



## DIVISION OF EMERGENCY MANAGEMENT ADVISORY COMMITTEES ASSESSMENT

JANUARY 2009

Report No. 09-S14

### *Scope*

The Florida Government Accountability Act directs OPPAGA to review state agencies and their advisory committees, examine their costs, and evaluate their operations.<sup>1</sup> As part of our review, we examined the advisory committees of the Division of Emergency Management to assess their purposes, activities, related costs and need for continuation. Our review addressed the following questions for each advisory committee to determine its purpose, effectiveness, and public accessibility.<sup>2</sup>

- Why was the advisory committee created and has it fulfilled its specific purpose?
- Does the advisory committee's advice and support significantly contribute to the agency's mission?
- Are advisory committee members representative of the public and stakeholders affected by its actions and can the public readily access advisory committee proceedings, materials, and products?

### *Background*

The mission of the Division of Emergency Management is to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts.

In Fiscal Year 2007-08, the division reported having five advisory committees:

- the Hurricane Loss Mitigation Program Advisory Council which approves grants for projects intended to enhance residential wind mitigation;
- the State Emergency Response Commission for Hazardous Materials which implements the federal Emergency Planning and Community Right-To-Know Act in the state and supervises and coordinates the activities of local emergency planning committees;
- the Local Emergency Planning Committees which provide hazardous materials training opportunities and conduct planning and exercise activities;
- the Citizens Corps Task Force which coordinates a system of local volunteers that assist communities during disasters; and
- the State Hazard Mitigation Plan Advisory Team which develops a state mitigation plan to reduce the effects of future disasters.

Of these committees, one was established by statute, two were established by executive order, and two were established by managerial initiative.<sup>3</sup> Collectively, these committees incurred travel, staff, and other expenses totaling \$189,501 in Fiscal Year 2007-08 (see Exhibit 1).

<sup>1</sup> Sections 11.901-11.920, *F.S.*

<sup>2</sup> Included in our review were advisory committees that the division was directed to include in its agency report to the Sunset Committee. These included advisory committees established in statute or by managerial initiative and defined in ss. 20.03 (3), (7), (8), (9), (10), and (12), *F.S.* The statutory definitions include commissions that exercise limited powers independently of the head of the department and boards of trustees that serve as an adjunct to a department to administer a public program.

<sup>3</sup> The division director is also a member of the Domestic Security Oversight Council, the State Working Group on Domestic Preparedness, and the Florida Comprehensive Hurricane Damage Mitigation Advisory Council. The first two are administered by the Florida Department of Law Enforcement and the third one is administered by the Department of Financial Services.

**Exhibit 1**

**The Division Reported \$189,501 in Advisory Committee Costs in Fiscal Year 2007-08**

Advisory Committee	Reported Cost
Hurricane Loss Mitigation Program Advisory Council	\$52,221
State Emergency Response Commission for Hazardous Materials <sup>1</sup>	67,940
Local Emergency Planning Committees	0
Citizens Corps Task Force	66,300
State Hazard Mitigation Plan Advisory Team	3,040
<b>Total</b>	<b>\$189,501</b>

<sup>1</sup>This funding also supports local emergency planning committees.

Source: Division of Emergency Management.

*Assessment and Recommendations*

In assessing the division’s advisory committees, we considered criteria including the intended purpose of the committee, whether they have fulfilled that purpose, if they are effective in contributing to the commission’s mission; and if committee members are representative of the public and stakeholders affected by its actions and public accessibility to the committee.

We concluded that four of the division’s advisory

committees continue to serve a public purpose by providing opportunities for stakeholder input or expertise. However, one committee no longer serves a purpose and should be abolished.

Based on our assessment of the Division of Emergency Management’s five advisory committees, we recommend that the Legislature continue four committees and abolish one. Specifically, we recommend that the Legislature:

***Continue***

- State Emergency Response Commission for Hazardous Materials
- Local Emergency Planning Committees
- Citizen Corps Task Force
- State Hazard Mitigation Plan Advisory Team

***Abolish***

- Hurricane Loss Mitigation Program Advisory Council

Eliminating the Hurricane Loss Mitigation Program Advisory Council would have a fiscal impact of \$52,221.

For more detailed information on our assessment and recommendations, please see Exhibit 2.

**Exhibit 2**

**The Division of Emergency Management Had Five Advisory Committees in Fiscal Year 2007-08<sup>1</sup>**

**Hurricane Loss Mitigation Program Advisory Council**

Fiscal Year 2007-08 ▪ Cost: \$52,221 ▪ Authorization: Statutory, created in 1999 by s. 215.559(5), *Florida Statutes*

**Purpose:** Responsible for advising the division in support of the Residential Construction Mitigation Program (RCMP). The council makes recommendations for approving applications for program grants to state or regional agencies, local governments, and private organizations. These grants are awarded to help these entities implement projects intended to enhance residential wind mitigation. The council also annually reviews and approves Florida International University’s hurricane research work plan. Division staff provide administrative support to the council. However, the council no longer fulfills this purpose because the Legislature eliminated funding program grants in Fiscal Year 2008-09.

**Effectiveness:** In Fiscal Year 2007-08, the council recommended a total of \$3.4 million in grants for 20 mitigation projects.

**Public Access:** The council held four public meetings between October 2007 and September 2008. Notices for these meetings appeared in the *Florida Administrative Weekly*. By law, the council’s six members must represent the Chief Financial Officer, the Florida Homebuilders Association, the Florida Insurance Council, the Federation of Manufactured Homeowners, the Florida Association of Counties, and the Florida Manufactured Housing Association.

**Assessment:** In prior years, the council had fulfilled its major purpose by reviewing grant applications for the Residential Construction Mitigation Program. However, the Legislature eliminated funding for this program for Fiscal Year 2008-09. Although the council reviews and approves Florida International University’s hurricane research work plan, division staff could perform this function. Abolishing the council would save \$52,221.

**Recommendations:** The council should be abolished. Implementing this recommendation would require repealing s. 215.559(5), *F. S.*

## State Emergency Response Commission for Hazardous Materials

Fiscal Year 2007-08 ▪ Cost: \$67,940 ▪ Authorization: Executive Order Number 87-57 in 1987; reauthorized by Executive Order Number 05-122

**Purpose:** Required by the federal Emergency Planning and Community Right-to-Know Act (EPCRA) to supervise and coordinate the activities of local emergency planning committees, review their emergency plans, and establish procedures for increasing the public's access to knowledge about hazardous materials in their communities. The commission continues to fulfill this purpose by updating training information for hazardous materials first responders, providing facility owners with information about compliance requirements, and identifying potential violators of the law. The division provides staff support to the commission and pays for the commission's operational, administrative, and organizational expenses.

**Effectiveness:** A commission working group develops guidance and protocol for hazardous materials preparedness and response used by state and local responders. Local governments and the public use the commission's information about how to handle and dispose of hazardous materials.

**Public Access:** The commission typically meets quarterly at the call of the chair. Meeting notices are posted on the division's website and appear in *Florida Administrative Weekly*. The Secretary of Community Affairs chairs the commission and the Director of Emergency Management serves as an alternate chair. The commission has 23 other members that represent various state agencies, local governments, and industries.

**Assessment:** Federal law requires every state to have such a commission. It provides technical advice and serves as a clearinghouse for state and federal hazardous materials programs.

**Recommendations:** The commission should be continued.

## Local Emergency Planning Committees

Fiscal Year 2007-08 ▪ Cost: \$0 ▪ Authorization: Managerial initiative in 1988 in response to federal requirement

**Purpose:** Required by the federal Emergency Planning and Community Right-to-Know Act (EPCRA), these committees are responsible for providing hazardous materials training opportunities and conducting planning and exercise activities in each of the state's 11 regional planning councils' districts. These councils provide staffing to the committees. The committees develop emergency response plans with stakeholder input, review them annually, and provide citizens with information about chemicals in their communities.

**Effectiveness:** During the period from October 1, 2006 through September 30, 2007, the committees have provided hazardous materials training to more than 2,500 first responders and have also launched projects that increase public awareness and preparedness related to hazardous materials.

**Public Access:** Committee membership must include elected state and local officials, first responders, and representatives from chemical facilities, community groups, and various other interests. The planning committee chairs and staff contacts hold quarterly public meetings and the notices appear in *Florida Administrative Weekly*.

**Assessment:** These committees are required by the federal law that requires the establishment of the State Emergency Response Commission for Hazardous Materials. Local committees receive federal grant funds that have been used to train hazardous materials first responders under guidelines established by the commission. The committees have also used federal grant funds to fund hazardous materials community preparedness and awareness projects. According to division managers, local committee members provide technical expertise that assists the division in developing hazardous materials programs. In addition, they assert that abolishing the committees would jeopardize public safety by eliminating hazardous materials education and training at the local level.

**Recommendations:** The committees should be continued.

## Citizens Corps Task Force

Fiscal Year 2007-08 ▪ Cost: \$66,300 ▪ Authorization: Executive Order Number 03-105 in 2003

**Purpose:** The task force serves as the overall state level advisory group for Citizen Corps operations in Florida. Citizen Corps is composed of federally sponsored programs and non-profit affiliate programs and organizations that help communities prevent, prepare for, and respond to crime, disasters, pressing public health needs, and other emergencies. The U. S. Department of Homeland Security coordinates Citizen Corps programs and requires state coordination by an integrated body of governmental and non-governmental representatives. In Florida, the task force supports local Citizen Corps Councils that provide Community Emergency Response Team training in emergency preparedness and basic response techniques to trainers who then train ordinary citizens. The task force's responsibilities also include promoting collaboration among the various councils and ensuring that Citizen Corps communities receive consideration for grant funding.

## Citizens Corps Task Force (continued)

**Effectiveness:** Division managers believe that training citizens to respond to natural disasters and other emergencies supports the division's mission. Also, the task force allows the state to meet a U.S. Department of Homeland Security requirement that Citizen Corps programs be coordinated at the state level in order to qualify for federal funding. The task force received a \$635,134 grant from the U. S. Department of Homeland Security in Fiscal Year 2007-08. Of the total, \$547,000 was awarded to local Citizen Corps Councils and emergency response teams through a competitive grant process. Of the remaining amount, \$21,800 was spent on training, outreach, and other projects, while \$66,300 was spent on administrative functions such as monitoring the local grant contracts.

**Public Access:** The task force has 18 members who represent various federal, state, and local responder organizations. The task force last met on April 25, 2007 as a meeting scheduled for July 2008 was cancelled due to Tropical Storm Fay. Another meeting has been tentatively scheduled in January 2009.

**Assessment:** The task force supports the division's mission and meets a federal requirement for receiving federal funding that provides citizens in local communities with disaster preparedness training.

**Recommendations:** The task force should be continued.

## State Hazard Mitigation Plan Advisory Team

Fiscal Year 2007-08 ■ Cost: \$3,040 ■ Authorization: Managerial initiative in 2002

**Purpose:** Responsible for developing and updating a state mitigation plan to reduce the effects of future disasters. Each state must have a mitigation plan to qualify for federal mitigation grants. This plan must identify the state's vulnerability to various hazards, assess the risks posed by those hazards, and provide strategies for reducing losses associated with those risks.

**Effectiveness:** The team annually reviews and triennially updates the State of Florida Hazard Mitigation Plan. Florida receives federal funding consistent with the mitigation strategies specified in this plan. Florida last updated its plan in August 2007.

**Public Access:** The team's members represent state, federal, local government, and private entities. Membership is informal and open to any person or entity that wishes to participate. The team met three times from October 2007 to October 2008. Meeting notices appeared on the division's website and in *Florida Administrative Weekly*.

**Assessment:** While the advisory team is not federally required, division managers believe that having the stakeholder expertise provided by team members enhances the quality of the state mitigation plan.

**Recommendations:** The team should be continued.

Source: OPPAGA analysis

## The Florida Government Accountability Act Sunset Reviews

The 2006 Legislature passed the Florida Government Accountability Act (Ch. 2006-146, *Laws of Florida*) to create a Sunset review process. The act

- establishes the process, criteria, and schedule for the Legislature to assess whether state agencies and advisory committees need to continue to exist;
- provides for the creation of a Legislative Sunset Advisory Committee and describes the membership and organization of the committee and committee duties; and
- requires reports and assistance from state agencies and the Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA).

Using these reports and other information, the Sunset Advisory Committee is to produce a report that includes recommendations to abolish, continue, or reorganize an agency or advisory committee under review.



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