

By Senator Williams

4-959-98

1 A bill to be entitled
 2 An act relating to public hurricane evacuation
 3 shelters; amending s. 240.295, F.S.;
 4 prescribing duties of the Board of Regents with
 5 respect to identifying public shelter space;
 6 amending s. 252.385, F.S.; authorizing the use
 7 of private buildings as shelters; providing for
 8 school boards and community colleges to assist
 9 in coordinating certain surveys; providing for
 10 public facilities to be made available for use
 11 as shelters; requiring the Department of
 12 Management Services to incorporate public
 13 shelter provisions into leases for certain
 14 public facilities; amending s. 252.51, F.S.;
 15 exempting the state, its political
 16 subdivisions, employees, agents, and others
 17 from liability for damages caused by emergency
 18 management workers in certain situations;
 19 providing an effective date.

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 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Subsection (4) of section 240.295, Florida
 24 Statutes, is amended to read:

25 240.295 State University System; authorization for
 26 fixed capital outlay projects.--

27 (4) The Board of Regents shall, in consultation with
 28 local and state emergency management agencies, assess existing
 29 facilities to identify the extent to which each campus has
 30 public hurricane-evacuation shelter space, ~~adequate to house~~
 31 ~~those students, faculty, and employees expected to seek public~~

1 ~~shelter prior to or during a disaster and those other persons~~
2 ~~for which the campus has agreed with the local emergency~~
3 ~~management agency or other voluntary organization to provide~~
4 ~~shelter space. The board shall submit a report describing the~~
5 ~~results of its assessment to the Governor and the Legislature~~
6 ~~by February 1, 1994. At the discretion of the board, this~~
7 ~~report may be accompanied by a list of proposed improvements~~
8 ~~to existing buildings to improve shelter capacity and an~~
9 ~~estimate of the costs associated with implementing these~~
10 ~~improvements.~~ Until a campus has sufficient shelter space,
11 any building for which a design contract is entered into
12 subsequent to July 1, 1994, must be constructed in accordance
13 with public shelter standards unless the board, with the
14 concurrence of the local emergency management agency or the
15 Department of Community Affairs, exempts the building or part
16 thereof from shelter standards because of its location, size,
17 or other characteristic.

18 Section 2. Section 252.385, Florida Statutes, is
19 amended to read:

20 252.385 Public shelter space.--

21 (1) It is the intent of the Legislature that this
22 state not have a deficit of safe public hurricane-evacuation
23 shelter space in any region of the state by 1998 and
24 thereafter.

25 (2) The division shall administer a program to survey
26 existing schools, universities, community colleges, and other
27 state-owned, municipally owned, and county-owned public
28 buildings and any private facility that the owner, in writing,
29 agrees to provide for use as a public hurricane-evacuation
30 shelter to identify those that are appropriately designed and
31 located to serve as such shelters. The owners of the

1 facilities must ~~shall~~ be given the opportunity to participate
2 in the surveys. The Board of Regents, district school boards,
3 community college boards of trustees, and the Department of
4 Education are responsible for coordinating and implementing
5 the survey of public schools, universities, and community
6 colleges with the division or the local emergency management
7 agency.

8 (3) ~~Beginning no later than September 1, 1994,~~The
9 division shall annually provide to the President of the
10 Senate, the Speaker of the House of Representatives, and the
11 Governor a list of facilities recommended to be retrofitted
12 using state funds. State funds should be targeted to counties
13 with hurricane-evacuation shelter deficits. Retrofitting
14 facilities in regions with public hurricane-evacuation shelter
15 deficits shall be given first priority and should be completed
16 by 1998. All appropriate facilities should be retrofitted by
17 2008 2003. The owner or lessee of a shelter that is included
18 on the retrofit list is not required to perform any
19 recommended improvements.

20 (4)(a) Public facilities, including schools,
21 postsecondary education facilities, and other facilities owned
22 or leased by the state or local governments which are suitable
23 for use as hurricane-evacuation shelters shall be made
24 available at the request of the local emergency management
25 agencies. Such agencies shall coordinate with the appropriate
26 school board, university, community college, or local
27 governing board when requesting the use of such facilities as
28 hurricane-evacuation shelters.

29 (b) The Department of Management Services shall
30 incorporate the use of suitable leased public facilities as
31 public hurricane-evacuation shelters into lease agreements for

1 state agencies. Suitable leased public facilities include
2 leased public facilities that are solely occupied by state
3 agencies and have at least 2,000 square feet of net floor area
4 in a single room or in a combination of rooms having a minimum
5 of 400 square feet in each room. The net square footage of
6 floor area must be determined by subtracting from the gross
7 square footage the square footage of spaces such as mechanical
8 and electrical rooms, storage rooms, open corridors,
9 restrooms, kitchens, science or computer laboratories, shop or
10 mechanical areas, administrative offices, records vaults, and
11 crawl spaces.

12 Section 3. Section 252.51, Florida Statutes, is
13 amended to read:

14 252.51 Liability.--

15 (1) Any person or organization, public or private,
16 owning or controlling real estate or other premises who
17 voluntarily and without compensation grants a license or
18 privilege or otherwise permits the designation by the local
19 emergency management agency or use of the whole or any part of
20 such real estate or premises for the purpose of sheltering
21 persons during an actual, impending, mock, or practice
22 emergency, together with her or his successor in interest, if
23 any, shall not be liable for the death of, or injury to, any
24 person on or about such real estate or premises during the
25 actual, impending, mock, or practice emergency, or for loss
26 of, or damage to, the property of such person, ~~solely by~~
27 ~~reason or as a result of such license, privilege, designation,~~
28 ~~or use,~~ unless the gross negligence or the willful and wanton
29 misconduct of such person owning or controlling such real
30 estate or premises or her or his successor in interest is the
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1 proximate cause of such death, injury, loss, or damage
2 occurring during such sheltering period.

3 (2) Neither the state nor any political subdivision of
4 the state, nor their agents or employees, except for bad
5 faith, gross negligence, malicious purpose, or wanton and
6 willful disregard of human rights, safety, or property, shall
7 be liable for personal injury, death, or property damage
8 sustained by any person as a result of the acts or omissions
9 of any emergency management worker complying with this chapter
10 or any order, rule, ordinance, or resolution adopted pursuant
11 to this chapter. As used in this subsection, the term
12 "emergency management worker" includes any full-time or
13 part-time paid or volunteer employee or agent of this state,
14 its political subdivisions, other states, territories, or
15 possessions, the District of Columbia, or the Federal
16 Government who is performing emergency management activities
17 in this state and who is subject to the order or control of or
18 pursuant to the request of the state, its agencies, or its
19 political subdivisions. The rights of any person to receive
20 benefits to which they would otherwise be entitled under
21 chapter 440 or any pension law, or any act of Congress are not
22 affected by this subsection.

23 Section 4. This act shall take effect July 1, 1998.
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SENATE SUMMARY

Revises provisions relating to the use of public facilities as public hurricane-evacuation shelters. Authorizes the use of certain private buildings as public hurricane-evacuation shelters. Requires school boards and community college boards of trustees to assist in certain surveys regarding such shelters. Requires the Department of Management Services to incorporate certain provisions regarding their use as shelters in leases for public facilities. Exempts the state and political subdivisions from liability for damages caused by emergency management workers. (See bill for details.)