

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 775 An act relating to Emergency Preparedness and Response

SPONSOR(S): Finance & Tax Committee

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

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--------------------------------------|---------------|----------------|--|
| Orig. Comm.: Finance & Tax Committee | 13 Y, 0 N | Pewitt | Langston |

SUMMARY ANALYSIS

Currently, Florida does not provide a state certification for individuals or employers who assist in delivering essential goods or restoring utilities during times of emergency. Each local jurisdiction may impose identification requirements and credentials beyond that which the division suggests for persons travelling into disaster areas.

The proposed committee substitute directs the Division of Emergency Management to establish a statewide system to facilitate the transportation and distribution of essentials and restoration of utilities throughout the state during times of emergency. The term “essentials” means any goods that are consumed or used as a direct result of an emergency or that are consumed or used to preserve, protect, or sustain life, health, safety, or economic well-being.

The division must develop a system to certify persons who transport or distribute essentials in commerce or who assist in restoring utility services.

The system may allow for certification of persons both before and after a declaration of emergency. If requested by the employer, a certification of the employer constitutes a certification of the employer’s employees. The division may certify only a person who routinely transports or distributes essentials or assists in restoring utility services.

The division is directed to create an easily recognizable indicium of certification to assist local officials’ efforts in determining who has access to an area. Each certification may last no longer than 1 year, but may be renewed so long as criteria for certification continue to be met.

Any person certified by the division may not be required to obtain any additional certifications or meet any other requirements in order to transport essentials or assist in restoring utility services. Certified individuals will move throughout the state and throughout local communities at times of emergency. During times of curfew, certified persons are permitted to enter or remain in the curfew area for the limited purpose of distributing or assisting in the distribution of essentials.

The proposed committee substitute also states that law enforcement officers are not prohibited from specifying the permissible route of ingress or egress of certified individuals.

The proposed committee substitute will be effective upon becoming law.

The bill has no fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Currently, Florida does not provide a state certification for individuals or employers who assist in delivering essential goods or restoring utilities during times of emergency.

Each local jurisdiction may impose identification requirements and credentials beyond that which the division suggests.¹ Over the past few years, the division's Office of Private Sector Coordination "formulated a working group to discuss...private sector re-entry."² Statements at meetings and survey responses indicated that most local jurisdictions would allow access to disaster stricken areas if private sector employees and businesses possess three of the following items:³

- A corporate identification card.
- A letter of authorization.
- A bill of lading/work order.
- A valid driver's license.

The items listed above are only a recommended list and each county may require additional documentation from persons who travel into disaster areas.

Proposed Changes

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The proposed committee substitute also states that law enforcement officers are not prohibited from specifying the permissible route of ingress or egress of certified individuals.

¹ Department of Emergency Management, *Senate Bill 608 Fiscal Analysis* (Nov. 2, 2016)(on file with the House Finance and Tax Committee).

²Florida Division of Emergency Management, *Statewide Re-entry Information*, available at http://www.floridadisaster.org/PublicPrivateSector/reentry_information.html (last visited Nov 18, 2015).

³ *Id.*

B. SECTION DIRECTORY:

Section 1 creates s. 252.359, F.S., requiring the Division of Emergency Management to create a certification program for people that transport essentials or help restore utility services in areas affected by a disaster.

Section 2 provides that the bill will be effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Division of Emergency Management has stated that these requirements can be met with existing technology and staff and that no additional expenditures will be required.⁴

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private sector distributors of essentials and utility companies will have an easier time providing services in counties across the state.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

⁴ Department of Emergency Management, Senate Bill 608 Fiscal Analysis (Nov. 2, 2016)(on file with the House Finance and Tax Committee). The provisions of this proposed committee substitute are substantially similar to those in SB 608.

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES