

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1615 Grants for Nonprofit Organization Safety

SPONSOR(S): Fine

TIED BILLS: **IDEN./SIM. BILLS:** SB 1480

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Constitutional Rights, Rule of Law & Government Operations Subcommittee	14 Y, 0 N	Wagoner	Miller
2) Infrastructure & Tourism Appropriations Subcommittee	12 Y, 0 N	Hicks	Davis
3) State Affairs Committee			

SUMMARY ANALYSIS

The Federal Emergency Management Agency (FEMA) coordinates several grant programs. Funds are available for pre- and post-emergency or disaster related projects. FEMA grants support recovery initiatives, research, and many other programs. Grants are the principal mechanism used by FEMA to award federal funding to state, local, tribal, territorial, certain private nonprofits, individuals, and institutions of higher learning. One major category for FEMA grant funding is Preparedness Grants. The Nonprofit Security Grant Program (NSGP) is administered under Preparedness Grants. These grants support nonprofits and provide funds for security infrastructure.

The bill creates a Florida-based NSGP administered by the Florida Division of Emergency Management (DEM). The grant program will mirror the guidelines established in the federal NSGP and funding will be subject to appropriation. The bill provides rulemaking authority to DEM to create the program outlined in the bill and sets a repeal date of January 1, 2028, unless saved from repeal through reenactment by the Legislature.

The bill will have an insignificant fiscal impact on state government expenditures related to creating the grant program. There is no appropriation provided in the bill to fund the program. See Fiscal Analysis section.

This bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Non-Profit Security Grant Program Administered by FEMA

As the nationwide organization responsible for federal emergency preparation and response, the Federal Emergency Management Agency (FEMA) has tremendous capacity to coordinate resources within the federal government.¹ FEMA coordinates several grant programs in which funds are made available for pre- and post-emergency or disaster related projects.² Grants are the principal funding mechanism used by FEMA to award federal funding to state, local, tribal, territorial, certain private nonprofits, individuals, and institutions of higher learning.³ FEMA grants support recovery initiatives, research, and security infrastructure development, among other programs.

There are four major categories for FEMA grant funding:

- Preparedness Grants;
- Hazard Mitigation Assistance Grants;
- Resilience Grants; and
- Emergency Food and Shelter Programs.

The Non-Profit Security Grant Program (NSGP) is one of the grants administered under FEMA Preparedness Grants. 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 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 NSPGs is to promote preparedness activities among state and local governments and agencies, emphasizing coordination with public and private community representatives.⁶

The NSGP is one of three grant programs supporting the comprehensive measures authorized by Congress enabling the Department of Homeland Security (DHS) and FEMA to help strengthen the nation's communities against extremist attacks.⁷

Funding allocated under NSGP is 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 (UASI) designated high-risk urban areas. NSGP-S funding is for nonprofit organizations located outside of the high-risk urban areas.

The designated State Administrative Agency (SAA) is the only entity eligible to apply for NSGP funds. The SAA in Florida is the Florida Division of Emergency Management (DEM). The SAA applies to FEMA on behalf of eligible nonprofit organizations.⁸ Eligible organizations must be located within one of

¹ FEMA, *About Us: FEMA*, www.fema.gov/about (last visited March 13, 2023).

² FEMA, *FEMA Grants*, www.fema.gov/grants (last visited March 13, 2023).

³ *Id.*

⁴ FEMA, *Preparedness Grants*, www.fema.gov/grants/preparedness (last visited March 13, 2023).

⁵ FEMA, *Nonprofit Security Grant Program*, www.fema.gov/grants/nonprofit-security (last visited March 13, 2023).

⁶ *Id.*

⁷ FEMA, *FY 2023 Nonprofit Security Grant Program Fact Sheet*, Feb. 27, 2023.

www.fema.gov/grants/preparedness/nonprofit-security (last visited March 13, 2023).

⁸ *Id.*

the designated high-risk urban areas listed by FEMA. The three areas listed in Florida are Tampa, Orlando, Miami/Ft. Lauderdale.⁹

Florida Division of Emergency Management

In its role as SAA for the NSGP, DEM regularly publishes an application guide for organizations to use. This guide provides important program information, including key dates, award information, funding maximum amounts, restrictions, and permitted activities for use of funds.¹⁰ The application guide highlights “priority areas” for the specific year.¹¹ The application guide also provides details regarding which select items are allowable from the Authorized Equipment List.¹²

DEM receives completed applications and submits them to DHS and FEMA. DEM may work with applicants to ensure their submission is completed properly and timely, but cannot change return dates or provide awards.¹³

Effect of Proposed Changes

The bill creates a state of Florida Nonprofit Security Grant Program modeled after the federal NSGP. Florida nonprofit organizations that are at high risk of violent attacks or hate crimes may apply for program grants, subject to Legislative appropriation. Grants may be used to increase safety and security, for the purchase and installation of security infrastructure, perimeter lighting and fencing, door hardening, security camera systems, hiring security personnel, training for security personnel and staff, and shatter resistant glass for windows. Minimum award amounts will be \$10,000, and the maximum award per application is \$150,000. DEM is permitted to use up to three percent for the administration of the program. However, the bill does not provide an appropriation for the grant program

DEM is permitted to adopt rules to administer this program. The statute creates, section 252.3712, F.S., which expires on January 1, 2028, unless reenacted by the Legislature.

B. SECTION DIRECTORY:

Section 1: Creates section 252.3712, F.S. the Nonprofit Security Grant Program.

Section 2: Provides for an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill authorizes DEM to establish a state NSGP program to award grants ranging from \$10,000 to \$150,000 to nonprofit organizations that are at high risk of violent attacks or hate crimes. The bill also allows DEM to use up to three percent of the total amount appropriated to administer the grant program. Even though the bill authorizes the establishment and administration of a state NSGP

⁹ FEMA, *Department of Homeland Security Notice of Funding Opportunity FY2022 NSGP*, Feb. 27, 2023. www.fema.gov/grants/preparedness/nonprofit-security (last visited March 14, 2023).

¹⁰ FDEM, *Nonprofit Security Grant Program FY2023 Application Guide*, March 2023, www.floridadisaster.org/preparedness/external/grants (last visited March 14, 2023).

¹¹ *Id.* at 5-6.

¹² *Id.* at 10.

¹³ *Id.* at 3.

program, it does not appropriate funding for grant awards or associated administrative costs that may be incurred by DEM.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may expand opportunities for private nonprofit entities to increase security at their locations, however, the program is time limited.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides additional rulemaking authority for the DEM to implement the new statutory requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES