

CHAPTER 9G-6 REVIEW OF LOCAL EMERGENCY MANAGEMENT PLANS

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9G-6.002 Definitions.

(1) "County Emergency Management Agency" means the emergency management agency authorized and directed to be established and maintained by each county of the state pursuant to Section 252.38(1), Florida Statutes.

(2) "Division" means the Division of Emergency Management of the Department of Community Affairs.

(3) "State Plan" means the State Comprehensive Emergency Management Plan, as developed and adopted pursuant to the authority contained in Section 252.35(2)(b), Florida Statutes.

(4) "County Comprehensive Emergency Management Plans" are the county counterparts of the State Plan.

(5) "Municipal Emergency Management Program" means the emergency management program authorized and encouraged by Section 252.83(2), F.S., to be created by each legally constituted municipality in the state. Municipalities are not required to develop a municipal emergency management program.

(6) "Municipal Comprehensive Emergency Management Plans" are the municipal counterparts of the County Comprehensive Emergency Management Plan which must be consistent with and subject to the applicable county plan. Municipalities are encouraged, but not required, to develop a municipal comprehensive emergency management plan.

(7) ACounty Radiological Emergency Plan for Nuclear Power Plants@means the plan to be prepared by the Division and county governments within 50 miles of a commercial nuclear power plant.

(8) ACounty Emergency Management Program@means the emergency management program authorized and mandated by Section 252., F.S. to be created by each legally constituted county in the

state.

Specific Authority 252.35(2)(u), FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v) FS. History--New 1-18-81, Amended 2-24-85, Formerly 9G-6.02, Amended 2-5-91, 5-11-95, 2-11-01.

9G-6.0023 County Comprehensive Emergency Management Plans.

(1) Each county emergency management agency established pursuant to the authority contained in Section 252.38(2), F.S., shall develop and submit to the Board of County Commissioners for adoption a County Comprehensive Emergency Management Plan in compliance with the requirements, format and standards contained in this rule chapter.

(2) County Comprehensive Emergency Management Plans will be coordinated and consistent with the provisions of the State Plan. The county emergency management plan will include an evacuation component, a shelter component (risk and host events), and a post-disaster and recovery component and will consist of provisions addressing aspects of preparedness, response, recovery and mitigation. The county plan will assign lead and support responsibilities for county agencies and personnel that coordinate with the emergency support functions outlined in the State Plan.

(3) The County Comprehensive Emergency Management Plan shall be specific and shall address responses and actions in the event of an emergency. It shall clearly identify those positions or agencies responsible for specific functions under given circumstances. Responsibilities must be assigned by position title or agency name, and specific duties for each position or agency must be listed. Checklists and other readily accessible and easy-to-use guidelines are encouraged. Where appropriate, the county plan shall contain maps, diagrams and other visual aids. Copies of the forms the local government will use shall be available for review.

(4) The County Comprehensive Emergency Management Plan shall be divided into a minimum of two components: the Basic Plan and the Capability Assessment. The Basic Plan shall be narrative in form and generally describe responsibilities within the emergency management framework. It shall include but not be limited to two annexes addressing the recovery and mitigation functions of the county emergency management program. The Basic Plan and the Recovery and Mitigation Annexes shall include organizational charts, maps and checklists. The Capability Assessment shall demonstrate competencies and present information outlined in the County Comprehensive Emergency Management Plan, standard operating procedures and other supporting documents that are involved in the emergency management program, i.e., emergency response, recovery and mitigation activities.

(5) The County Comprehensive Emergency Management Plan shall cover county agencies and resources and should cover applicable municipal agencies and resources. County plans shall interface with plans of contiguous jurisdictions, regional, municipalities and the state comprehensive emergency management plans.

(6) The County Comprehensive Emergency Management Plan or supporting operating procedures referred to in the plan shall provide a detailed description of the process to be followed at the local level whenever an emergency or disaster occurs as a result of the many consequences generated by natural, technological or manmade causes. Such emergencies include, but are not limited to: tornadoes, hurricanes, flooding, freezes, extreme temperatures, disease outbreaks, wildfires,

terrorism, drought, hazardous materials releases or spills and civil disturbances. The plan shall identify and describe pre-emergency warning systems, evacuation and sheltering plans, hazard mitigation and other anticipatory actions as well as post-event response and recovery actions.

(7) The Division hereby adopts and incorporates by reference ~~A~~Local Comprehensive Emergency Management Plan Compliance Criteria~~@~~ and the ~~A~~Emergency Management Capabilities Assessment Checklist~~@~~ (Form Numbers CEMP-001 and CEMP-002, 2000 Edition) as part of this chapter. County Comprehensive Emergency Management Plans and County Emergency Management Programs shall comply with these criteria. These criteria are available from the Division and may be obtained by writing the Division at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 or online at www.floridadisaster.org. These criteria shall be used in the development and review of County Comprehensive Emergency Management Plans and Programs. Counties shall complete the compliance criteria prior to the Division's review of their Comprehensive Emergency Management Plan and have them available to the Division thirty days after receiving notification of the Division's intent to review. Counties shall demonstrate satisfaction of the required plan criteria by noting the page and section in their plan, or supporting documents, where each criterion is satisfied. Counties shall provide the documentation needed to satisfy the requirements of the Capabilities Assessment.

(8) Counties are encouraged to follow the format of the State Plan in development of the County Comprehensive Emergency Management Plan. County emergency management agencies are not required to duplicate the suggested format, but should be able to demonstrate the ability to communicate with those emergency support functions and state agencies that support the State Plan.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v), 252.38(1) FS. History--New 2-11-01.

9G-6.0025 The County Radiological Emergency Plan for Nuclear Power Plants.

This county plan shall provide a detailed description of the process to be used to protect the public from the potential health effects associated with a radiological emergency at a commercial nuclear power plant. Only those counties within a 50 mile radius of a commercial nuclear power plant are required to develop this plan. This plan shall be developed with direct assistance from the Division and shall be incorporated into the appropriate site plan contained in Annex A of the State Plan. This plan shall comply with the Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (NUREG-06541 FEMA REP-1 Rev. 1).

These criteria are available from the Division and may be obtained by writing the Division at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399. This plan or annex shall be submitted to the Federal Emergency Management Agency for review and approval.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v), 252.60 FS. History--New 2-11-01.

9G-6.006 County Comprehensive Emergency Management Plans -- Review by Division.

(1) The provisions of this section shall apply to the Division's initial review of County Comprehensive Emergency Management Plans, and review of plans revised as a result of a determination by the Division that a county comprehensive emergency management plan is not in compliance with the terms of this chapter.

(2) The Division shall review each county comprehensive emergency management plan at a minimum of every four years and shall offer the affected Regional Planning Council an opportunity to participate in the review. The Division shall review the county plan in accordance with the criteria CEMP-001 and CEMP-002. The Division shall provide notice of its intent to review a County Comprehensive Emergency Management Plan at least 60 days prior to initiation of the review. Within 30 days of receipt of this notification the county shall provide to the Division three copies of the plan to be reviewed with three copies of the completed compliance criteria. The county may waive the 60 day review notification. Upon receiving notification of the intent to review, the county and the Division shall coordinate to finalize the Capabilities Assessment prior to the date of the plan review. The Division will provide the county with the results of its review and its finding as to the compliance of the plan within 60 days of its initial review. If the Division finds the county plan meets the requirements of this chapter it shall issue a notice of compliance.

(3) If the Division finds that a county plan does not meet all of the criteria established in this chapter the Division shall withhold a notice of compliance and issue an official notification by certified mail specifically stating the reasons the plan does not meet the criteria. Upon receipt of the official notification, the county shall either:

(a) Within 60 days, revise its plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) Within 60 days develop a workplan to be approved by the Division which addresses all changes necessary for compliance and a timetable for completion; or

(c) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(4) If the county does not submit a revised plan, or a workplan 60 days after the receipt of the official notification or request an administrative hearing the Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(5) If upon the submittal of the revised plan, either after the 60 days allotted or upon completion of the workplan, the Division finds that the revised plan is not in compliance the Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(6) If the workplan is not completed in the time frame established, the Division shall issue a

notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance, the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(7) All requests for an administrative proceeding shall be filed in accordance with Section 120.57, Florida Statutes, and Rule Section 28-5.201, F.A.C. Failure to request an administrative proceeding within the time frames noted above and failure to request an administrative proceeding in accordance with this chapter shall constitute a waiver of the opportunity to contest the non-compliance determination.

(8) If the Division is unable, for any reason, to provide notice to the county regarding the results of its initial review within 60 days, it will forward a notice to the county stating its intent to extend the review period for the specifically identified time period necessary to provide notice. (9) In order to ensure that County Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

(10) After a determination that a County Comprehensive Emergency Management Plan is in compliance with the terms of this chapter the approved plan must be adopted by resolution of the governing body of the jurisdiction within 60 days of receiving notification of compliance from the Division before it becomes the Comprehensive Emergency Management Plan for such local government. If the county is unable to adopt the plan within 60 days the county may request in writing to the Division, stating just cause, an extension of no more than an additional 90 days to adopt the plan. Adoption must occur, at a minimum, every four years. Notification of the date of adoption shall be sent to the Division. Failure to adopt, to notify the Division of an adoption date or make available for review a revised plan will constitute non-compliance. Upon adoption of the plan, the county shall submit a copy of the adopted plan to the Division.

Specific Authority 252.35(2)(u), 120.53, 120.57 FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v), 120.57 FS. History -- New 1-18-81, Amended 2-24-85, Formerly 9G-6.06, Amended 2-5-91, 5-11-95, 2-11-01.

9G-6.0095 Municipal Comprehensive Emergency Management Plans.

Municipal Comprehensive Emergency Management Plans must comply with all the standards and requirements applicable to County Comprehensive Emergency Management Plans. Municipal Comprehensive Emergency Management Plans shall comply with the Local Comprehensive Emergency Plan Compliance Criteria adopted by reference in Rule 9G-6.0023(7). These criteria are available from the Division and shall be used in the development and review of Municipal Comprehensive Emergency Management Plans. Municipal Comprehensive Emergency Management Plans are encouraged to follow the suggested format for County Comprehensive Emergency Management Plans. Municipal emergency management programs are not required to duplicate the suggested format, but should conform to it as closely as possible.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (u), 252.38(2) FS. History--New 2-11-01.

9G-6.010 Municipal Comprehensive Emergency Management Plans -- Review by County Emergency Management.

(1) The provisions of this section shall apply to either initial review by the County Emergency Management Agency, or to review of revised information as a result of a determination by the county emergency management agency that a municipal comprehensive emergency management plan is not in compliance with the terms of this chapter.

(2) If a municipality elects to prepare a comprehensive emergency management plan, the plan shall be periodically reviewed by its respective county emergency management agency to determine compliance with the established criteria.

(3) The County Emergency Management Agency shall provide initial notice to the chief elected official of each municipality in the county of the county's intent to establish a schedule to review municipal comprehensive emergency management plans. A county shall provide notice to the municipalities of its intent to review a Municipal Comprehensive Emergency Management Plan at least 60 days prior to the initiation of the review. This notice shall also advise the municipalities, in general terms, of the applicable plan requirements. Each municipality must respond to this notice and advise the county of the existence of a municipal comprehensive emergency plan or program. Each municipality shall also provide a copy of this response to the Division. If any municipality creates a comprehensive emergency management plan or program subsequent to this initial notice, it must advise the county emergency management director and the Division in writing, and request that the municipality be included in the county's plan review schedule.

(4) The County Emergency Management Agency shall provide the municipal emergency program with the results of its review and its finding as to the compliance of the municipal comprehensive emergency management plan within 60 days of completion of its initial review. If the county emergency management agency determines that the municipal comprehensive emergency management plan complies with the requirements of this rule chapter it shall issue a notice of compliance to the municipal emergency management program and to the Division.

(5) When the county emergency management agency determines that a municipal comprehensive emergency management plan is not in compliance with the requirements of this rule chapter, it shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of a notice of non-compliance, the municipal emergency program shall, within 60 days, revise its plan, notify the county emergency management agency and make the revised information available for review by the county emergency management agency.

(6) If the county is unable, for any reason, to provide notice to the municipality regarding the results of its review within 60 days, it will forward a notice to the municipal emergency management program stating its intent to extend the review period for the specifically identified time necessary to provide notice.

(7) In order to ensure that Municipal Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan

must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

(8) After a determination that a Municipal Comprehensive Emergency Management Plan is in compliance with the terms of this chapter, the approved plan must be adopted by resolution of the governing body of the jurisdiction before it becomes the Comprehensive Emergency Management Plan for such local government.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v), 252.38(1), (2) FS. History--New 5-11-95, Amended 2-11-01.