

**MEMORANDUM**

**TO:** LCIR Members  
**FROM:** Marsha Hosack  
**RE:** Minutes for the LCIR Meeting January 10 in Tallahassee, Florida  
**DATE:** January 13, 2005

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Representative Adam Hasner, LCIR Chair, called the meeting to order at 3:00 p.m. A quorum was present. The attendance of the committee members was as follows:

PRESENT

Representative Hasner  
Senator Jones  
Senator Constantine  
Senator Klein  
Senator Lynn  
Representative Taylor  
Representative Williams  
Comm. Bullard  
Sec. Cohen  
Mr. Greer (via phone)  
Comm. Palmer  
Councilwoman Starace  
Comm. Welch (via phone)

ABSENT

Representative Brutus (excused)

**Opening Comments**

Representative Hasner noted that he was the current LCIR Chair and that the Chair would rotate to Senator Dennis Jones in November. He said the next LCIR meeting would be on January 24, 2005.

Representative Hasner asked that the members each introduce themselves.

Representative Hasner acknowledged that Marsha Hosack, LCIR Executive Director, would be leaving the committee after 9 years of service as its director.

Ms. Hosack asked the LCIR staff to introduce themselves, tell how long they worked for the LCIR, and identify their primary areas of work.

**Rules of Procedure:**

Cris Martinez, LCIR staff attorney, briefly presented the LCIR's Rules of Procedure, and addressed Open Meeting and Public Records provisions and Travel. She noted that the LCIR has three Rules of Procedure: Rule 1 - Members and Staff; Rule 2 – Agenda and Scheduling of Meetings and Workshops; and Rule 3 – Voting, Motions and Amendments. She explained that generally, Rules 1 and 2 tracks the LCIR's enabling statute, s. 11.70, F.S. Furthermore, unlike Robert's Rules of Order (generally used in local government commission meetings) Rule 3 provides that motions do not require a second. Members were asked to submit any proposed changes to the LCIR rules to staff.

Ms. Martinez also explained that the LCIR's rules comply with the Florida Constitution's provision that legislative meetings be open to the public and that legislative documents, with some exceptions, are public records. She pointed out that a memorandum under Tab 3 contained the specific provisions. Regarding travel, Ms. Martinez directed members to the travel reimbursement form and highlighted some reimbursement procedures. She asked that members contact her if they had any questions on the LCIR rules or public meetings and records laws, or Sandy Brooks, LCIR Administrative Assistant, for questions relating to travel.

### **Briefing on LCIR's Responsibilities**

Representative Hasner asked the LCIR Executive Director Marsha Hosack to give a brief presentation on the LCIR's responsibilities. She noted that the committee serves as a forum to address intergovernmental issues. She explained that much of the committee's work product is projects selected by the committee. She further noted that a committee emphasis was to assist the Legislature in developing a federal-state strategy.

### **Framework of Intergovernmental Relations in Florida**

Steven O'Cain, LCIR analyst, provided a brief presentation on the framework of intergovernmental relations in Florida. The presentation included facts about the various levels of government and identified some ongoing intergovernmental challenges in order to stimulate ideas for the Committee's focus during the next two years.

### **Brief Overview of LCIR 2004-05 Interim Projects**

The Chair asked Ms. Hosack to brief the members on the LCIR 2004-05 interim projects. Ms. Hosack mentioned that the projects were selected by the last committee composition. She directed the members to the list of projects in their notebooks. She introduced the projects and the analysts working on the projects as follows:

- Local Government Fiscal Capacity – *John Cherry, Chuck Hungerford, Steve O'Cain*
- Review of Community Redevelopment Areas – *Chuck Hungerford*
- Review of Existing Enclaves – *Kaymelia Pelt*
- Review the Impact the Mentally Ill Population has on County Jails – *Dick Drennon, Carolyn Horwich*
- Court Costs: Certain Traffic Fines – *Dick Drennon*
- Survey of Federal Grant Funds to Florida – *Cris Martinez, Steve O'Cain*
- Overview of Medicaid Program – *Carolyn Horwich*

Ms. Hosack explained staff would be presenting these reports at subsequent meetings. She also noted that the LCIR project list includes other statutory assignments, areas that staff monitors for the committee and identifies 4 annual reports. She concluded in commenting that the committee staff looked forward to working on the projects selected by the members for 2005-06.

### **Staff Presentation: June 2002 LCIR Report on Local Infrastructure Funding Options**

Representative Hasner, LCIR Chair, commented that he had included on the agenda a previous LCIR staff report on infrastructure funding because it was highly relevant for this session.

He asked Chuck Hungerford, senior legislative analyst, to provide the Committee with an overview of a 2002 LCIR report entitled Local Infrastructure Funding Options. Mr. Hungerford noted the report reflected the culmination of committee work undertaken during the 2001-2002 legislative interim. The overview identified the major findings of the LCIR study; summarized by category, the policy options considered by the Committee; and noted those options included in subsequent legislation. Representative Hasner thanked staff for the update and noted that funding for local infrastructure is an ongoing issue.

**Briefing: Intergovernmental Issues Related to Natural Disaster Preparedness.**

Representative Hasner introduced the next item on the agenda and commented that everyone in the meeting room had probably been affected in some way by Hurricanes Charley, Frances, Ivan, or Jeanne.

Representative Hasner indicated that when he learned he had been chosen to chair the LCIR Committee, he met with Senator Jones, LCIR Vice-Chair, and they agreed one of the most relevant issues to intergovernmental relations was not only the response to this past year's storms, but preparing for future storms that may affect Florida.

He indicated that the committee should look at cooperation and working together between the different levels of government including municipal, county, state, and federal governments. Representative Hasner provided some vital statistics regarding the storms to the committee.

Representative Hasner thanked the Governor's Office, FEMA, the Department of Community Affairs, Division of Emergency Management, the Legislature, local governments, and others who spent a large amount of time working to bring order back to a chaotic situation. He indicated that he felt the LCIR was a great forum to bring out the issues so that we can be prepared with plans for the future to protect citizens and visitors during these situations.

Representative Hasner introduced Secretary Thaddeus Cohen, Secretary of the Department of Community Affairs (DCA).

Secretary Cohen commented that he was proud of the Division of Emergency Management for the way it dealt with all 5 storms including Bonnie. He thanked members of Legislature and local governments for their help during the response.

Secretary Cohen noted the unprecedented cooperation with the Federal Emergency Management Agency (FEMA). He said many people had asked him what lessons were learned from the storms. He replied it was difficult to tell people because they were constantly implementing aspects of the lessons learned for the next storm that came.

Secretary Cohen praised the volunteers and organizations at the local level which really helped to get needed aid and supplies to affected areas. He recommended that the committee should look at the relationship between the state leadership in support of disaster response actions at the local level.

Secretary Cohen said the second thing is to look at is land use patterns. The four storms have caused DCA to think carefully about how these communities will be rebuilt. He stated the state needs to think in terms of preparedness and response but also rebuilding. He reported that DCA has completed for FEMA in the past few weeks a "roadmap" to rebuild and plan for the future. Secretary Cohen stressed the importance of mutual aid agreements and how they enable anyone to step in and provide help immediately to citizens.

Secretary Cohen noted the need to strengthen policy implementation at the local level, and foster a better understanding of roles and responsibilities so state leadership can support those efforts. In conclusion, he pointed out that the Department of Community Affairs had just completed a “hotwash” which allowed them to look at how they as an agency can handle future disasters better.

Representative Hasner then recognized Eve Rainey, Bureau Chief, Compliance Planning and Support, Division of Emergency Management, Florida Department of Community Affairs.

Ms. Rainey commented that since Hurricane Andrew, improvements have been made to Ch. 252, F.S., allowing the DCA to standardize the manner in which to deal with these situations. This in turn leads to a better understanding and working relationship among state, local, and federal entities. She pointed out that local mutual aid agreements and other compacts enabled a quick response and all entities involved to have good understanding of their respective roles during this type of event. She indicated that 4 consecutive storms (5 counting Bonnie) and operating the State Emergency Operations Center at its highest level of activation for 58 consecutive days, 24 hours a day was an unprecedented event. She stated that it would now be important to look at the successes and areas that could be improved and work towards improving future responses to these types of disasters.

Representative Hasner recognized Senator Klein for a comment.

Senator Klein indicated most of his questions and concerns were being saved for the Representative Hasner from FEMA. He stated that many senior citizen communities were out of power for extended periods of time and that this kept certain needed medications from being refrigerated and kept these people from being able to use certain health related devices that run off of electricity.

Senator Klein stressed the need to facilitate educating the public on how to protect themselves and to encourage community buildings with backup power and resources. He said better preparation for events with long term power outages needs to be addressed.

Secretary Cohen responded that he agreed that we need to broaden commentary with the public on preparation and other issues: it is a goal they are working towards.

Commissioner Palmer noted that the intergovernmental relationship and cooperation between the many governmental and non-governmental agencies in her county of Sarasota was almost seamless and worked great. She noted all parties were at the table meeting constantly and this cooperation was vital in their successes. She added that there were probably many more instances of these “best practices” around the state and they could be used as educational tools for other areas that may need aid in this area.

Commissioner Palmer also noted that Sarasota County took over the Emergency Operations Center for Charlotte County through an interlocal agreement due to the many problems Charlotte County encountered during these disasters. She stated that many elderly citizens and others would not leave their homes due to the fact that shelters would not accept pets. She recommended that accommodations for pets needs to be considered.

Secretary Cohen indicated that the Department was taking a close look at sheltering in general. He stated they plan to take a look at critical infrastructure and areas that did not perform as well as expected during the storms, and determine what it will take to make them perform more successfully in the future.

Councilwoman Starace commented that nursing homes are supposed to have state required contingency programs and many are not doing this. In addition, no one is enforcing these laws.

Representative Hasner thanked Secretary Cohen for his time and joined with the committee in acknowledging his leadership during the five storms. Representative Hasner added that the committee wanted to give all levels of government an opportunity to participate in this dialogue to find some of the best practices. Representative Hasner introduced Councilwoman Carmela Starace as the Representative for the Florida League of Cities to give a presentation from the cities' perspective regarding the storms.

Councilwoman Starace outlined the seven policy recommendations of the Florida League of Cities. Ms. Starace indicated the first policy recommendation was to authorize the state's emergency management division to review all current and future federal standards and practices, particularly those of the Federal Emergency Management Association, to ensure consistency between federal, state and local government emergency management policies.

Next she indicated the league would like to ensure there is consistent and continued emergency management, communication and coordination among federal, state, county, and municipal officials to facilitate pre-disaster and post disaster planning and operations. She stressed how important she felt the pre-disaster was. She feels FEMA needs to be more involved in the pre-disaster planning and education of residents. She then went on to read the last 5 recommendations of the League of Cities which were as follows:

- ✓ Ensure the state's emergency management technical and financial assistance programs are structured to allow municipal governments' maximum flexibility for implementation at the local level.
- ✓ Require federal and state emergency management agencies to set guidelines to determine the number of personnel needed to adequately administer emergency services at shelter sites deployed during emergency events.
- ✓ Support continued federal and state pre-disaster mitigation funding to municipal governments to further enhance hazard mitigation policies.
- ✓ Either eliminate match fund requirements or establish a dedicated funding source to cover municipal government's match cost required to access federal and state emergency management funding programs.
- ✓ Require federal and state government, during declared emergencies, to extend deadlines imposed by federal and state laws that require local government compliance.

Representative Hasner thanked Councilwoman Starace for her comments and then recognized Senator Lynn.

Senator Lynn said insurance companies should be included in the planning process because during this series of storms there was a breakdown in terms of homeowners knowing what to do. She indicated in her area FEMA worked very well because it had a large office and it was very well publicized.

Senator Constantine asked if the reverse 911 systems had been looked at including which counties had it and which ones did not. He thinks that DCA has a program to work with counties that do not. He said in his county, which was hit by 3 of the 4 storms, the county and Emergency Operations Center were contacting citizens through the phone system and informing them of what to do. He also commented that some of the smaller, private utility or water companies were not at the table with the larger utility or water companies at the Emergency Operations Center during the storms.

Representative Hasner recognized Eric Poole from the Florida Association of Counties (FAC) for the FAC perspective and recommendations from the storms.

Mr. Poole began his presentation by noting the Hurricane Andrew had always been the disaster response that government gauged itself by. However, in 2004 that changed with an unprecedented 4 storms. Mr. Poole pointed out that the Intergovernmental Coordination Model in Ch. 252, F. S., had served well during the crisis – yet recognized there is always room for improvement. He noted that housing and employment issues still exist in many of the stricken areas and that the Legislature must allow a recovery period of 3-6 years for those areas hardest hit.

Mr. Poole identified four areas that need to be addressed. First, Mr. Poole indicated the area of sheltering and the State Shelter Program had been funded well by the Legislature at \$3 million dollars. He noted that public schools are being highly utilized as shelters during these storms and that the “hurricane proofing” of these new schools needs to continue. Mr. Poole further noted that local resources in many areas are strained during these times by special needs cases, and better planning is needed to accommodate special needs. He pointed out that Senator Lynn has proposed a bill regarding generators in nursing homes.

Mr. Poole's next point was regarding debris clean up and FEMA. He indicated that in many cases FEMA did not follow its regulations regarding debris clean up, especially in the cases of public versus private roads. He felt this was due to new FEMA staff unfamiliar with regulations. Mr. Poole indicated this could seriously inhibit recovery programs if this issue was not addressed.

Mr. Poole then turned to the issue of funding for county emergency operations centers. He pointed out that currently the Emergency Management Preparation Trust Fund receives around \$14 million per year paid for by surcharges on insurance policies of businesses and residents. However, he noted this is up only from \$12.5 million after Hurricane Andrew. He questioned whether or not everyone was paying this fee as required due to the small growth in the fund despite the large increase in Florida's population since Andrew. Mr. Poole said this was not an official issue or position of the Florida Association of Counties; however, it had been pointed out to them by the Florida Emergency Preparedness Association.

Mr. Poole said that the Hazard Mitigation Grant Program was now open for applications and counties and cities could apply. He pointed out that Florida stands to receive between \$290-\$500 million dollars. He said the money could be used to retrofit facilities, create shelters, purchase other systems and purchase generators. Mr. Poole urged the state to do a full or partial match for these funds.

Senator Constantine asked Mr. Poole if the counties would enhance the reverse 911 to all the counties that don't have it, especially small rural counties, with these funds. Mr. Poole answered he didn't know what the barriers were to doing this. He indicated there was no dedicated funding for the reverse 911 system. He said counties are eligible under Emergency Management Preparedness Trust Fund monies to make this a priority. Senator Constantine pointed out that since rural small counties are less likely to have local news on television and radio that the reverse 911 would help these areas during emergencies.

Senator Lynn asked Mr. Poole if FAC was working with the United Way on the establishment of a 211 system statewide as a source of information during emergencies. Mr. Poole indicated to his knowledge they were not. Councilwoman Starace asked Senator Constantine if there was anything he could do to help communities like hers get the reverse 911 system since it was an unfunded mandate. Senator Constantine responded he didn't consider something vital to the citizens like this is an unfunded mandate and that there are grant funding mechanisms in place for these systems that should be explored. Councilwoman Starace agreed and said it was more of a cash flow problem due to the money local governments pays out initially until they can be reimbursed by FEMA. Senator Constantine agreed and said communication between DCA and local utility companies is vital so we can help those counties in need.

Representative Hasner interjected that communication is the most important issue and that all legislative committees with jurisdiction regarding this issue will be looking into it.

Representative Hasner then introduced School Board Member Andrea Messina from the Charlotte County School Board representing the Florida School Board Association. Ms. Messina indicated that Charlotte County had been one of the hardest hit by the storms. She stated that 6 schools in their county will need to be rebuilt. Ms. Messina praised the help given to all school districts throughout this period. Ms. Messina broke her presentation down into two parts: what worked well, and areas of concern or need. These points are listed below:

Ms. Messina made the following points regarding what worked well during the storms:

- Positive working relationships prior to disaster
- Preparedness plans and drills
- National Guard and other First Responders – establishing order, clearing roads, establishing water and food stations, and checkpoints
- Emergency Operations Center Command Teams from across state, serving in shifts
- Support of the State DOE and Governor in getting schools back into operation, providing for equipment and textbook needs, and special student necessities
- High profile state and national leaders visiting the area

Ms. Messina indicated the following areas of concern and/or needs:

- A structure to immediately fill in when communication systems go down – perhaps a satellite phone system that can be brought to sites as needed and issued to community agencies temporarily
- Ensure that only one contact person is assigned from State Emergency Response Team to the disaster to answer questions, especially about processes and documentation requirements
- Temporary storage facilities for asset recovery

- Official mechanism in place to track people (compared to 911, reverse 911, and 211 plans) whereby people can give information about missing persons and/or get information about missing persons
- Standards by which Emergency Operations Centers across the state operate so that the method for requesting supplies or support is consistent regardless of who the incident commander is or where the team comes from
- Temporary barracks accompanying the National Guard to provide housing for the National Guard as well as other Emergency Personnel
- Clarity in roles and responsibilities of the National Guard, and what types of duties and assignments they are able to assume
- Shelter access to portable toilets
- A larger supply of food and water at all shelters, particularly food for persons with special dietary needs
- Law enforcement personnel assigned to shelters at all times
- Certified medical personnel assigned to shelters
- Guidance on transition of schools from serving as shelters and resumption of serving as public schools
- Dedicated funding for costs associated with “hardening” school facilities for shelters
- A plan in place to respond to school district student loss
- A plan in place to provide a cash infusion to school districts to meet unanticipated costs such as transportation for double sessions, excessive wear and tear due to double sessions, etc.
- A plan to have access to emergency fuel supplies when state ports are closed
- Temporary holding tanks for fuel
- A coordinated plan among community mental health agencies, local jurisdictions and school boards.

Representative Hasner thanked Ms. Messina for her presentation. Representative Hasner recognized Senator Klein. Senator Klein thanked Ms. Messina and asked if she could provide a written copy of her notes and recommendations. Ms. Messina thanked the committee for their time and agreed to send a copy of her notes.

Representative Hasner then recognized Steve Glen, Infrastructure Branch Chief, Region 4, from the Federal Emergency Management Agency (FEMA).

Mr. Glen gave a quick update of facts regarding his agency’s current relief efforts. He indicated there have been 1.2 million requests for assistance, \$1 billion in funding approved individuals, \$500 million for housing, and \$989 million in Small Business Administration loans and grants. He went on to explain that they had over 500 agents in the field and FEMA has approved over \$1.6 billion in operational funding for immediate response. To date he indicated FEMA had received over 2600 requests for public assistance and had 2800 project worksheets completed. He explained project worksheets are the applications for grants or reimbursement. Mr. Glen indicated these 2800 project worksheets were worth around \$313 million. He anticipated over 22,000 project worksheets would be completed before the recovery process was completed, amounting to over \$1 billion.

In closing Mr. Glen remarked that many of FEMA’s policy issues were being looked at and they welcomed input from local and state officials on how to best make changes.

Representative Hasner thanked Mr. Glen for FEMA's response time in reaching the affected communities. He said the issue that puzzled him most regarding FEMA was how millions of dollars had been paid to residents impacted less than what would be considered an average afternoon rainstorm during the summer in Florida. Representative Hasner said this had caused people to lose faith in the process. Representative Hasner then asked Mr. Glen to explain what was being done about this problem, why it happened, and what could be done to prevent it in the future.

Mr. Glen responded that due to the magnitude of the disaster, representatives from all over the United States were brought in to aid in the response and process the large number of applications. He indicated the different people filing claims represent their damage in different ways and that some of those not being completely honest could slip through the cracks. However, Mr. Glen explained FEMA has checks and balances for the process of identifying those who receive funds they do not deserve. He indicated they work closely with the Office of the Inspector General to identify these cases. Mr. Glen said that the need to have a rapid response coupled with the need to ensure the processes are done properly sometimes cross each other resulting in errors. Mr. Glen pointed out that during the process of rechecking those who receive funds that money can be taken back and that they work with the Attorney General and State Attorney to prosecute those filing false claims.

Representative Hasner recognized Senator Klein for comments. Senator Klein indicated that he felt a simple zip code check in many cases could solve a large number of questions regarding whether residents were eligible for aid from FEMA. Senator Klein commented that one of the largest problems he observed after the storms was the lack of general communication of the rules for applying and what people qualified for. He indicated they were told to have people call a number and apply for aid even though many didn't know what they were applying for. In addition, he pointed out these issues still exist today.

Senator Klein reported of hearing stories about people buying generators after the storm and being reimbursed with no means test. He told Mr. Glen that FEMA needed to communicate specific rules of what people are eligible for and under what circumstances. Senator Klein went on to say that debris removal was still a large issue. He said a great deal of misunderstanding and mixed messages were being sent by FEMA to cities and counties. He pointed out this was complicated by insurance companies, some of which were reimbursing for debris removal and others were not. Senator Klein stated he would like FEMA to take the position that they will reimburse for debris removal from communities with private drives. He added that if FEMA wanted to change this policy in the future that would be fine; however, FEMA has been reimbursing some communities and not others and it needs to be consistent for now.

In conclusion, Senator Klein commented on the confusion regarding the delivery of water, ice, and meals ready to eat (MREs). For example, they were told 10 trucks of supplies were coming and only 2 would show up while large numbers of people were awaiting the supplies. Senator Klein indicated that all Representative Hasner s from FEMA would say is that they were not able to track their contractors or necessarily control where they went. Senator Klein told Mr. Glen this issue needs to be addressed and that FEMA delivery system needs to be refined as well as improving their level of communication with leaders.

Mr. Glen thanked Senator Klein for his comments and told him he would share those concerns with his branch chief. Mr. Glen went on to say that there was confusion at times with people calling in to

register for aid whether or not their area had been declared yet. He said unfortunately many legitimate needs and claims were turned away when this happened. Mr. Glen promised that FEMA was aggressively dealing with this problem.

In closing, Mr. Glen said that FEMA was conducting individual system program reviews to work towards streamlining the application process and to get the word out faster. He thanked the committee for their good ideas about preparedness and said he and FEMA looked forward to working with the state and all levels of government to make these programs function better in the future.

Representative Hasner thanked Mr. Glen and added the committee looked forward to working with FEMA as this project moves forward.

The meeting adjourned at 5:00 p.m.