

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/HB 7C Security Grants  
**SPONSOR(S):** Appropriations Committee, Fine and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 6-C

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**FINAL HOUSE FLOOR ACTION:** 109 Y's 0 N's **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/HB 7C passed the House on November 7, 2023, and subsequently passed the Senate on November 8, 2023.

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. 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 Management (DEM) within the Executive Office of the Governor is the entity authorized to apply for NSGP funds.

In 2023, the Legislature directed 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. Applicants who were deemed eligible for, but did not receive funding from the federal NSGP within the federal fiscal year, may receive funding under the state NSGP. The program did not receive an appropriation in the 2023-2024 fiscal year.

Relating to the state NSGP, the bill:

- Specifies that nonprofit schools and museums are among the types of nonprofit organizations eligible for funding under the state program.
- Provides that DEM must award grants to applicants who meet eligibility criteria for the federal NSGP.
- Requires DEM to provide, by June 1, a list of the state NSGP grants awarded each fiscal year to the President of the Senate and the Speaker of the House of Representatives.
- Directs DEM to adopt rules prioritizing applicants that are houses of worship or whose facilities are frequented by children or students on a daily basis.
- Authorizes DEM to adopt emergency rules to implement the program, and requires the adoption of such rules by December 31, 2023.

The bill appropriates from the General Revenue Fund the nonrecurring sums of \$20 million to DEM to implement the state NSGP program and \$25 million to the Department of Education to provide grants to full-time Jewish day schools and Jewish preschools for hardening and nonhardening security measures. Grants must be awarded by March 1, 2024.

The bill was approved by the Governor on November 13, 2023, ch. 2023-352, L.O.F., and became effective on that date.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF 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). As the nationwide organization responsible for federal emergency preparation and response, the mission of FEMA is to help citizens recover from disasters before, during, and after an event. FEMA leverages a tremendous capacity to coordinate resources within the federal government to make sure the country is equipped to prepare for and respond to disasters.<sup>1</sup>

FEMA coordinates several grant programs in which funds are made available for pre- and post-emergency or disaster related projects.<sup>2</sup> 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. FEMA grants support recovery initiatives, research, and security infrastructure development, among other programs.

One category of FEMA grant funding is Preparedness Grants, which support, in part, first responders to ensure their coordination to protect against, respond to, and recover from issues of terrorism and other emergencies.<sup>3</sup> The Nonprofit Security Grant Program (NSGP) is one of the grants administered under FEMA Preparedness Grants.<sup>4</sup> 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.<sup>5</sup>

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

NSGP funding is allocated into two categories: Urban Area (UA) and State (NSGP-S). UA funds are awarded to nonprofit organizations located within one of the Urban Area security initiative-designated high-risk urban areas, while NSGP-S funding is for nonprofit organizations located outside these areas.

The designated State Administrative Agency (SAA) is the only entity eligible to apply for NSGP funds. In Florida, the SAA is the Division of Emergency Management (DEM). The SAA applies to FEMA on behalf of eligible nonprofit organizations.<sup>6</sup> 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, Orlando, and Miami/Ft. Lauderdale.<sup>7</sup> For federal Fiscal Year 2023, DHS provides \$305 million for eligible nonprofit organizations nationwide.<sup>8</sup>

##### Division of Emergency Management

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<sup>1</sup> FEMA, *About Us: FEMA*, [www.fema.gov/about](http://www.fema.gov/about) (last visited Oct. 30, 2023).

<sup>2</sup> FEMA, *FEMA Grants*, [www.fema.gov/grants](http://www.fema.gov/grants) (last visited Oct. 30, 2023).

<sup>3</sup> FEMA, *Preparedness Grants*, [www.fema.gov/grants/preparedness](http://www.fema.gov/grants/preparedness) (last visited Oct. 30, 2023).

<sup>4</sup> FEMA, *Nonprofit Security Grant Program*, <https://www.fema.gov/grants/preparedness/nonprofit-security> (last visited Oct. 30, 2023).

<sup>5</sup> FEMA, *FY 2023 Nonprofit Security Grant Program Fact Sheet*, Feb. 27, 2023, [www.fema.gov/grants/preparedness/nonprofit-security](http://www.fema.gov/grants/preparedness/nonprofit-security) (last visited Oct. 30, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> FEMA, *Department of Homeland Security Notice of Funding Opportunity FY 2022 NSGP*, Feb. 27, 2023.

[www.fema.gov/grants/preparedness/nonprofit-security](http://www.fema.gov/grants/preparedness/nonprofit-security) (last visited Oct. 30, 2023).

<sup>8</sup> FEMA, *Nonprofit Security Grant Program*, <https://www.fema.gov/grants/preparedness/nonprofit-security> (last visited Oct. 30, 2023).

DEM is created within the Executive Office of the Governor<sup>9</sup> and is responsible for maintaining a comprehensive statewide program of emergency management.<sup>10</sup> In part, DEM must:

- Prepare a state comprehensive emergency management plan that is integrated with the emergency plans and programs of the Federal Government.<sup>11</sup>
- 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.<sup>12</sup>
- 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.<sup>13</sup>

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.<sup>14</sup> The application guide also highlights “priority areas” for the specific year<sup>15</sup> and provides details regarding which select items are allowable from the Authorized Equipment List.<sup>16</sup>

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.<sup>17</sup>

#### Florida Supplemental Nonprofit Security Grant Program

During the 2023 regular session, the Legislature directed DEM to establish a state Nonprofit Security Grant Program modeled after the federal NSGP.<sup>18</sup> 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.

Additionally, the legislation:

- Requires DEM to award grants to applicants who were deemed eligible for but did not receive funding from the federal NSGP within the federal fiscal year.
- 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. Funding for the program, however, is subject to legislative appropriation.

The law requires DEM to adopt rules to administer this program, including criteria for:

- Awarding of grant funds to an owner of a facility for hardening security measures.

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<sup>9</sup> SS. 252.32 and 252.34(3), F.S.

<sup>10</sup> S. 252.35(1), F.S.

<sup>11</sup> S. 252.35(2)(a), F.S.

<sup>12</sup> S. 252.35(2)(e), F.S.

<sup>13</sup> S. 252.35(2)(l), F.S.

<sup>14</sup> FDEM, *Nonprofit Security Grant Program FY 2023 Application Guide* <https://www.floridadisaster.org/dem/preparedness/grants-unit/> (last visited Oct. 30, 2023).

<sup>15</sup> *Id.* at 5-6.

<sup>16</sup> *Id.* at 10.

<sup>17</sup> *Id.* at 3.

<sup>18</sup> SB 1480 (2023); ch. 2023-180, Laws of Fla.; codified as s. 252.3712, F.S.

- Awarding of grant funds to an owner or a renter of a facility for nonhardening securing measures.
- Establishing the need for grants funds to be awarded to an owner or a renter of a facility that has been operational for at least six months or has received a sufficient number of threats.

The state NSGP did not receive an appropriation during the 2023 regular legislative session. The program will be repealed January 1, 2028, unless reviewed and saved from repeal by the Legislature.

Additionally, the 2023-2024 General Appropriations Act provided \$5.0 million in nonrecurring funds for Security Funding in Jewish Day Schools.<sup>19</sup>

### **Effect of Proposed Changes**

The bill amends s. 252.3712, F.S., as follows:

- Specifies that nonprofit schools and museums are among the types of nonprofit organizations which may receive funding under the program.
- Provides that applicants who meet eligibility criteria under the federal NSGP program may receive grants.
- Requires DEM to provide, by June 1, a list of the state NSGP grants awarded each fiscal year to the President of the Senate and the Speaker of the House of Representatives.
- Directs DEM to adopt rules prioritizing applicants that are houses of worship or whose facilities are frequented by children on a daily basis.

The bill authorizes DEM to adopt emergency rules to implement the program, and requires the adoption of such rules by December 31, 2023.

The bill provides, for the 2023-2024 fiscal year, a nonrecurring appropriation of \$20 million from the General Revenue Fund to DEM to implement the state NSGP program. Grants must be awarded by March 1, 2024, and the unexpended balance of funds as of June 30, 2024, must revert and is appropriated to DEM for the same purpose for the 2024-2025 fiscal year.

The bill appropriates, for the 2023-2024 fiscal year, the nonrecurring sum of \$15 million 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, including 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. Grants must be awarded by March 1, 2024.

Additionally, the bill appropriates, for the 2023-2024 fiscal year, the nonrecurring sum of \$10 million 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, including hiring security personnel and training for security personnel and staff on threat awareness, emergency procedures, and first aid. Grants must be awarded by March 1, 2024. The unexpended balance of funds appropriated to the department as of June 30, 2024, must revert and is appropriated to the department for the same purpose for the 2024-2025 fiscal year.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

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<sup>19</sup> SB 2500, Specific Appropriations 100 and 105 (SF 1492) (HF 0082); ch. 2023-239, Laws of Fla.

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Certain eligible facilities and their contractors will benefit from grant funding for hardening and nonhardening security measures.

D. FISCAL COMMENTS:

The bill appropriates, for the 2023-2024 fiscal year, the nonrecurring sum of \$20 million from the General Revenue Fund to DEM to implement the state NSGP program. The unexpended balance of funds as of June 30, 2024, must revert and is appropriated to DEM for the same purpose for the 2024-2025 fiscal year.

The bill appropriates, from the General Revenue Fund to the Department of Education for the 2023-2024 fiscal year, the nonrecurring sums of:

- \$15 million as fixed capital outlay to provide grants to full-time Jewish day schools and Jewish preschools for hardening security measures.
- \$10 million to provide grants to full-time Jewish day schools and Jewish preschools for nonhardening security measures. The unexpended balance of funds appropriated to the department as of June 30, 2024, will revert and is appropriated to the department for the same purpose for the 2024-2025 fiscal year.