

By Representative Garcia

1 A bill to be entitled
 2 An act relating to declared states of
 3 emergency; requiring that certain offenses be
 4 reclassified to the next higher degree if the
 5 offense is committed during a state of
 6 emergency or a mandatory evacuation order;
 7 specifying the offenses that are subject to
 8 reclassification; providing for ranking such
 9 offenses under chapter 921, F.S., for purposes
 10 of sentencing; amending s. 236.081, F.S.;
 11 authorizing a school district to request that
 12 its funding under the Florida Education Finance
 13 Program be recalculated if, following a
 14 disaster, the district's enrollment falls as a
 15 result of the disaster; providing for
 16 retroactive application; creating s. 252.375,
 17 F.S.; requiring that, following a major
 18 disaster or emergency, preference be given in
 19 awarding contracts to organizations, firms, and
 20 individuals that do business in the area
 21 affected by the major disaster or emergency;
 22 providing effective dates.

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

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 26 Section 1. Committing certain offenses during a state
 27 of emergency; reclassification.--
 28 (1) The punishment for the offenses listed in
 29 subsection (2) shall be reclassified to the next higher degree
 30 if the jurisdiction where the offense was committed was under
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1 a state of emergency or a mandatory evacuation order at the
2 time of the offense.
3 (a) In the case of a misdemeanor of the second degree,
4 the offense is reclassified to a misdemeanor of the first
5 degree.
6 (b) In the case of a misdemeanor of the first degree,
7 the offense is reclassified to a felony of the third degree.
8 For purposes of sentencing under chapter 921, Florida
9 Statutes, and determining incentive gain-time eligibility
10 under chapter 944, Florida Statutes, such offense is ranked in
11 level 2 of the offense severity ranking chart.
12 (c) In the case of a felony of the third degree, the
13 offense is reclassified to a felony of the second degree.
14 (d) In the case of a felony of the second degree, the
15 offense is reclassified to a felony of the first degree.
16 (2) This section applies to the following offenses:
17 (a) A violation of section 489.127, Florida Statutes,
18 relating to construction contracting.
19 (b) A violation of chapter 806, Florida Statutes,
20 relating to arson and criminal mischief.
21 (c) A violation of chapter 810, Florida Statutes,
22 relating to burglary and trespass.
23 (d) A violation of chapter 812, Florida Statutes,
24 relating to theft, robbery, and related crimes.
25 (e) A violation of section 817.034, Florida Statutes,
26 the Florida Communications Fraud Act.
27 (f) A violation of section 825.103, Florida Statutes,
28 relating to the exploitation of an elderly person or disabled
29 adult.
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1 (g) A violation of section 843.08 or section 843.085,
2 Florida Statutes, relating to falsely personating an officer
3 and unlawfully using a police badge.

4 (h) A violation of chapter 870, Florida Statutes,
5 relating to affrays, riots, routs, and unlawful assemblies.

6 (3) For purposes of sentencing under chapter 921 and
7 determining incentive gain-time eligibility under chapter 944,
8 a felony offense that is reclassified under this section is
9 ranked one level above the ranking under s. 921.0022 or s.
10 921.0023 of the offense committed.

11 Section 2. Subsection (10) is added to section
12 236.081, Florida Statutes, 1998 Supplement, to read:

13 236.081 Funds for operation of schools.--If the annual
14 allocation from the Florida Education Finance Program to each
15 district for operation of schools is not determined in the
16 annual appropriations act or the substantive bill implementing
17 the annual appropriations act, it shall be determined as
18 follows:

19 (10) DISASTER ADJUSTMENT.--

20 (a) Any school district that is located in a region of
21 the state declared a disaster area by the Governor and that
22 experiences a decline in weighted full-time equivalent
23 students as a result of the disaster may request its
24 allocation under the Florida Education Finance Program to
25 remain at the level determined by the most recent membership
26 calculation prior to the disaster declaration. The district's
27 request must be supported by documentation demonstrating that
28 the district's projected enrollment would have been achieved
29 if the disaster had not occurred. If the request is supported
30 by the Commissioner of Education, subsequent calculations of
31 the district's funding entitlement shall use the same

1 full-time equivalent student enrollment used in calculating
2 the year prior to the disaster.

3 (b) This subsection applies retroactively to the
4 1998-1999 school year.

5 Section 3. Section 252.375, Florida Statutes, is
6 created to read:

7 252.375 Contract preference to local entities.--In
8 expending state and federal funds for debris clearance,
9 distribution of supplies, reconstruction, and other major
10 disaster or emergency assistance activities that are carried
11 out by contract or agreement with private organizations,
12 firms, or individuals, preference must be given, to the extent
13 feasible and practicable, to organizations, firms, and
14 individuals who reside or do business primarily in the area
15 affected by the major disaster or emergency. This section does
16 not restrict the use of resources from the Department of
17 Defense in providing assistance following a major disaster.

18 Section 4. This act shall take effect upon becoming a
19 law, except that section 1 of this act shall take effect
20 October 1, 1999.

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23 SENATE SUMMARY

24 Provides for certain offenses to be reclassified to the
25 next higher degree if the offense is committed during a
26 state of emergency or a mandatory evacuation order.
27 Provides for a school district's funding under the
28 Florida Education Finance Program to be recalculated if
29 the district's enrollment falls following a disaster.
30 Provides that the recalculation provisions apply
31 retroactively to the 1998-1999 school year. Requires that
preference be given to local organizations, firms, and
individuals with respect to awarding contracts for
clean-up and reconstruction activities following a major
disaster or emergency. (See bill for details.)