

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1567 Qualifications for County Emergency Management Directors

SPONSOR(S): Constitutional Rights, Rule of Law & Government Operations Subcommittee

TIED BILLS: **IDEN./SIM. BILLS:** SB 1262

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Constitutional Rights, Rule of Law & Government Operations Subcommittee		Miller	Miller

SUMMARY ANALYSIS

Florida is vulnerable to a wide variety of emergencies, both natural and of human origin. The Legislature adopted the State Emergency Management Act (Act) to reduce these vulnerabilities, promote emergency preparedness, response, mitigation, and recovery, and coordinate all emergency management functions of the state with local political subdivisions as well as the federal government.

The Division of Emergency Management (FDEM) is created in the Executive Office of the Governor to implement the purposes of the Act. These duties include preparing the state emergency plan, coordinating emergency planning and response with local and federal authorities, and assisting local government emergency planning, preparation, and response.

Basic state policy for responding to disasters is to support local emergency response efforts while also recognizing the need for state assistance when the scope of a disaster is greater than can be met by local resources. The Act provides specific authorization and emergency powers to counties, requiring each to establish and maintain an emergency management agency and develop a county emergency management plan. Municipalities are encouraged to create their own emergency management plans but must coordinate with the county emergency management agency. Each county must have an emergency management agency headed by a director appointed either by the board of county commissioners or the county chief administrative officer and serving at the pleasure of the appointing authority. Current law provides no specific minimum qualifications for county emergency management directors other than the minimum training and education standards in a job description approved by the county.

The PSC creates minimum education, experience, and training standards for all county emergency management directors. All county directors will be required to have at least a bachelor's degree and six years of verifiable experience in emergency services, emergency management, emergency planning, law enforcement, or fire-fighting services (three years of which must be supervisory experience in emergency management, responses, or operations for a county or municipality). A Master's degree in one or more of the following fields may be substituted for two years of the required experience but not for the required supervisory experience: emergency preparedness or management, homeland security, public health, criminal justice, meteorology, or environmental science. Additionally, a county director must complete specific courses offered by the Federal Emergency Management Agency (FEMA) through the Emergency Management Institute (or equivalent courses established by FEMA): ICS-100, ICS-200, IS-700, IS-703, IS-800. Alternatively, a valid accreditation as a Certified Master Exercise Practitioner by FEMA, a Certified Emergency Manager, or a Florida Professional Emergency Manager may substitute for these courses. Finally, a county director must have a valid Florida driver license.

Recognizing that not every current county emergency management director may have fulfilled these minimum qualifications, the PCS allows them until June 30, 2026, to meet the new criteria.

The PCS appears to have no fiscal impact on the state or local governments but may have an indeterminate negative fiscal impact on individuals seeking appointment as county emergency management directors. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

State Emergency Management Act

Florida is vulnerable to a wide variety of emergencies, including natural, technological, and human origin disasters threatening the health and safety of people, damaging and destroying property, disrupting services, and impeding economic growth and development.¹ To reduce these vulnerabilities, promote emergency² preparedness, response, mitigation, recovery, and coordinate all emergency management functions of the state with the political subdivisions of the state, other states, and the Federal Government,³ the Legislature adopted the State Emergency Management Act (Act).⁴

Under the Act, “emergency management” is defined as “the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters.”⁵ Specific emergency management responsibilities include without limitation:

- Reducing vulnerabilities of people and communities to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action;
- Preparing for prompt and efficient response and recovery to protect lives and property affected by emergencies;
- Responding to emergencies using all systems, plans, and resources necessary to preserve the health, safety, and welfare of persons or property affected by emergencies;
- Assisting recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies;
- Providing an emergency management system embodying all aspects of pre-emergency preparedness and post-emergency response, recovery, and mitigation; and
- Assisting with the anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.⁶

The Division of Emergency Management is created within the Executive Office of the Governor (FDEM)⁷ to implement the purposes of the Act, including coordinating planning and response to emergencies with local and federal authorities.⁸ The duties of FDEM include preparing and updating the state comprehensive emergency management plan,⁹ adopting standards and requirements for county emergency plans,¹⁰ assisting political subdivisions¹¹ with preparing and maintaining their emergency management plans,¹² reviewing such plans of political subdivisions,¹³ and coordinating federal, state, and local emergency management actions in advance of an actual emergency to ensure

¹ S. 252.311(1), F.S.

² S. 252.34(4), F.S., defines “emergency” as “any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.”

³ Ss. 252.311, 252.32, F.S.

⁴ Ss. 252.31-252.60, F.S. See s. 252.31, F.S.

⁵ S. 252.34(5), F.S.

⁶ S. 252.34(5)(a)-(f), F.S.

⁷ S. 14.2016(1), F.S.

⁸ S. 252.32, F.S.

⁹ The state comprehensive emergency plan must be integrated into and coordinate with federal emergency management plans and programs. S. 252.35(2)(a), F.S.

¹⁰ S. 252.35(2)(b), F.S.

¹¹ S. 252.34(10), F.S., defines “political subdivision” as any county or municipality.

¹² S. 252.35(2)(c), F.S.

¹³ S. 252.35(2)(d), F.S.

availability of adequately trained and equipped personnel before, during, and after an emergency or disaster.¹⁴

The Governor is responsible for meeting the dangers presented by emergencies using the powers authorized in the Act.¹⁵ The Governor also is responsible for appointing the director of FDEM, who serves at the pleasure of the Governor and is the head of FDEM for all purposes.¹⁶ Neither the statute creating FDEM nor the Act provide minimum qualifications for the director. The current Executive Director of FDEM has more than 30 years' experience in public safety and emergency management in Florida, including 23 years in law enforcement and emergency preparedness in Jacksonville and serving as the Public Safety and Emergency Management Director for Flagler County, the Assistant County Administrator for Public Safety for Pasco County (responsible for all emergency services, fire/rescue, and 911 Communications Center), Chief of Staff for FDEM, and then Deputy Director of FDEM. He holds a B.A. in Criminal Justice, an M.A. in Human Services, and is certified as a Master Exercise Practitioner¹⁷ by the Federal Emergency Management Agency (FEMA).¹⁸

Basic state policy for responding to disasters is to support local emergency response efforts while also recognizing the need for state assistance when the scope of a disaster is greater than can be met by local resources.¹⁹ The Act provides specific authorization and emergency powers to counties, requiring each county to establish and maintain an emergency management agency and develop a county emergency management plan.²⁰ Municipalities are encouraged to create their own emergency management plans but must coordinate with the county emergency management agency.²¹

County emergency management agencies must have a director appointed by either the board of county commissioners or the county chief administrative officer and serving at the pleasure of the appointing authority. The county emergency management director (county director) may be a county constitutional officer²² or an employee of such an officer. The county director is responsible for the organization, administration, and operation of the county emergency management agency, must coordinate the emergency activities, services, and programs of the agency throughout the county, and serves as the county liaison to FDEM and other local emergency management agencies.²³

By statute, the only qualifications a county director must meet are the minimum training and education standards in the job description approved by the county.²⁴ Since there are no uniform minimum requirements for county directors, counties vary in the qualifications required for the position as shown by the following table:

¹⁴ S. 252.35(2)(l), F.S.

¹⁵ S. 252.36(1)(a), F.S.

¹⁶ S. 14.2016,(1), F.S.

¹⁷ The Master Exercise Practitioner Program is a program designed for advanced exercise practitioners in emergency management exercise design, conduct, and evaluation and is the most advanced program offered through the FEMA Emergency Management Institute. See FEMA, "Master Exercise Practitioner Program," available at <https://training.fema.gov/programs/nsec/mepp/> (last visited January 18, 2024).

¹⁸ Kevin Guthrie, Executive Director, available at <https://www.floridadisaster.org/dem/directors-office/FDEMdirector/> (last visited January 18, 2024).

¹⁹ S. 252.311(3), F.S.

²⁰ S. 252.38(1)(a), F.S.

²¹ S. 252.38(2), F.S.

²² Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, or Clerk of Courts. Art. VIII, s. 1(d), Fla. Const.

²³ S. 252.38(3)(b), F.S.

²⁴ *Id.*

County	Minimum Required Education	Required Experience	Required Licenses/Certifications
Broward ²⁵	B.A. in required subject ²⁶	5 years full-time in emergency management, at least 1-year supervising emergency management programs and personnel	Accreditation as a Certified Emergency Manager
Escambia ²⁷	Graduation from 2-year college or university or B.A.	5 years professional experience in emergency management, emergency incident command & control. B.A. could be substituted for 2 years experience	Valid driver license; National Incident Management System (NIMS) certifications IS700, IS800, IS100, IS200, ICS300, and ICS400
Sarasota ²⁸	B.A. in required subject ²⁹	6 years related experience; M.A. with at least 4 years related experience may be substituted. At least 4 years supervisory experience in emergency management	Certified Emergency Manager (CEM), or Florida Professional Emergency Manager (FPEM) or ability to obtain within one-year Valid driver license
Volusia ³⁰	B.A. in required subject ³¹	5 years progressively responsible work in emergency management	Valid driver license

Emergency Manager Qualifications

The Emergency Management Institute (EMI) run by FEMA is the primary center for the development and delivery of emergency management training nationally, emphasizing programs such as the National Incident Management System (NIMS).³² A comprehensive approach to managing emergency and disaster incidents, NIMS is intended to apply across all jurisdictional levels and functional disciplines for the management of all potential incidents, hazards, and impacts regardless of size, location, or complexity.³³ The National Qualification System (NQS) within NIMS establishes guidance and tools to assist stakeholders in developing processes for qualifying, certifying, and credentialing deployable emergency personnel.³⁴ The most advance program offered by FEMA is the Master Exercise Practitioner Program.³⁵ In addition to the NIMS program, national certification is available through the International Association of Emergency Managers (IAEM). IAEM has two levels of individual certification, the Certified Emergency Manager (CEM) and the Associate Emergency Manager (AEM).³⁶

²⁵ "Training and Requirements for Emergency Management Professionals in Broward County," available at <https://www.emergencymanagementedu.org/florida/broward-county/> (last visited January 16, 2024).

²⁶ Homeland security, terrorism studies, emergency preparedness, business administration, public health. *Id.*

²⁷ Escambia County, "BCC Job Descriptions," available at <https://myescambia.com/our-services/human-resources/employment/job-descriptions> (last visited January 16, 2024).

²⁸ Sarasota County Government, "Emergency Management Chief (Manager III) – R16608," available at <https://sgrjobs.com/SGR/position.php?JobID=453641> (last visited January 18, 2024).

²⁹ Public administration, management, business science, or technical field. *Id.*

³⁰ Volusia County, "Emergency Management Director – Emergency Management Division; job notice" (12/29/2022), available at <https://www.salary.com/job/volusia-county-fl/emergency-management-director-emergency-management-division/j202212291022506814877> (last visited January 16, 2024).

³¹ Business, public administration, emergency management, homeland security, or related field. *Id.*

³² National Association of Counties, "Managing Disasters at the County Level: A National Survey," available at https://www.naco.org/sites/default/files/documents/Emergency%20Management%20in%20County%20Government_03.25.19.pdf (last visited January 16, 2024).

³³ *Id.* See also "National Incident Management System," available at <https://www.fema.gov/emergency-managers/nims> (last visited January 19, 2024).

³⁴ FEMA, "National Incident Management System Guideline for the National Qualification System (Nov. 2017)," 1, available at https://www.fema.gov/sites/default/files/2020-05/fema_nims_nqs_guideline_0.pdf (last visited January 19, 2024).

³⁵ See *supra*, n. 17.

³⁶ International Association of Emergency Managers, "Associate Emergency Manager (AEM) and Certified Emergency Manager (CEM)," available at <https://www.iaem.org/certification/intro> (last visited January 19, 2024).

NIMS maintains a core training curriculum including the following courses, all of which are available online as interactive web-based instruction:³⁷

ICS-100: Introduction to the Incident Command System: This course introduces the Incident Command System (ICS), provides the foundation for higher level ICS training, describes the history, features and principles, and organizational structure of the ICS, and explains the relationship between ICS and NIMS. Course objectives include:

- Explaining the principles and basic structure of the ICS;
- Describing the NIMS management characteristics that are the foundation of the ICS;
- Describing the ICS functional areas and the roles of Incident Commander and command staff;
- Describing the role of general staff within ICS; and
- Identifying how NIMS management characteristics apply to ICS for a variety of roles and discipline areas.

ICS-200: ICS for Single Resources and Initial Action Incidents: This course reviews the ICS, provides the context for ICS within initial incident response, supports higher level ICS training, and training on, and resources for, personnel who are likely to assume a supervisory position within ICS. Course objectives include:

- Describing how NIMS Management Characteristics relate to incident command and unified command;
- Describing the delegation of authority process, implementing authorities, management by objectives, and preparedness plans and objectives;
- Identifying ICS organizational components, the command staff, the general staff, and ICS tools;
- Describing different types of briefings and meetings;
- Explaining flexibility within the standard ICS organizational structure;
- Explaining transfer of command briefings and procedures; and
- Using ICS to manage an incident or event.

IS-700: National Incident Management System, An Introduction: This course provides an overview of the concepts, principles, and components making NIMS a comprehensive approach guiding the whole community - all levels of government, nongovernmental organizations, and the private sector - to work together to prevent, protect against, mitigate, respond to, and recover from the effects of incidents.

Course objectives include:

- Describing and identifying key concepts, principles, scope, and applicability underlying NIMS;
- Describing activities and methods for managing resources;
- Describing NIMS Management Characteristics;
- Identifying and describing ICS organizational structures;
- Explaining Emergency Operations Center (EOC) functions, common models for staff organization, and activation levels;
- Explaining the interconnectivity within the NIMS Management and Coordination structures: ICS, EOC, Joint Information System, and Multiagency Coordination Groups; and
- Identifying and describing the characteristics of communications and information systems, effective communication, incident information, and communication standards and formats.

IS-703: NIMS Resource Management: This course introduces federal, state, local, tribal, and territorial emergency managers, first responders, and incident commanders from all emergency management disciplines to NIMS Resource Management, including private industry and volunteer agency personnel responsible for coordination activities during a disaster. Course objectives include:

- Defining the four resource management tasks to prepare for an incident response;
- Identifying the six primary tasks of resource management during an incident; and
- Describing the use of mutual aid in incidents.

³⁷ Information on ICS-100, ICS-200, IS-700, IS-703, and IS-800 is found at FEMA, Emergency Management Institute, available at <https://training.fema.gov/nims/> (last visited January 18, 2024).

IS-800: National Response Framework, An Introduction: This course provides guidance for the all entities involved in emergency management and response, focusing particularly on those who are involved in delivering and applying the response core capabilities. Course objectives include:

- Describing the purpose, scope, organization, and underlying doctrine of the National Response Framework;
- Describing the roles and responsibilities of response partners; and
- Describing core capabilities for response and actions required to deliver those capabilities.

The Florida Emergency Preparedness Association (FEPA) is a private non-profit corporation providing an educational network for emergency managers at all levels of government as well as the private sector.³⁸ FEPA certifies as Florida Professional Emergency Managers those experience emergency managers who have advanced and diverse “knowledge, skills, and abilities to perform effectively” in a comprehensive emergency management program.³⁹

Effect of the PCS

The PCS creates the following minimum qualifications for those employed as county emergency management directors:

- A bachelor’s degree;
- Six years of verifiable experience in emergency services, emergency management, emergency planning, law enforcement, or fire-fighting services. Three years of this service must be supervisory experience in emergency management, responses, or operations for a county or municipality.
- A Master’s degree in one or more of the following fields may be substituted for two years of the required experience but not for the required supervisory experience: emergency preparedness or management, homeland security, public health, criminal justice, meteorology, or environmental science.
- Completion of the following NIMS courses (or equivalent courses established by FEMA): ICS-100, ICS-200, IS-700, IS-703, IS-800. Alternatively, a valid accreditation as a Certified Master Exercise Practitioner by FEMA, a Certified Emergency Manager, or a Florida Professional Emergency Manager may substitute for the NIMS courses.
- A valid driver license. If the license is not issued by Florida, the director must obtain a Florida driver license within 30 days of being appointed as director.

Those county emergency management directors who do not meet all the required qualifications on the effective date of the law will have until June 30, 2026, to complete the requirements.

B. SECTION DIRECTORY:

Section 1: Amends s. 252.38, F.S., to create minimum qualifications for county emergency management directors.

Section 2: Creates a non-codified section of law allowing county emergency management directors who do not meet the qualification requirements on the effective date of the act to have until June 30, 2026, to complete such requirements.

Section 3: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

³⁸ FEPA, “About FEPA,” available at <https://www.fepa.org/about-us> (last visited January 19, 2024).

³⁹ FEPA, “FEPA Certification Program,” available at <https://www.fepa.org/certification> (last visited January 19, 2024).

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The PCS may have an indeterminate negative economic impact on private individuals seeking appointment as county emergency management directors by requiring at least a bachelor's degree and completion of specific courses pertaining to the National Incident Management System offered by the Emergency Management Institute.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This PCS 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 PCS neither authorizes nor requires executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES