

By Representative Fischer

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 of the  
24 year in which enacted.  
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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.)