

STATE OF FLORIDA

RESOURCE AND FINANCIAL MANAGEMENT POLICIES AND PROCEDURES FOR EMERGENCY MANAGEMENT

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STATE OF FLORIDA RESOURCE AND FINANCIAL MANAGEMENT POLICIES AND PROCEDURES FOR EMERGENCY MANAGEMENT

I. PURPOSE

The equipment, personnel and financial resources of state government may quickly be over-taxed in a disaster. The purpose of this document is to implement statutory authorities and responsibilities through assignment and delegation of emergency functions and priorities for resources and financial management related to response activities.

II. RESOURCE MANAGEMENT

A. The State of Florida Comprehensive Emergency Management Plan assigns lead or support responsibilities to state agencies/organizations for each of eighteen (18) Emergency Support Functions (ESFs). These assignments recognize the functional capabilities within the state agencies/organizations and delegate operational authority and responsibility to perform emergency missions according to these functions. During the Recovery phase of the disaster operations, certain ESF's may be tasked to provide support to the Emergency Operations Center (EOC) and the Joint Field Office (JFO) as 'Recovery Support Functions (RSFs).

B. IMPLEMENTATION PROCEDURES

The lead agency/organization for each ESF has several options, utilizing the resources of the lead and support agencies/organizations, to fulfill assigned emergency missions. Each of these options requires detailed pre-planning among the assigned agencies/organizations within the ESF, as well as other ESFs which may be required to support the mission. These options shall be implemented in the following order of priority except for life-threatening situations which may dictate a more expeditious mode:

1. Mobilize any existing personnel, equipment, materials, supplies and other resources of the lead and support agencies/organizations utilizing the financial resources of the assigned agency/organization;
2. Procure the needed service or commodity utilizing the financial resources of the assigned agency/organization. Leasing of equipment is typically limited to specialized equipment required to support or supplement emergency missions by the ESF agencies, or for specialized equipment urgently needed and not readily available through state agencies/organizations. Consultation with ESF-7 (Resource Support) and the Logistics Section is strongly recommended before implementing this option;

3. Coordinate provision of intrastate mutual aid through the Statewide Mutual Aid Agreement (SMAA) or other mutual aid agreement between participating jurisdictions, documenting the financial commitment of the requesting local jurisdiction. If local governments requiring assistance are not signatories to the SMAA or other mutual aid agreement, and the assistance required is available within the State of Florida; provide technical assistance (ESF or Division of Emergency Management) to expeditiously execute the SMAA or other mutual aid agreement;
4. Coordinate provision of interstate mutual aid through the Emergency Management Assistance Compact (EMAC) or other mutual aid agreement between participating states, utilizing the financial resources of the assigned agency/organization. Approval by the DEM is required to implement this option;
5. Request federal assistance by submitting an Action Request Form (ARF), utilizing the financial resources of the ESF agency/organization to fulfill any federal match requirements (typically 25% of the mission cost). Coordination with the State Coordinating Officer is required before implementing this option.

III. FINANCIAL MANAGEMENT

A. The State of Florida Comprehensive Emergency Management Plan assigns lead and support responsibilities to state agencies/organizations for each of eighteen Emergency Support Functions (ESFs). These assignments delegate responsibilities for operational implementation of emergency missions and provide for distribution of the initial financial burden across state government.

B. IMPLEMENTATION PROCEDURES

1. Each agency, organization and local government is responsible for developing procedures, providing training and implementing procedures for continuously documenting and maintaining records for disaster related response and damage costs. Accurate and immediate tracking of all force account labor and equipment, leases, purchases and contracts utilized as part of the event is necessary to ensure timely and adequate reimbursement. The DEM supports this through training and technical assistance. In addition to being utilized for reimbursement purposes after an event, accurate expenditure data may be required from the agencies, organizations, and local governments during an event at timely periodic intervals in order to ensure appropriate information is available to analyze the event's appropriateness for obtaining a federal declaration.
2. Event costs should be clearly documented/linked to missions and tasks assigned by the State Coordinating Officer through the SEOC's numbered tracking system. (This would not include internal administrative costs. Requests for assistance to/from other state agencies/organizations or local governments/organizations should have an associated mission.)

3. Upon activation of the State Emergency Operations Center (SEOC), the DEM Finance and Administration Chief will schedule periodic conference calls with state agency budget/finance officers and Executive Office of the Governor – Office of Policy and Budget (EOG/OPB). These conference calls will serve as a means to coordinate implementation of this policy and to disseminate information quickly to participating personnel. Communication through electronic mail may also be used as necessary.

4. Upon determining that damages and response/recovery related costs may be beyond the ability of the state and local government agencies to facilitate recovery, a post-event joint Preliminary Damage Assessment (PDA) may be conducted by the DEM and the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) in conjunction with local government. This assessment includes an estimation by state government agencies and local governments of their costs for response/recovery activities and uninsured losses. Eligible costs incurred by state agencies, local governments and certain private non-profit entities are covered under the Public Assistance Program and classified under the following seven categories:
 - a. Debris removal;
 - b. Emergency Protective measures;
 - c. Roads, signs, bridges;
 - d. Water control facilities;
 - e. Buildings and equipment;
 - f. Public utilities;
 - g. Parks, recreation, and other.

5. PDA data will be combined with state agency cost data as described in Section III.B.1 and 2 above by the Recovery Section to provide a cost estimate of the entire event. This data will be provided to the State Coordinating Officer and the Finance and Administration Chief, on a county by category basis for subsequent assessment by the EOG/OPB and Legislative Appropriations Committees.

6. Upon determining that further financial assistance is required for local governments and/or state government agencies, the State Coordinating Officer and EOG/OPB may recommend that the Governor:
 - a. Request a Presidential "Emergency" declaration in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended;
 - b. Request a Presidential "Major Disaster" declaration in accordance with P.L. 93-288 as amended;
 - c. Request a Fire Management Assistance declaration in accordance with P.L. 93-288 as amended;

- d. Request assistance from other federal agencies (e.g., Small Business Administration, Federal Highway Administration, U.S. Army Corps of Engineers, Department of Housing and Urban Development, U.S. Department of Agriculture, Natural Resources Conservation Service);
- e. Implement a combination of the above, or take any other authorized action to fulfill the disaster-related requirements including making funds available consistent with Section 252.37 Florida Statutes by transferring and expending monies appropriated for other purposes or out of any unappropriated surplus funds, or from the Budget Stabilization Fund or Working Capital Fund. Following the expiration or termination of a state of emergency, the Governor may process a budget amendment under the notice and review procedures set forth in section 216.177, F.S. to transfer moneys to satisfy the budget authority granted for such emergency.

C. FINANCIAL MANAGEMENT PROCEDURES FOR THE FEDERAL PUBLIC ASSISTANCE OR FIRE MANAGEMENT ASSISTANCE PROGRAMS

1. Upon a declaration of an Emergency or Major Disaster by the President of the United States, which includes the Public Assistance (PA) Program, or upon approval of a Fire Management Assistance (FMA) Grant by DHS/FEMA, all sub-grantees (state government agencies, local governments and eligible private non-profit entities) may receive reimbursement of a minimum of 75% of their documented eligible costs through federal funds administered by the DHS/FEMA. Assistance under the FMA may be available only after the required fire cost thresholds have been exceeded and a Fire Assistance declaration has been granted.
2. The Governor and Federal Coordinating Officer will execute a Federal/State Agreement for the administration of all programs. This agreement will include the designation of the Governor's Authorized Representative (GAR) and Deputy GARs, authorized to administer all programs on behalf of the State.
3. The federal Public Assistance Program requires a maximum of 25% non-federal matching funds. Pursuant to Chapter 252.37 (5), Florida Statutes, relative to the federal Public Assistance Program, the State shall provide the entire amount of any required match for grants to state agencies and one-half to local governments. The other one-half shall be provided by the affected local government. A waiver provision is provided to the local governments through the Executive Office of the Governor.
4. If the Governor and Legislature determine that state financial assistance is warranted to supplement federal financial assistance provided through the Public Assistance program for other costs incurred relating to the emergency/disaster but not eligible under an existing federal program, the EOG/OPB will identify sources and prescribe the policy for reimbursement.
5. The EOG/DEM will serve as the Grantee for all DHS/FEMA funds, and will seek budget authority from the EOG/OPB, to administer federal and any approved state financial assistance.

6. State government agency sub-grantees should seek establishment of their own budget authority to expend the reimbursed funds according to the provisions of Ch. 216, F.S. Each state government agency budget officer must submit documentation to the EOG/OPB to justify this request.
7. All potential sub-grantees are responsible for applying for, and providing documentation for reimbursement of any DHS/FEMA eligible costs or damages. The steps for seeking reimbursement include the following:
 - a. Potential sub grantees should attend a Public Assistance Applicants Briefing, which is conducted as soon as possible after the President's Declaration of Disaster or Emergency. During this briefing, sub-grantees are requested to complete a Request for Public Assistance (RPA) form (See Attachment 2), available at <http://floridapa.org>. This submission establishes the sub-grantees' intent to apply for financial assistance and designates their Applicant Agent. This form must be submitted to the DHS/FEMA through DEM within thirty (30) days of the President's Declaration;
 - b. Public Assistance sub-grantees must compile documentation in accordance with guidance provided during the PA Applicants Briefing. The DHS/FEMA/State Project Worksheet (PW) team will meet with the sub-grantee to review documented costs according to DHS/FEMA guidelines, and develop a Project Worksheet (See Attachment 3). Sub-grantees shall make available to the PW team all available documentation substantiating costs and cost estimates. These reports are reviewed by federal and state personnel for accuracy and eligibility. Upon approval by the Federal Coordinating Officer, the PWs are collated into a Public Assistance Package (PAP) and transferred to the GAR;
 - c. Applicants seeking relief under the fire program must file the required request for assistance with the Grantee within 30 days following the close of the eligible incident period. Applicant briefings will be conducted during the eligible incident period with kick off meetings scheduled thereafter. Actual cost claims must be submitted to the grantee no later than six months after the close of the eligible incident period for eligibility review and for determining if the total fire costs exceeded the required threshold for the Declaration;
 - d. The State Public Assistance Officer (SPAO) assigns a Public Assistance Coordinator (PAC) to each eligible sub-grantee. The SPAO in conjunction with the EOG/DEM legal staff will develop a funding agreement between the grantee and the sub-grantee which outlines all documentation and audit requirements. Upon execution of this contract by the sub-grantee and the GAR, and subject to funding by DHS/FEMA, the sub-grantee shall be reimbursed according to the guidelines and procedures established in the funding agreement.

D. FINANCIAL MANAGEMENT PROCEDURES FOR FEDERAL INDIVIDUAL ASSISTANCE PROGRAMS

1. Upon designation as a Major Disaster area by the President of the United States, certain individual assistance programs become available to the affected area under the Individuals and Households Program. These programs are administered by the federal government with program assistance as needed from state agencies such as the Department of Children and Families (Crisis Counseling Assistance). These programs are managed and funded by DHS/FEMA.
2. Financial assistance to address other needs (ONA Program) is also managed by DHS/FEMA, and is federally funded at the 75% level. The State is responsible for matching 25% of the costs incurred under this program and is invoiced directly by DHS/FEMA. The Division will conduct a random sample of an appropriate level of clients served under this federal program to ensure the information and actual services provided are consistent with the documentation and amount invoiced by DHS/FEMA. The Division of Emergency Management will request from the EOG/OPB and Legislature sufficient cash and budget authority to cover the State's financial liability under this program.

E. OTHER FEDERAL ASSISTANCE

The characteristics of any event may prompt federal assistance from federal agencies other than DHS/FEMA. In this case, DEM will coordinate with affected state agencies and EOG/OPB to provide advice regarding potentially eligible costs, requirements for match and other considerations. Other state agencies or programs with existing relationships with grant programs of the assisting federal agency shall be available to provide program expertise or advice, as appropriate.

F. EMERGENCY MANAGEMENT ASSISTANCE COMPACT

1. Chapter 252, Part III, F.S. provides legal authority for Florida's participation in the Emergency Management Assistance Compact (EMAC), and establishes procedures for participation in this national network of mutual aid. Under the EMAC statute, each state agency is directed to establish procedures for use of its resources and technical expertise. The national EMAC system has adopted detailed policies and procedures to guide its implementation, including provisions for estimating, documenting and reimbursing costs.
2. DEM is responsible for informing EOG/OPB regarding EMAC mission requests and assignments and for providing EOG/OPB with pertinent information on agencies participating in the EMAC mission and their estimated costs. When an EMAC mission is conducted relating to an event for which a Governor's Executive Order has not been issued, EOG/OPB will coordinate with the participating agency(ies) regarding any needs, or anticipated needs, for adjustments to the agency's budget. DEM will be available to provide technical information or assistance in this process as necessary.

IV. AUTHORITIES

A. GOVERNOR

§252.36 F.S., provides the Governor with broad powers, including the authority to:

1. Deploy and use any forces to which the emergency plan or plans apply and use or distribute any supplies, equipment, materials and facilities assembled, stockpiled, or arranged to be made available;
2. Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency;
3. Utilize all available resources of the state government and of each political subdivision of the state, as reasonably necessary to cope with the emergency;
4. Commandeer or utilize any private property if he/she finds this necessary to cope with the emergency, subject to any applicable requirements for compensation;
5. Make funds available by transferring and expending moneys appropriated for other purposes or out of any unappropriated surplus funds if the Governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great;
6. Delegate emergency responsibilities to the officers and agencies of the state and of the political subdivisions thereof prior to an emergency or threat of an emergency and utilize the services and facilities of existing officers and agencies of the state and political subdivisions thereof, including their personnel and other resources, as the primary emergency management forces of the state, and all such offices and agencies shall cooperate with and extend their services and facilities to the Division of Emergency Management, as it may require;
7. Delegate or assign command authority by prior arrangement embodied in appropriate executive orders or rules, or to do so by the orders issued at the time of the emergency.

B. DIVISION OF EMERGENCY MANAGEMENT

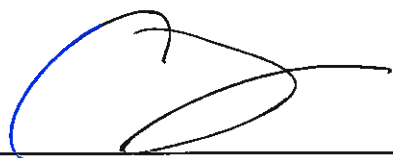
§252.35, F.S., provide the Division of Emergency Management with broad powers, including authority to:

1. Coordinate federal, state and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of emergency management personnel before, during and after emergencies and disasters;
2. Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities;
3. Provide, from within or from outside the state, such support from available personnel, equipment, and other resources of state agencies and the political subdivisions of the state as may be necessary to reinforce emergency management agencies in areas stricken by the emergency. Such support shall be rendered with due consideration of the plans of the Federal Government, this state, the other states, and of the criticalness of the existing situation;
4. Make available any equipment, services, or facilities owned or organized by the state or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area or upon the request of any recognized and accredited relief agency through such duly constituted authority;
5. Do other things necessary, incidental, or appropriate for the implementation of the State Emergency Management Act;
6. Delegate, as necessary and appropriate, authority vested in it under the State Emergency Management Act and provide for sub-delegation of such authority.

C. FLORIDA STATE GOVERNMENT AGENCIES

1. The declared policy of the state is that funds to be prepared for and meet emergencies shall always be available, with the first recourse to funds regularly appropriated to state and local agencies (section 252.37, F.S.).
2. Section 252.365, F.S., requires the head of each executive department, the executive of each water management district, the Public Service Commission, the Fish and Wildlife Conservation Commission, and the Department of Military Affairs to select from within such agency a person to be designated as the emergency coordination officer (ECO) and an alternate for the agency. The responsibilities of the ECO include:
 - a. Coordinate with the DEM on emergency preparedness issues, prepare and maintain emergency preparedness and post-disaster response and recovery plans for such agency, maintaining rosters of personnel to assist in disaster operations, and coordinate appropriate training for agency personnel;

- b. Ensure that each state facility, such as a prison, office building, or university, has a disaster preparedness plan that is coordinated with the applicable emergency management agency and approved by the DEM;
 - c. The plan must include, at a minimum, the following elements: identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification and accountability; delegations of authority and lines of succession; identification of alternative facilities and related infrastructure, including those communications; identification and protection of vital records and databases; and schedules and procedures for periodic tests, training, and exercises;
3. F.S. 287.057(3)(a) allows purchase of commodities or contractual services exceeding the threshold amount provided in F.S. 287.017 for Category Two without receiving competitive sealed bids or competitive sealed proposals if the Agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. The agency shall furnish copies of the written determination certified under oath and any other documents relation to the emergency action to the Division of Purchasing, Department of Management Services. A copy of the statement shall be furnished to the State's Chief Financial Officer with the voucher authorizing payment;
4. Each agency's individual statutory authorities supplement these provisions with program specific powers and authorities, both general and emergency or disaster specific. Although the CEMP references some of these statutory authorities, each agency should refer to its own knowledge of its statutory powers and duties in implementing resource and financial management responsibilities.

Approved: 
Adam Hollingsworth, Chief of Staff
Executive Office of the Governor

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