

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1615 Grants for Nonprofit Organization Safety

SPONSOR(S): State Affairs Committee, 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	18 Y, 0 N, As CS	Wagoner	Williamson

SUMMARY ANALYSIS

The Federal Emergency Management Agency (FEMA) coordinates several grant programs in which funds are made available for pre- and post-emergency or disaster related projects. FEMA grants support recovery initiatives, research, security infrastructure, among 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 category of FEMA grant funding is Preparedness Grants, which supports, in part, first responders to ensure their coordination to protect against, respond to, and recover from issues of terrorism and other emergencies. The Nonprofit Security Grant Program (NSGP) is one of the grants administered under FEMA Preparedness Grants. It is one of three grant programs supporting the comprehensive measures authorized by Congress enabling the Department of Homeland Security and FEMA to help strengthen the nation's communities against extremist attacks. In Florida, the Division of Emergency (DEM) within the Executive Office of the Governor is the entity authorized to apply for NSGP funds.

The bill requires DEM to establish a state based Nonprofit Security Grant Program, which is modeled after the federal NSGP. Florida nonprofit organizations, including houses of worship and community centers, that are at high risk of violent attacks or hate crimes may apply for program grants. The bill provides that the program, which is subject to legislative appropriation, will provide award amounts between \$10,000 and \$150,000 and allows DEM to use up to 3 percent of the total appropriation for administration costs. The bill requires DEM to adopt rules to administer the grant program. The bill also provides that the program will expire on January 1, 2028, unless reviewed and saved from repeal by the Legislature.

Even though the bill authorizes the establishment and administration of the state grant program, it does not appropriate funding for grant awards or associated administrative costs that may be incurred by DEM.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) was officially created in 1979 by an executive order and on March 1, 2003, became part of the Department of Homeland Security (DHS).¹ As the nationwide organization responsible for federal emergency preparation and response, the mission of FEMA is helping citizens recover from disasters before during, and after the event.² FEMA leverages a tremendous capacity to coordinate resources within the federal government to make sure the country is equipped to paper for and respond to disasters.³

FEMA coordinates several grant programs in which funds are made available for pre- and post-emergency or disaster related projects.⁴ 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.⁵ FEMA grants support recovery initiatives, research, and security infrastructure development, among other programs.

One category of FEMA grant funding is Preparedness Grants, which supports, in part, first responders to ensure their coordination to protect against, respond to, and recover from issues of terrorism and other emergencies.⁶ The Nonprofit Security Grant Program (NSGP) is one of the grants administered under FEMA Preparedness Grants.⁷ It is one of three grant programs supporting the comprehensive measures authorized by Congress enabling DHS and FEMA to help strengthen the nation's communities against extremist attacks.⁸

The NSGP provides funding support for target hardening and physical security enhancements to nonprofit organizations that are at high risk of terrorist attack.⁹ The intent of NSPGs is to promote preparedness activities among state and local governments and agencies, emphasizing coordination with public and private community representatives.¹⁰

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 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. In Florida, the SAA is the Florida Division of Emergency Management (DEM). The SAA applies to FEMA on behalf of eligible nonprofit organizations.¹¹ Eligible organizations must be located within one of the designated high-risk urban areas listed by FEMA. The three areas listed in Florida are Tampa,

¹ FEMA, *About Us: FEMA*, www.fema.gov/about (last visited April 6, 2023).

² *Id.*

³ *Id.*

⁴ FEMA, *FEMA Grants*, www.fema.gov/grants (last visited April 6, 2023).

⁵ *Id.*

⁶ FEMA, *Preparedness Grants*, www.fema.gov/grants/preparedness (last visited April 6, 2023).

⁷ FEMA, *Nonprofit Security Grant Program*, <https://www.fema.gov/grants/preparedness/nonprofit-security> (last visited April 6, 2023).

⁸ FEMA, *FY 2023 Nonprofit Security Grant Program Fact Sheet*, Feb. 27, 2023.

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

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

Orlando, Miami/Ft. Lauderdale.¹² For federal Fiscal Year 2023, DHS is providing \$305 million for eligible nonprofit organizations.¹³

Division of Emergency Management

DEM is created within the Executive Office of the Governor¹⁴ and is responsible for maintain a comprehensive statewide program of emergency management.¹⁵ In part, DEM must:

- Prepare a state comprehensive emergency management plan that is integrated with the emergency plans and programs of the Federal Government.¹⁶
- 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 matters relating to emergency management in the state and nation.¹⁷
- Coordinate federal, state, and local emergency management activities and take steps to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters.¹⁸

In its role as SAA for the NSGP, DEM regularly publishes an application guide for organizations to use for federal emergency grants. The application guide provides important program information, including key dates, award information, funding maximum amounts, restrictions, and permitted activities for use of funds.¹⁹ The application guide also highlights “priority areas” for the specific year²⁰ and provides details regarding which select items are allowable from the Authorized Equipment List.²¹

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.²²

Effect of Proposed Changes

The bill requires DEM to establish a state Nonprofit Security Grant Program modeled after the federal NSGP. Florida nonprofit organizations, including houses of worship and community centers, that are at high risk of violent attacks or hate crimes may apply for program grants. Grants may be used 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, and blast resistant film and shatter resistant glass for windows.
- Hiring security personnel.
- Training for security personnel and staff on threat awareness, emergency procedures, and first aid.

The bill provides that the program, which is subject to legislative appropriation, will provide a minimum award amount of \$10,000 and a maximum award amount of \$150,000. DEM may use up to 3 percent of the total appropriation for administration of the program. However, the bill does not provide an appropriation for the grant program.

¹² 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).

¹³ FEMA, *Nonprofit Security Grant Program*, <https://www.fema.gov/grants/preparedness/nonprofit-security> (last visited April 6, 2023).

¹⁴ SS. 252.32 and 252.34(3), F.S.

¹⁵ S. 252.35(1), F.S.

¹⁶ S. 252.35(2)(a), F.S.

¹⁷ S. 252.35(2)(e), F.S.

¹⁸ S. 252.35(2)(l), F.S.

¹⁹ FDEM, *Nonprofit Security Grant Program FY2023 Application Guide*, March 2023, www.floridadisaster.org/preparedness/external/grants (last visited March 14, 2023).

²⁰ *Id.* at 5-6.

²¹ *Id.* at 10.

²² *Id.* at 3.

The bill requires DEM to adopt rules to administer this program. It also provides that the program expires on January 1, 2028, unless reviewed and saved from repeal by the Legislature.

B. SECTION DIRECTORY:

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

Section 2: Provides 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 Nonprofit Security Grant 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 allows DEM to use up to 3 percent of the total amount appropriated to administer the grant program. Even though the bill authorizes the establishment and administration of the state 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, including houses of worship and community centers, 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 affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires DEM to adopt rules to implement the Nonprofit Security Grant Program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 11, 2023, the State Affairs Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment replaced references to the Department of Emergency Management with the Division of Emergency Management.

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