

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 Fiscal Policy

BILL: SB 6-C

INTRODUCER: Senator Calatayud

SUBJECT: Security Grants

DATE: November 2, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Nobles	Yeatman	FP	Favorable

I. Summary:

In 2023, the Florida Legislature created the Nonprofit Security Grant Program (Program) within the Division of Emergency Management (division). The Program’s purpose is to award grants to increase security and safety for nonprofit entities at high risk for violent attacks and hate crimes and that were deemed eligible for, but did not receive, funding from the federal Nonprofit Security Grant Program within the federal fiscal year.

The bill amends provisions governing the Program to:

- Clarify that schools and museums can apply for a grant;
- Clarify that grants can be used to purchase and install *materials* for door hardening;
- Remove the prohibition on receiving both a state and federal grant;
- Direct the division to establish eligibility criteria based on the federal grant program;
- Prioritize applications for houses of worship or facilities that are frequented by children or students on a daily basis;
- Require the division to provide an annual list each June 1 to the Legislature of grants awarded; and
- Require the division to adopt rules to administer the Program by December 31, 2023, and authorize the division to adopt emergency rules to implement the Program.

The bill appropriates \$10 million in nonrecurring funds from the General Revenue Fund to the division for the purpose of implementing the program.

The bill appropriates \$5 million in nonrecurring funds from the General Revenue Fund to the Department of Education as fixed capital outlay to provide grants to full-time Jewish day schools and Jewish preschools for hardening security measures.

The bill appropriates \$20 million in nonrecurring funds from the General Revenue Fund to the Department of Education to provide grants to full-time Jewish day schools and Jewish preschools for nonhardening security measures.

The bill is effective upon becoming a law.

II. Present Situation:

Federal Nonprofit Security Grant Program

The Federal Emergency Management Agency (FEMA) under the United States Department of Homeland Security (DHS) administers the Nonprofit Security Grant Program (NSGP), a program implemented to allow the DHS and the FEMA to help strengthen the nation's communities against extremist attacks.¹

The NSGP also provides funding support for target hardening and physical security enhancements to nonprofit organizations that are at high risk of terrorist attack. The intent of the NSGP is to integrate nonprofit preparedness activities with the broader state and local efforts and to promote preparedness activities among state and local governments and agencies, emphasizing coordination with public and private community representatives.²

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.³

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 and provides funds to the nonprofit organizations as subrecipients. For federal fiscal year 2023, the DHS is provided \$305 million for the NSGP. Florida's allocation is \$3.4 million for the NSGP-S grants and \$11.5 million for the UA grants. Up to 5 percent of the grants may be used for administration.⁴

Florida Division of Emergency Management

The Division of Emergency Management (division) is responsible for "maintaining a comprehensive statewide program of emergency management."⁵ 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 and cooperating with various partners in emergency management.⁶ The division is the designated SAA for Florida for the federal NSGP.

¹ FEMA, *Nonprofit Security Grant Program*, available at <https://www.fema.gov/grants/preparedness/nonprofit-security> (last visited October 26, 2023). FEMA, *FY 2023 Nonprofit Security Grant Program Fact Sheet*, February 7, 2023, available at <https://www.fema.gov/grants/preparedness/nonprofit-security/fy-23-fact-sheet> (last visited October 31, 2023).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Section 252.35(1), F.S.

⁶ Section 252.35, F.S.

The division regularly publishes an application guide for organizations to use for a variety of federal emergency grants, including the NSGP.⁷ 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.⁸

For the federal fiscal year 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.⁹

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.¹⁰

Florida Nonprofit Security Grant Program

In 2023, the Florida Legislature created the Nonprofit Security Grant Program (Program) within the division.¹¹ 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 federal NSGP within the federal fiscal year.¹²

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;
- Perimeter fencing;
- Barriers and bollards;¹³
- Blast-resistant film; and

⁷ Florida Division of Emergency Management, available at <https://www.floridadisaster.org/dem/preparedness/grants-unit/> (last visited October 26, 2023). The division 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.

⁸ Florida Division of Emergency Management, 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 October 26, 2023).

⁹ *Id.*

¹⁰ *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.

¹¹ Chapter 2023-180, Laws of Florida.

¹² Section 252.3712(2), F.S.

¹³ 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 October 30, 2023).

- Shatter-resistant glass for windows.¹⁴

Grant funds may also be used to hire security personnel and train security personnel and staff on threat awareness, emergency procedures, and first aid.

The minimum grant that may be awarded 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.¹⁵ The Program was not funded in Fiscal Year 2023-2024. The division must adopt rules to administer the Program, including providing 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 has been operational for a period of at least 6 months or that has received a number of threats based on need.¹⁶

The division has not yet publicly noticed rulemaking for the program. The division is authorized to use up to 3 percent of any appropriation for the administration of the Program.¹⁷

The Program will be automatically repealed on January 1, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.¹⁸

III. Effect of Proposed Changes:

Section 1 amends the provisions governing the Nonprofit Security Grant Program in s. 252.3712, F.S., to:

- Add schools and museums to the list of eligible nonprofit organizations;
- Clarify that materials for door hardening are an acceptable use of awarded funds;
- Change the eligibility requirement to provide that an applicant must only meet the federal NSGP eligibility criteria rather than requiring the applicant to meet the federal NSGP eligibility requirements, but not receive federal NSGP funding within the federal fiscal year;
- Prioritize applicants that are houses of worship or whose facilities are frequented by children or students on a daily basis; and
- Require the division to submit a list of grants awarded to the President of the Senate and Speaker of the House by June 1, 2024, and annually thereafter.

Section 2 requires the division to adopt administrative rules to administer the Program by December 31, 2023, and authorizes the division to adopt emergency rules to implement the Program.

Section 3 appropriates \$10 million in nonrecurring funds from the General Revenue Fund for the 2023-2024 fiscal year to the division to implement the Program. The grants must be awarded no

¹⁴ Section 252.3712(1), F.S.

¹⁵ Section 252.3712(3), F.S.

¹⁶ Section 252.3712(5), F.S.

¹⁷ Section 252.3712(4), F.S.

¹⁸ Section 252.3712(6), F.S.

later than March 1, 2024, and the unexpended balance at the end of the fiscal year reverts and is appropriated for the same purpose for the 2024-2025 fiscal year.

Section 4 appropriates \$5 million in nonrecurring funds from the General Revenue Fund for the 2023-2024 fiscal year to the Department of Education as fixed capital outlay to provide grants to full-time Jewish day schools and Jewish preschools for hardening security measures. The grants must be awarded no later than March 1, 2024. Hardening security measures include the purchase and installation of security infrastructure, perimeter lighting, materials for door hardening, security camera systems, perimeter fencing, barriers and bollards, and blast-resistant film and shatter-resistant glass for windows.

Section 5 appropriates \$20 million in nonrecurring funds from the General Revenue Fund for the 2023-2024 fiscal year to the Department of Education to provide grants to full-time Jewish day schools and Jewish preschools for nonhardening security measures. The grants must be awarded no later than March 1, 2024, and the unexpended balance at the end of the fiscal year reverts and is appropriated for the same purpose for the 2024-2025 fiscal year. Nonhardening security measures include hiring security personnel and providing training for security personnel and staff on threat awareness, emergency procedures, and first aid.

Section 6 provides that the bill takes effect upon becoming a law.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Nonprofit organizations, including schools and museums, at high risk for violent attacks or hate crimes, Jewish day schools, and Jewish preschools will be able to apply for funding for the purchase and installation of security infrastructure or the addition or training of security personnel or staff. Nonprofit organizations that receive a federal NSGP grant may also be eligible to apply for and receive state funding for a similar grant.

C. Government Sector Impact:

The bill appropriates:

- \$10 million in nonrecurring funds from the General Revenue Fund for the 2023-2024 fiscal year to the division to implement the Program; the unexpended balance at the end of the fiscal year reverts and is appropriated for the same purpose for the 2024-2025 fiscal year;
- \$5 million in nonrecurring funds from the General Revenue Fund for the 2023-2024 fiscal year to the Department of Education as fixed capital outlay to provide grants to full-time Jewish day schools and Jewish preschools for hardening security measures; and
- \$20 million in nonrecurring funds from the General Revenue Fund for the 2023-2024 fiscal year to the Department of Education to provide grants to full-time Jewish day schools and Jewish preschools for nonhardening security measures; the unexpended balance at the end of the fiscal year reverts and is appropriated for the same purpose for the 2024-2025 fiscal year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 252.3712 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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