

By Senator Sullivan

22-1174A-99

See HB

1 A bill to be entitled
2 An act relating to emergency management;
3 amending s. 240.295, F.S.; prescribing duties
4 of the Board of Regents with respect to
5 identifying public hurricane evacuation shelter
6 space on certain campuses; deleting a
7 requirement for the submission of a report;
8 revising a condition precedent to a requirement
9 for specified building construction standards;
10 amending s. 252.38, F.S.; providing a
11 restriction on the appointment of a county
12 emergency management agency director; providing
13 an exception; providing a restriction on the
14 control and supervision of the director;
15 amending s. 252.385, F.S.; revising legislative
16 intent; including certain private facilities
17 within a survey of prospective public hurricane
18 evacuation shelters; including district school
19 boards and community college boards of trustees
20 among those coordinating and implementing such
21 survey; revising completion dates for the
22 retrofitting of specified facilities; exempting
23 the owner or lessee of a shelter scheduled for
24 retrofitting from a requirement to make certain
25 improvements; providing that specified public
26 facilities be made available as public
27 hurricane evacuation shelters; requiring the
28 Department of Management Services to
29 incorporate public hurricane evacuation shelter
30 provisions into lease agreements for state
31 agencies; providing specifications for suitable

1 leased public facilities; amending s. 252.51,
2 F.S.; revising provisions which provide
3 exemption from liability for persons or
4 organizations who permit real estate or
5 premises to be used for sheltering persons
6 during specified emergencies; exempting the
7 state, its political subdivisions, agents, and
8 employees from liability for damages caused by
9 emergency management workers in certain
10 situations; providing exceptions; defining the
11 term "emergency management worker"; providing
12 an effective date.

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

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

18 240.295 State University System; authorization for
19 fixed capital outlay projects.--

20 (4) The Board of Regents shall, in consultation with
21 local and state emergency management agencies, assess existing
22 facilities to identify the extent to which each campus has
23 public hurricane evacuation shelter space, ~~adequate to house~~
24 ~~those students, faculty, and employees expected to seek public~~
25 ~~shelter prior to or during a disaster and those other persons~~
26 ~~for which the campus has agreed with the local emergency~~
27 ~~management agency or other voluntary organization to provide~~
28 ~~shelter space. The board shall submit a report describing the~~
29 ~~results of its assessment to the Governor and the Legislature~~
30 ~~by February 1, 1994. At the discretion of the board, this~~
31 ~~report may be accompanied by a list of proposed improvements~~

1 ~~to existing buildings to improve shelter capacity and an~~
2 ~~estimate of the costs associated with implementing these~~
3 ~~improvements.~~ Until a county in which a campus is located has
4 sufficient public hurricane evacuation shelter space, any
5 building for which a design contract is entered into
6 subsequent to July 1, 1994, must be constructed in accordance
7 with public hurricane evacuation shelter standards unless the
8 board, with the concurrence of the local emergency management
9 agency or the Department of Community Affairs, exempts the
10 building or part thereof from public hurricane evacuation
11 shelter standards because of its location, size, or other
12 characteristic.

13 Section 2. Paragraph (b) of subsection (1) of section
14 252.38, Florida Statutes, is amended to read:

15 252.38 Emergency management powers of political
16 subdivisions.--Safeguarding the life and property of its
17 citizens is an innate responsibility of the governing body of
18 each political subdivision of the state.

19 (1) COUNTIES.--

20 (b) Each county emergency management agency created
21 and established pursuant to ss. 252.31-252.91 shall have a
22 director who shall be appointed and have an annual salary
23 fixed by the board of county commissioners of the county. The
24 director must meet the minimum training and education
25 qualifications established in a job description approved by
26 the county. The director shall be appointed by the board of
27 county commissioners to serve at the pleasure of the board,
28 subject to their direction and control, in conformance with
29 applicable resolutions, ordinances, and laws. A county
30 constitutional officer or an employee of a county
31 constitutional officer shall not be appointed as director

1 without the concurrence of the division.Each board of county
2 commissioners shall promptly inform the division of the
3 appointment of the director and other personnel. Each director
4 has direct responsibility for the organization,
5 administration, and operation of the county emergency
6 management agency, subject only to the direction and control
7 of the governing body of the county. The director shall not
8 be placed under the administrative supervision and control of
9 an intermediate county agency or official. The director shall
10 coordinate emergency management activities, services, and
11 programs within the county and shall serve as liaison to the
12 division and other local emergency management agencies and
13 organizations.

14 Section 3. Section 252.385, Florida Statutes, is
15 amended to read:

16 252.385 Public shelter space.--

17 (1) It is the intent of the Legislature that this
18 state not have a deficit of safe public hurricane evacuation
19 shelter space in any region of the state by 1998 and
20 thereafter.

21 (2) The division shall administer a program to survey
22 existing schools, universities, community colleges, and other
23 state-owned, municipally owned, and county-owned public
24 buildings and any private facility that the owner, in writing,
25 agrees to provide for use as a public hurricane evacuation
26 shelter to identify those that are appropriately designed and
27 located to serve as such shelters. The owners of the
28 facilities must ~~shall~~ be given the opportunity to participate
29 in the surveys. The Board of Regents, district school boards,
30 community college boards of trustees, and the Department of
31 Education are responsible for coordinating and implementing

1 the survey of public schools, universities, and community
2 colleges with the division or the local emergency management
3 agency.

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

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

26 (b) The Department of Management Services shall
27 incorporate provisions for the use of suitable leased public
28 facilities as public hurricane evacuation shelters into lease
29 agreements for state agencies. Suitable leased public
30 facilities include leased public facilities that are solely
31 occupied by state agencies and have at least 2,000 square feet

1 of net floor area in a single room or in a combination of
2 rooms having a minimum of 400 square feet in each room. The
3 net square footage of floor area must be determined by
4 subtracting from the gross square footage the square footage
5 of spaces such as mechanical and electrical rooms, storage
6 rooms, open corridors, restrooms, kitchens, science or
7 computer laboratories, shop or mechanical areas,
8 administrative offices, records vaults, and crawl spaces.

9 Section 4. Section 252.51, Florida Statutes, is
10 amended to read:

11 252.51 Liability.--

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

30 (2) Neither the state nor any political subdivision of
31 the state, nor their agents or employees, except for bad

1 faith, gross negligence, malicious purpose, or wanton and
2 willful disregard of human rights, safety, or property, shall
3 be liable for personal injury, death, or property damage
4 sustained by any person as a result of the acts or omissions
5 of any emergency management worker complying with this chapter
6 or any order, rule, ordinance, or resolution adopted pursuant
7 to this chapter. As used in this subsection, the term
8 "emergency management worker" includes any full-time or
9 part-time paid or volunteer employee or agent of this state,
10 its political subdivisions, other states, territories, or
11 possessions, the District of Columbia, or the Federal
12 Government who is performing emergency management activities
13 in this state, subject to the order or control of or pursuant
14 to the request of the state, its agencies, or its political
15 subdivisions. The rights of any person to receive benefits to
16 which they would otherwise be entitled under any workers'
17 compensation law, any pension law, or any other federal or
18 state statute are not affected by this subsection.

19 Section 5. This act shall take effect July 1, 1999.
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LEGISLATIVE SUMMARY

With respect to emergency management, prescribes duties of the Board of Regents with respect to identifying public hurricane evacuation shelter space on certain campuses. Provides that until a county in which a campus is located has sufficient public hurricane evacuation shelter space, specified building construction standards must be adhered to.

Provides that a county constitutional officer or an employee thereof shall not be appointed as a county emergency management director without the concurrence of the Division of Emergency Management of the Department of Community Affairs. Provides that the director shall not be placed under the administrative supervision and control of an intermediate county agency or official.

Provides legislative intent with respect to the provision of safe public hurricane evacuation shelter space. Includes certain private facilities within a survey of prospective public hurricane evacuation shelters. Provides that district school boards and community college boards of trustees, along with the Board of Regents and the Department of Education, are responsible for coordinating and implementing such survey. Provides that the retrofitting of facilities in regions with public hurricane evacuation shelter deficits should be completed by 2003, and that all appropriate facilities should be retrofitted by 2008. Provides that public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments which are suitable for use as public hurricane evacuation shelters, be made available as public hurricane evacuation shelters at the request of local emergency management agencies. Requires the Department of Management Services to incorporate public hurricane evacuation shelter provisions into lease agreements for state agencies. Provides specifications for suitable leased public facilities.

Revises provisions which provide exemption from liability for persons or organizations who permit real estate or premises to be used for sheltering persons during specified emergencies. Exempts the state, its political subdivisions, agents, and employees from liability for damages caused by emergency management workers in certain situations. Provides exceptions. Defines the term "emergency management worker" for purposes of the act.