Emergency Management Act (Act), the Legislature created the division within the Executive Office of the Governor.¹⁰ The division is responsible for “maintaining a comprehensive statewide program of emergency management.”¹¹ Among its duties, the division is responsible for:

- Preparing a state comprehensive emergency management plan that is integrated with the emergency plans and programs of the Federal Government;
- Having a shelter component that promotes coordination of activities between public, private, and nonprofit entities and which meet certain minimum standards;
- Developing a postdisaster response and recovery program that includes regional and interregional planning provisions and promotes intergovernmental coordination of activities;
- Addressing the need for a coordinated and expeditious deployment of state resources, including the predeployment of the Florida National Guard;
- Establishing a communication and warning system to ensure that both the public and emergency management agencies are warned of developing emergency situations;
- Scheduling a guidelines and timelines for annual exercises to test agencies’ responses to different disaster levels; and
- Assigning responsibilities to state agencies and personnel for emergency support functions and other activities.¹²

In the case of an emergency, the Governor, or in the Governor’s absence, her or his successor as provided by law, may assume direct operational control over any or all parts of the emergency management functions within the state.¹³ The Governor may issue executive orders, proclamations, and rules and such items have the full force and effect of law.¹⁴ An executive order, proclamation, or rule issued under an emergency is valid for no more than 60 days and may be renewed, if necessary. If renewed, the executive order, proclamation, or rule is required to state with specificity which provisions are being renewed. Other specific renewals may have other requirements to approval of further extensions.¹⁵

The division is also required to cooperate with various partners in emergency management and must:

- Cooperate with the President of the United States, the heads of the Armed Forces, the various federal emergency management agencies, and the officers and agencies of other states in matter relating to emergency management in the state and nation;¹⁶
- Coordinate federal, state, and local emergency management activities and take all other steps to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;¹⁷

¹⁰ See ss. 252.32 and 252.34(3), F.S.

¹¹ Section 252.35(1), F.S.

¹² Section 252.35, F.S.

¹³ Section 252.36(1)(a), F.S.

¹⁴ Section 252.36(1)(b), F.S.

¹⁵ *Id.*

¹⁶ Section 252.35(2)(e), F.S.

¹⁷ Section 252.35(2)(1), F.S.

- Cooperate with the Federal Government and any public and private entity in achieving any purpose of the Act and in implementing programs for mitigation, preparation, response, and recovery.¹⁸

In its role as SAA for the NSGP, DEM regularly publishes an application guide for organizations to use for a variety of federal emergency grants, including the NSGP on its website.¹⁹ The application guide provides important program information, including identification of key differences from the prior year's application, deadlines, funding restrictions, and permitted grant activities.²⁰

For the FY 2023 application, the DHS has identified the protection of soft targets or crowded places as a national priority with three second-tier priorities of:

- Effective planning;
- Training and awareness campaigns; and
- Exercises.²¹

More specific needs and goals are detailed within each of the priorities. Eligible nonprofit organizations, as defined by the NSGP, apply through an application released by the division.²²

III. Effect of Proposed Changes:

This bill creates the Florida Nonprofit Security Grant Program under a new section of law, s. 252.3712, F.S., in the Division of Emergency Management which is modeled after the federal program. The Program provides grant awards to eligible nonprofit organizations, including houses of worship and community centers, which are at high risk for violent attacks or hate crimes who were deemed eligible for but did not receive funding from the United States Department of Homeland Security's Nonprofit Security Grant Program within the federal fiscal year.

The grants may be used to increase safety and security, including, but not limited to, the purchase and installation of:

- Security infrastructure;
- Perimeter lighting;
- Door hardening;
- Security camera systems;

¹⁸ Section 252.35(2)(u), F.S.

¹⁹ See Florida Division of Emergency Mgm't, available at: <https://www.floridadisaster.org/dem/preparedness/grants-unit/> (last visited March 26, 2023). The FDEM website includes information about the FY 2023 application process, identification of key changes in the process, a list of frequently asked questions, an application guide, and self-assessment guide.

²⁰ Florida Division of Emergency Mgm't, Preparedness Bureau, *Nonprofit Security Grant Program – FY 2023 Application Guide (March 2023)*, pg. 5, available at <https://portal.floridadisaster.org/preparedness/External/Grants-Unit/Nonprofit%20Security%20Grant%20Program/FY23/2023%20Florida%20NSGP%20Application%20Guide%2003.03.23%20-%20FINAL.pdf> (last visited March 26, 2023).

²¹ *Id.*

²² *Supra* note 20 at 6-7. Eligible entities are those entities who are described under section 502(c)(3) of the Internal Revenue Code and exempt from tax under section 501(a) of that same code; can demonstrate through the application that the organization is at high risk of a terrorist or other extremist attack; and is located within one of the Urban Area Security Initiative designated areas. For FY 2023, those areas are Jacksonville, Tampa, Orlando, and Miami/Fort Lauderdale.

- Perimeter fencing;
- Barriers and bollards;²³
- Blast-resistant film; and
- Shatter-resistant glass for windows.

Grant funds may also be used towards hiring security personnel and training security personnel and staff on threat awareness, emergency procedures, and first aid.

The minimum grant award established in the bill is \$10,000 and the maximum grant award is \$150,000; however, the total amount available in any given year is contingent upon the funding appropriated to the Program. The division is directed to adopt rules to administer the Program which include criteria for awarding grant funds to:

- An owner of a facility for hardening security measures;
- An owner or renter of a facility for nonhardening security measures; and
- An owner or renter of a facility that have been operational for a period of at least 6 months or that has received a number of threats based on need.

The division may use up to 3 percent of any appropriation for the administration of the Program.

The bill provides the Program will be automatically repealed on January 1, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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.

²³ A bollard is a short sturdy post that is often used to protect the perimeter of a store and ensure the safety of the patrons. See Julia Donigian, *What are bollards and why do we need them?*, available at <https://www.mccue.com/blog/what-is-a-safety-bollard> (last visited March 24, 2023).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Nonprofit organizations that are at high risk for violent attacks or hate crimes which meet the application criteria may be eligible to receive a grant for the purchase and installation of security infrastructure or the addition of security and other staff. Additionally, the installation of security infrastructure or the addition of security and other staff may also lead to safer communities and lower crimes rates.

C. Government Sector Impact:

The division may use up to 3 percent of any appropriation for the administration of the Program.

The division is also directed to adopt rules which include specific selection criteria for grant funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 252.3712 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 Appropriations Committee on Transportation, Tourism and Economic Development on April 18, 2023:**

The committee substitute clarifies who is eligible to receive funds from the grant and removes \$15,000,000 nonrecurring General Revenue appropriation for the grant program.

CS by Military and Veterans Affairs, Space, and Domestic Security on March 29, 2023:

The committee substitute requires the division to adopt rules with criteria for the selection of grant awards by type of activity, minimum length of operations of at least 6 months by the facility, and determination of need by number of threats received.

B. Amendments:

None.

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