



The Florida Senate

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Committee on Community Affairs

Senator Michael Bennett, Chair

LEGISLATIVE RESPONSES TO CATASTROPHIC DISASTERS

SUMMARY

This report outlines the statutory responsibilities and authority of the various levels of state and local governments in their response to natural emergencies. The report also shows how the Legislature responded after Hurricane Andrew to expand this authority, impose new requirements on state and local agencies, establish new programs and policies, and promote strategies to mitigate the impact of hurricanes.

In the wake of Hurricanes Charley, Francis, Ivan and Jeanne in 2004, state agencies have initiated assessments of their respective responsibilities and performance relating to hurricane preparedness, response and recovery. While preliminary assessments are encouraging, the results of these evaluations are not likely to be available until early 2005.

This report also defines the responsibilities and services provided by the Federal Emergency Management Agency (FEMA), and the assistance FEMA provided after Hurricanes Charley, Frances, Ivan and Jeanne.

BACKGROUND

Florida is vulnerable to a wide range of emergencies, including natural, technological, and manmade disasters which may threaten the life, health, and safety of its people, disrupt services and commerce, and result in significant financial losses in both the public and private sector.¹

Given Florida's geographic location and extensive coastline, the state is a prime target for hurricanes. Between 1900 – 1996, Florida has sustained direct hits in 57 of the 158 hurricanes to reach the Eastern and Gulf Coast of the United States.²

The extent of damage is contingent on both the level of development in the affected area and the character of each storm. According to the National Climatic Data Center, the U.S. has sustained 42 weather-related disasters after Hurricane Andrew in which overall damages and cost reached or exceeded \$1 billion at the time of the event.³ Twelve of these disasters were hurricanes, and two were Tropical Storms. Three of these events significantly impacted Florida: Tropical Storm Alberto (1994, \$1 billion in damages); Hurricane Opal (1995, \$3 billion in damages); and Hurricane Georges (1998, \$5.9 billion in damages).

Three other significant storms that have impacted Florida post-1992 include: Hurricane Erin (1995, \$700 million); Tropical Storm Gordon (1994, \$400 million); and Hurricane Irene (1999, \$800 million).⁴

This report is an overview of the responsibilities and authorities of all levels of government responding to a natural disaster and serves as a primer for those who are unfamiliar with our state's emergency management system.

METHODOLOGY

Staff reviewed post-Hurricane Andrew legislation related to hurricane preparedness, response and recovery, and consulted relevant agency and Senate committee staff for their assessments.

³ To date, Hurricane Andrew is by far the most costly hurricane at estimated damages of \$30 billion. Hurricane Hugo (1989) was estimated to have caused \$7 billion in damages. <http://lwf.ncdc.noaa.gov/img/reports/billion/billion2003pg.jpg>

⁴ Significant storms are those with over \$250 million in damages. <http://www.fema.gov/library/dreys.shtm>. While its economic impact was not primarily in Florida, Hurricane Floyd (1999, \$6.5 billion) should be mentioned because it resulted in an evacuation of almost the entire east coast of Florida. Also see: <http://www.hurricaneville.com/historic.html> <http://www.publicaffairs.noaa.gov/costliest.html>

¹ Section 252.311, F.S.

² <http://www.publicaffairs.noaa.gov/strikesstates.html>

FINDINGS

Governor's Executive Powers

It is generally understood that during a declared state of emergency, the Governor has extensive authority to act as he or she deems necessary. Section 252.36(1), F.S., provides, in part, that "in the event of an emergency beyond local control, the Governor...may assume" or delegate "direct operational control over all or any part of the emergency management functions within this state..." In addition, the Governor may "issue executive orders, proclamations, and rules" which "shall have the force and effect of law." Subsection (5) specifically authorizes the Governor to, among other things:

- Suspend any statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, under certain conditions;
- Use all resources of the state government and of each political subdivision of the state, as reasonably necessary to cope with the emergency;
- Facilitate emergency services, transfer the direction, personnel, or functions of state departments and agencies;
- Subject to providing compensation, use any private property if necessary to cope with the emergency;
- Direct and compel the evacuation of people from stricken or threatened areas, and prescribe such routes, modes of transportation, and destinations relating to the evacuation;
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles;
- Make provision for the availability and use of temporary emergency housing;
- Take effective measures for limiting or suspending electric power distribution and all other utility services; and
- Take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic and the evacuation and reception of civilian population, as provided in the emergency management plan of the state and political subdivisions.

The Governor is also directed to "take such action and give such direction to state and local law enforcement officers," and state health officials as may be "reasonable and necessary" to secure compliance with

the State Emergency Management Act and the Florida Hazardous Materials Emergency Response and Community Right-To-Know Act in ch. 252, F.S.

A declared State of Emergency is limited to 60 days, unless renewed by the Governor or terminated by the Legislature.

Executive Orders Issued in 2004 Hurricanes

In 2004, Hurricanes Charley, Francis, Ivan and Jeanne struck Florida, causing significant damage across every region of the state. In response, the Governor issued the following sixteen orders addressing the emergency:⁵

- 04-182, which **declared an emergency** in response to Tropical Storm Bonnie and Hurricane Charley; this order was subsequently incorporated into Executive Orders 04-192, 04-206, and 04-217, which were issued in response to Hurricanes Francis, Ivan and Jeanne, respectively;
- 04-186, which waived statutes and rules relating to K-12 and higher **education**; this order was subsequently incorporated into Executive Orders 04-202 and 04-216, which were issued in response to Hurricanes Francis and Ivan, respectively;
- 04-188, which suspended s. 489.113(3), F.S., to allow **contractors** to repair and install roofs without using a license roofing contractor; this order was subsequently incorporated into Executive Orders 04-197 and 04-210, which were issued in response to Hurricanes Francis and Ivan, respectively; 04-210 also suspended s. 489.117, F.S., to allow certain roofing contractors to operate in hurricane-affected jurisdictions;
- 04-196, which directed the Department of Environmental Protection (DEP) to oversee the **distribution of fuel** in the state; this order was subsequently incorporated into Executive Orders 04-207, which was issued in response to Hurricane Ivan; In addition, Executive Order 04-208, was issued to correct a scrivener's error in 04-207;
- 04-215, which extended the deadline for mailing of advance **absentee ballots** for certain counties;
- 04-224, which suspended s. 110.62(4)(b)1., F.S., to allow certain counties to send

⁵ As of October 14, 2004.

absentee ballots by mail which may be forwarded to another address; and

- 04-229, which addressed qualification criteria for **federal assistance**.

Division of Emergency Management

The Division of Emergency Management (division) within the Department of Community Affairs (DCA) is responsible to coordinate activities relating to emergency preparedness, response, recovery, and mitigation among and between agencies and officials of this state, with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with the private sector.⁶ Typically, the division director is declared by the Governor to be the State Coordinating Officer for the duration of the emergency.

The division is responsible to, among other things, “prepare executive orders, proclamations, and rules for issuance by the Governor as are necessary or appropriate for coping with emergencies and disasters.”⁷ In addition, the division is authorized to “do other things necessary, incidental, or appropriate for the implementation of” the State Emergency Management Act.⁸

Other State Agencies

The head of each executive department, the executive director of each water management district, the Public Service Commission, the Fish and Wildlife Conservation Commission, and the Department of Military Affairs must designate an emergency coordination officer for their respective agency. Such person is responsible for coordinating with the division on emergency preparedness issues, preparing and maintaining emergency preparedness and post-disaster response and recovery plans for their agency, and coordinating with the applicable local emergency-management agency.⁹

In addition, state agencies, as designated by the Governor or in the state comprehensive emergency management plan, are authorized to issue orders and rules “as are necessary for emergency management purposes.” However, these actions may not be “inconsistent with any orders or rules” adopted by the division or by “any state agency exercising a power delegated to it by the Governor or the division.” Such

orders and rules “have full force and effect of law” and all existing laws, ordinances, and rules inconsistent with the emergency rule or order are “suspended during the period of time and to the extent that such conflict exists.” In addition, these emergency rules or orders must consider and be consistent with related actions by the relevant federal authorities.¹⁰

Political Subdivisions

Each county is responsible to establish and maintain an emergency management agency, and develop an emergency management plan and program for the county, coordinated and consistent with the state comprehensive emergency management plan and program.¹¹

Municipalities are encouraged to create municipal emergency management programs, coordinated with their respective county emergency management agency and consistent with and subject to the respective county plan. Such programs must comply with all laws, rules, and requirements applicable to county emergency management agencies.¹²

During a declared state or local emergency and upon the request of the director of a local emergency management agency, the district school board or school boards in the affected area must provide facilities and support personnel. If providing transportation assistance in an emergency evacuation, the district must coordinate the use of its vehicles and personnel with the local emergency management agency.¹³

During an emergency, political subdivisions are authorized to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to, among other things:

- Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- Contracting and incurring obligations;
- Employment of permanent and temporary workers;
- Use of volunteer workers;
- Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

⁶ Section 252.32, F.S.

⁷ Section 252.35(2)(p), F.S.

⁸ Section 252.35(2)(v), F.S.

⁹ Section 252.365, F.S.

¹⁰ Section 252.46, F.S.

¹¹ Section 252.38(1)(a), F.S.

¹² Section 252.38(2), F.S.

¹³ Section 252.38(1)(d), F.S.

- Appropriation and expenditure of public funds.¹⁴

In addition, local governments have the same authority provided to state agencies to issue orders and rules “as are necessary for emergency management purposes.”¹⁵

Legislative Response to Hurricane Andrew

After Hurricane Andrew, the Legislature provided funds¹⁶ and a continuing source of funding¹⁷ to assist in the recovery. In addition, the Legislature enacted a number of laws to expand state and local government authority, impose new requirements on state and local agencies, establish new programs and policies, and promote strategies to mitigate the impact of hurricanes. Some of these laws have been modified or are no longer in effect.

The following laws were enacted in the December 1992 Special Session three months after Hurricane Andrew:

- **Residential Insurance** (ch. 92-345, L.O.F.)¹⁸ This law established the Florida Property & Casualty Joint Underwriting Association¹⁹ to provide insurance to property owners unable to purchase such insurance on the open market; authorized Miami-Dade County and cities within the county to issue bonds to assist the Florida Insurance Guaranty Association with payment of claims for insolvent insurers.
- **Solid Waste Disposal** (ch. 92-346, L.O.F.)²⁰ This law authorized, rather than required, Water Management Districts to prepare solid waste disposal impact reports for new or expanded Class I or II solid waste facilities.
- **Criminal Penalties: Burglary & Trespass** (ch. 92-351, L.O.F.)²¹ This law includes ‘portions or remnants of damaged’ structures, dwellings and conveyances in the definitions of these terms, for the purposes of burglary &

trespass, when those offenses are committed during a declared state emergency.

- **Unemployment Compensation** (ch. 92-352, L.O.F.)²² This law provides that certain benefits paid to individuals separated from an employer due to certain natural disasters on the basis of wages will not be charged to the employers account.
- **Civil Penalties: Unconscionable Pricing** (ch. 92-353²³ and ch. 93-38, L.O.F.)²⁴ These laws declare unlawful unconscionable pricing of commodities, dwelling units, or self-storage units during a declared state of emergency.

The following laws were enacted in the 1993 Regular Session:

- **Financial Institutions** (ch. 93-47, L.O.F.)²⁵ This law provided the Director of the Office of Financial Regulation of the Financial Services Commission authority to temporarily modify or suspend financial institutions codes during declared states of emergency to expedite the recovery of communities affected by a disaster and to encourage financial institutions to meet the financial needs of such communities.
- **Emergency Management, Preparedness, and Assistance Trust Fund** (ch. 93-128, L.O.F.)²⁶ This law levies an annual \$2 per policy (residential) and \$4 per policy (commercial) on property insurance policies. Proceeds are used to fund the administration of state and local emergency management programs (80%); relief assistance for non-federally declared disasters (20%); and grants and loans to state or regional agencies, local governments, and private organizations (20%).²⁷
- **Local Government Planning** (ch. 93-206, L.O.F.)²⁸ This law encourages local

¹⁴ Section 252.38(3)(a)5., F.S.

¹⁵ Section 252.46, F.S.

¹⁶ Ch. 92-349, L.O.F.; ch. 93-185, L.O.F.; ch. 93-186, L.O.F.; and ch. 93-305, L.O.F.

¹⁷ Ch. 92-350, L.O.F., provides for deposit of sales tax revenue resulting from Hurricane Andrew reconstruction into Recovery and Rebuilding Trust Fund in DCA; provides for distribution of funds; & provides for funding for schools.

¹⁸ Section 627.351(6), F.S.

¹⁹ Now called the Citizens Property Insurance Corporation, pursuant to s. 2, ch. 02-240, L.O.F.

²⁰ Section 403.707(4), F.S.

²¹ Section 810.011(1), F.S.

²² Section 443.131(3)(a)4., F.S.

²³ Section 501.160, F.S. Also, see s. 28 of ch. 2002-295, L.O.F., which specified that this provision “may be enforced by the Department of Agriculture and Consumer Services, the office of the state attorney, or the Department of Legal Affairs.”

²⁴ Part II of ch. 502, F.S.

²⁵ Section 252.62, F.S.

²⁶ Sections 252.371, 372, and 373, F.S.

²⁷ Section 7 of ch. 2000-140, L.O.F., amended this third category to require that priority consideration be given to grants for hurricane evacuation shelter retrofit projects.

²⁸ Section 163.3177(7)(l), F.S.

governments to develop hazardous mitigation/post disaster redevelopment plans, and provides grants to that end.

- **Disaster & Emergency Management** (ch. 93-211, L.O.F.)²⁹ This comprehensive law provided mutual aid in cases of emergency or disaster; required school districts and universities to incorporate public shelters into the design of education facilities; required each county to develop an emergency management plan and program; required the compilation of a special needs registry; required a comprehensive review of and retrofit plan for emergency shelters; required emergency management plans and structural standards for residential facilities, hospitals and nursing homes; extended malpractice immunity to professionals providing service during a declared emergency; and expanded the Good Samaritan Act to cover emergency care or treatment provided in a declared emergency.
- **Department of Military Affairs** (ch. 93-283, L.O.F.)³⁰ This law established the Interstate Compact on Emergency Relief.
- **Residential Property Insurance** (ch. 93-401, L.O.F.) This law imposed a moratorium on cancellation or non-renewal of personal lines residential property insurance policies and revised provisions relating to eligibility for coverage under the windstorm insurance risk apportionment plan.³¹
- **Hurricane Catastrophe (CAT) Fund** (ch. 93-409, L.O.F.)³² This law created a state reinsurance fund to reimburse insurers for a portion of their hurricane losses. This fund provides additional reinsurance capacity, thereby increasing the amount of property insurance that insurers are able to write and enabling insurers to pay all claims in full in the event of a hurricane.

- **Property & Casualty Insurance** (ch. 93-410, L.O.F.)³³ This law revised windstorm insurance risk apportionment, minimum policy coverage, alternative coverage, and claims mediation programs.
- **Insurance Policy Cancellation** (ch. 93-411, L.O.F.)³⁴ This law revised exemptions from the phase-out of the moratorium on cancellations or non-renewals of certain property insurance policies.

The following laws addressing hurricane related issues were enacted subsequent to the 1993 Regular Session:

- **Building Codes** (ch. 98-287, L.O.F.) This law provides for a uniform, statewide minimum building code that would govern all technical requirements for public and private buildings, considering appropriate local variations such as: climatic conditions, soil types, termites, weather-related events, and risks associated with coastal development. For example, the code requires that buildings be constructed to withstand estimated anticipated external wind pressure when a storm strikes. In areas where wind speeds are anticipated to be 120 mph or more, buildings must also be constructed to resist destruction caused by wind-bourne debris. Structures in the “Wind-Bourne Debris Region”, which is defined as the zones of 120 mph or more, must have all structural openings (doors & windows) covered or the building must be designed to withstand internal wind pressures should the openings be breached.³⁵ In addition, all regions within one mile of the coast must be built to withstand window breakage.³⁶ Counties within the “high velocity hurricane zone” must provide impact resistance for the exterior of the entire building.³⁷

²⁹ Sections 23.121, 23.1225, 23.1231, 23.127, 213.055, 213.055, 235.26, 240.295, 252.311, 252.32, 252.34, 252.36, 252.35, 253.385, 252.46, 252.47, 252.50, 252.52, 237.59, 393.067, 395.1055, 400.23, 400.441, 409.905, 409.908, 465.019, 465.0275, 374.976, 768.13, & 401.265, F.S.

³⁰ Sections 250.540, 250.541, 250.542, 250.543, 250.544, 250.545, 250.546, 250.547, 250.548 and 250.549, F.S.

³¹ Section 627.351(2)(c), F.S.

³² Section 215.555, F.S.

³³ Section 627.351, F.S.

³⁴ Section 627.7013, F.S.

³⁵ However, there is an exception to this requirement: the “Panhandle Protection Provision.” The Florida Building Commission was required to adopt the *wind protection requirements* of the ASCE 7-98, provided that “...from the eastern border of Franklin County to the Florida-Alabama line, only land within 1 mile of the coast shall be subject to the windborne-debris requirements adopted by the commission.”

³⁶ This includes portions of Wakulla, Jefferson, Taylor, Levy, Citrus and Hernando counties that are not within the 120 mph wind zone.

³⁷ Miami-Dade and Broward Counties.

The code also provides for local enforcement, increased standards for building officials, and expanded training for all participants in the building process.

The Code became effective March, 2002.

- **Hurricane Loss Mitigation** (ch. 99-305, L.O.F.) This law provided for an annual appropriation (of not less than \$10 million) from the Hurricane Catastrophe Fund for programs to improve the wind resistance of site built and mobile homes; to retrofit public shelters; and inspect and improve tie-downs for mobile homes.
- **Public Emergency Shelters** (ch. 00-140, L.O.F.) This law expanded responsibilities of public schools, colleges, local and state governments in the provision of public shelter space; extended liability waiver for use of private space; prioritized (and increased) funding for shelters; and required the provision for continuation of health care services to persons requiring special needs assistance.

Recent Tests of the State's Hurricane Preparedness, Response and Recovery System

In late August, 1992, Hurricane Andrew struck the Southeast coast of Florida. Arguably the "most recent memorable hurricane in modern history," it is recognized as the costliest natural disaster on record with some \$30 to 35 billion dollars in damage.³⁸

In 2004, Hurricanes Charley, Frances, Ivan and Jeanne struck Florida, causing significant damage across every region of the state. Preliminary estimates of the combined insured losses for the state are \$15 to 22 billion, nearing the \$20 billion (current dollars) in insured losses from Hurricane Andrew.³⁹ In addition, it is estimated that more than one in every five Florida homes has been damaged by these storms, and "the number of insurance claims this season is expected to

hit 2 million, far surpassing the 700,000 claims filed after Andrew 12 years ago."⁴⁰

The Department of Agriculture estimates the cumulative impact of these storms on agriculture in the state is at \$2.264 billion.⁴¹ This figure is expected to increase as more information from producers is received.

Tourism has also been adversely affected by the storms. However, conclusive fiscal impact data is not available at this time.

A Preliminary Assessment

In the wake of these hurricanes, state agencies have initiated assessments of their respective responsibilities relating to hurricane preparedness, response and recovery. Unfortunately, these assessments have not been completed. However, preliminary assessments indicate that the post-Hurricane Andrew Legislative actions -- expanded state and local government authority, new requirements on state and local agencies, new programs and policies, and new strategies to mitigate the impact of hurricanes -- proved sufficient to meet the demands of our state's recent hurricane disasters.

While there are reports of damage to at least three **emergency shelters**, DCA reports that preliminary assessments indicate no systemic problems.⁴² Shelters were made timely available, were properly staffed, and provided a safe place for evacuees. In addition, they functioned as resource centers for emergency services. A final assessment from DCA is not expected until January, 2005.

As to availability, it is important to note that over the past decade DCA has implemented a multifaceted program to eliminate the deficit of "safe" emergency shelters.⁴³ DCA reports significant progress in this

³⁸ The Associated Press recently reported that Hurricane Andrew "destroyed 126,000 homes, left 180,000 people homeless and caused \$30 billion in damage." August 26, 2004. Hurricane Hugo (1989) is the second costliest hurricane at \$7 billion. See <http://lwf.ncdc.noaa.gov/img/reports/billion/billion2003pg.jpg> and <http://www.hurricaneville.com/historic.html>

³⁹ Senate Committee on Banking and Insurance, October 2004, and "Hurricane claims pile up," Associated Press, 9/29/04.

⁴⁰ *ibid.* These figures do not include flood damage, which are covered by the federal flood insurance program, which losses are expected to be several billion dollars.

⁴¹ Total crop loss is estimated to be \$1.9 billion, with the remainder representing other related funding needs. David McInnes, Department of Agriculture, 10/26/04.

⁴² Shelters in Desoto, Escambia, and St. Lucie Counties were damaged by Hurricanes Charley, Ivan, and Frances respectively.

⁴³ This program includes: survey of existing buildings, both public and private, to identify suitable shelter capacity; where cost effective (and practical), support mitigation and retrofitting of facilities to increase shelter capacity; construction of new facilities to meet the Enhanced Hurricane Protection Area (EHPA) criteria for

area. Since 1995, new hurricane shelter spaces have been identified, created through retrofitting of existing buildings, or through new construction. In 2004, there are 643,717 shelter spaces available to meet the estimated demand of 1,236,369. The overall state public hurricane shelter deficit has been reduced from 1,501,931 spaces in 2000, to 592,658 spaces in 2004.⁴⁴ DCA notes that “preliminary estimates indicate that, if the current rate of shelter space production is maintained, that the public hurricane shelter deficit will be eliminated by 2011.”⁴⁵

DCA staff indicated that State, state agency, local government, and facility **emergency plans** are subject to ongoing reviews in response to recent emergency events. In addition, the division reviews local government plan at least every four years.

DCA reports that preliminary assessments indicate that structures built under the standards of the new **Florida Building Code** performed as designed and fared better than structures built under the previous codes. There are also indications that enforcement of both the new and previous codes has improved since Hurricane Andrew. A final assessment of the performance of the Florida Building Code from DCA is not expected until January, 2005.

FEMA Disaster Assistance

The Federal Emergency Management Agency (FEMA), now part of the Emergency Preparedness and Response (EPR) Directorate of the Department of Homeland Security, is responsible for supporting State and local governments and their citizens when disasters strike.⁴⁶ FEMA/EPR disaster assistance falls into three general categories:⁴⁷

schools (s. 1013.372, F.S.); shelter demand reduction through improved hurricane hazard models and behavioral studies; and improve public information/education to reduce unnecessary “shadow” evacuations. 2004 Statewide Emergency Shelter Plan, Department of Community Affairs, Division of Emergency Management, p. 6-1.

⁴⁴ DCA notes that the demand for hurricane shelter space has also been significantly reduced over the past five years due to improvements in public information, storm hazard models and more accurate census data. *Ibid.*, p. iv.

⁴⁵ However, DCA notes that this projection does not account for population increases and shelters decommissioned due to age and other issues. *Ibid.*, p. 7-1.

⁴⁶ See the Robert T. Stafford *Disaster Relief and Emergency Assistance Act*, 42 U.S.C. §§ 5121-5206.

⁴⁷ This section is adapted from information provided on FEMA’s website: http://www.fema.gov/rrr/dec_guid.shtm

- **Individual Assistance;**
- **Public Assistance** to public (and certain private non-profit) entities for certain emergency services and the repair or replacement of disaster-damaged public facilities;⁴⁸ and
- **Hazard Mitigation Assistance** for measures designed to reduce future losses to public and private property.

Individual assistance is provided to people in the declared area whose property has been damaged or destroyed and whose losses are not covered by insurance. Individual **housing assistance** includes:

- Temporary Housing (such as recreational vehicles or mobile homes) for homeowners and renters when rental properties are not available;
- House Repair grants to make the damaged home safe and sanitary;
- Replacement grants (very limited);
- Permanent Housing Construction grants (very limited, to individuals in insular areas or remote locations where no other type of housing is possible); and
- Other Needs Assistance grants for necessary and serious needs caused by the disaster, to include medical, dental, funeral, personal property, transportation, moving and storage, and other approved expenses.

FEMA also provides or coordinates the provision of **non-housing assistance** to individuals and households who have other disaster-related necessary expenses or serious needs that are not covered by insurance. **The U.S. Small Business Administration (SBA)** can make the following federally subsidized loans for damages not covered by insurance:

- **home disaster loans** to homeowners and renters to repair or replace disaster-related damages to home or personal property;
- **business physical disaster loans** to business owners to repair or replace disaster-damaged property, inventory, and supplies; and

⁴⁸ One important component of public assistance is debris removal. FEMA reports that it will pay 75 percent of debris removal cost when such debris is placed in the right-of-way of a public road. Joint FEMA/State Release: Daily Summary, September 24, 2004

- **economic injury disaster loans**, which provide capital to small businesses and to small agricultural cooperatives to assist them through the disaster recovery period.

The **Disaster Unemployment Assistance (DUA)** program provides, for up to 26 weeks, unemployment benefits and re-employment services to individuals who have become unemployed because of major disasters. These benefits are made available to individuals not covered by other unemployment compensation programs, such as self-employed, farmers, migrant and seasonal workers, and those who have insufficient quarters to qualify for other unemployment compensation.

In cooperation with the Young Lawyers Division of the American Bar Association, FEMA provides free **legal assistance** to qualified low-income disaster victims.

FEMA also offers **Crisis Counseling Assistance and Training** to provide supplemental funding to States for short-term crisis counseling services to people affected in certain declared disasters.

FEMA's Response to Recent Hurricanes⁴⁹

As of October 19, 2004 FEMA reports that individual financial assistance to the victims of Hurricanes Charley, Frances, Ivan and Jeanne totaled \$751.4 million. Rental assistance totaled \$129.7 million to 106,484 applicants. FEMA has inspected 531,976 damaged homes and placed 2,060 dislocated families in travel trailers (2,037) and manufactured homes (33).

Plastic sheeting has been installed on 90,689 homes and 493,594 tarps were delivered to the Emergency Operations Centers for distribution.

The U.S. Small Business Administration has approved \$274.7 million in low-interest loans for home and business repair.

There have been over 1,335 requests from local governments for public assistance for debris clean-up, with \$32.3 million obligated so far.

The 49 FEMA disaster recovery centers across the state have provided information on assistance programs to 238,346 storm victims.

FEMA has 4,234 employees deployed to Florida and 464 local hires helping with the recovery. These include 884 community relations personnel working in the affected neighborhoods. On September 26, FEMA reported that the 2004 Hurricane season resulted in the "largest ever deployment" of FEMA workers.⁵⁰

RECOMMENDATIONS

In the wake of Hurricanes Charley, Francis, Ivan, and Jeanne in 2004, state agencies have initiated assessments of their respective responsibilities and performance relating to hurricane preparedness, response and recovery. While preliminary assessments are encouraging, the results of these evaluations are not likely to be available until early 2005.

Consequently, the Legislature should delay where possible initiating any systemic changes until these assessments are completed.

⁴⁹ Joint FEMA/State Release: Quick Facts – Florida, October 21, 2004

⁵⁰ "Florida storm deployment FEMA's largest," The Associated Press, 9/27/04.