

By the Committee on Community Affairs and Representatives  
Gay and Barreiro

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.; revising provisions  
11          relating to the appointment, salary, and  
12          direction and control of a county emergency  
13          management agency director; amending s.  
14          252.385, F.S.; revising legislative intent;  
15          including certain private facilities within a  
16          survey of prospective public hurricane  
17          evacuation shelters; including district school  
18          boards and community college boards of trustees  
19          among those coordinating and implementing such  
20          survey; revising completion dates for the  
21          retrofitting of specified facilities; exempting  
22          the owner or lessee of a shelter scheduled for  
23          retrofitting from a requirement to make certain  
24          improvements; providing that specified public  
25          facilities be made available as public  
26          hurricane evacuation shelters; requiring the  
27          Department of Management Services to  
28          incorporate public hurricane evacuation shelter  
29          provisions into lease agreements for state  
30          agencies; providing specifications for suitable  
31          leased public facilities; amending s. 252.51,

1 F.S.; revising provisions which provide  
2 exemption from liability for persons or  
3 organizations who permit real estate or  
4 premises to be used for sheltering persons  
5 during specified emergencies; exempting the  
6 state, its political subdivisions, agents, and  
7 employees from liability for damages caused by  
8 emergency management workers in certain  
9 situations; providing exceptions; defining  
10 "emergency management worker"; repealing s.  
11 252.855, F.S., which requires the development  
12 of consolidated reporting forms for specified  
13 storage tank registration programs and single  
14 annual fee payment and due date for reporting  
15 required from specified petroleum distributors  
16 and retail outlets; providing an effective  
17 date.

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

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

23 240.295 State University System; authorization for  
24 fixed capital outlay projects.--

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

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

18 Section 2. Paragraph (b) of subsection (1) of section  
19 252.38, Florida Statutes, is amended to read:

20 252.38 Emergency management powers of political  
21 subdivisions.--Safeguarding the life and property of its  
22 citizens is an innate responsibility of the governing body of  
23 each political subdivision of the state.

24 (1) COUNTIES.--

25 (b) Each county emergency management agency created  
26 and established pursuant to ss. 252.31-252.91 shall have a  
27 director ~~who shall be appointed and have an annual salary~~  
28 ~~fixed by the board of county commissioners of the county.~~ The  
29 director must meet the minimum training and education  
30 qualifications established in a job description approved by  
31 the county. The director shall be appointed by the board of

1 county commissioners or the chief administrative officer of  
2 the county, as described in chapter 125 or the county charter  
3 if applicable, to serve at the pleasure of the appointing  
4 authority board, subject to their direction and control, in  
5 conformance with applicable resolutions, ordinances, and laws.  
6 A county constitutional officer or an employee of a county  
7 constitutional officer may be appointed as director following  
8 prior notification to the division. Each board of county  
9 commissioners shall promptly inform the division of the  
10 appointment of the director and other personnel. Each director  
11 has direct responsibility for the organization,  
12 administration, and operation of the county emergency  
13 management agency, ~~subject only to the direction and control~~  
14 ~~of the governing body of the county.~~ The director shall  
15 coordinate emergency management activities, services, and  
16 programs within the county and shall serve as liaison to the  
17 division and other local emergency management agencies and  
18 organizations.

19 Section 3. Section 252.385, Florida Statutes, is  
20 amended to read:

21 252.385 Public shelter space.--

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

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

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

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

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

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1           (b) The Department of Management Services shall  
2 incorporate provisions for the use of suitable leased public  
3 facilities as public hurricane evacuation shelters into lease  
4 agreements for state agencies. Suitable leased public  
5 facilities include leased public facilities that are solely  
6 occupied by state agencies and have at least 2,000 square feet  
7 of net floor area in a single room or in a combination of  
8 rooms having a minimum of 400 square feet in each room. The  
9 net square footage of floor area must be determined by  
10 subtracting from the gross square footage the square footage  
11 of spaces such as mechanical and electrical rooms, storage  
12 rooms, open corridors, restrooms, kitchens, science or  
13 computer laboratories, shop or mechanical areas,  
14 administrative offices, records vaults, and crawl spaces.

15           Section 4. Section 252.51, Florida Statutes, is  
16 amended to read:

17           252.51 Liability.--

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

1 misconduct of such person owning or controlling such real  
2 estate or premises or her or his successor in interest is the  
3 proximate cause of such death, injury, loss, or damage  
4 occurring during such sheltering period.

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

25 Section 5. Section 252.855, Florida Statutes, is  
26 repealed.

27 Section 6. This act shall take effect July 1, 1999.  
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HOUSE 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.

Revises provisions relating to the appointment, salary, and direction and control of a county emergency management agency director. Provides that directors shall be appointed by the board of county commissioners or the chief administrative officer of the county. Provides that a county constitutional officer or an employee thereof may be appointed as a county emergency management director following notification to the Division of Emergency Management of the Department of Community Affairs.

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 "emergency management worker" for purposes of the act.

Repeals provisions which require the Department of Environmental Protection and the Department of Community



1 Affairs to develop consolidated reporting forms for  
2 specified storage tank registration programs and provide  
3 for a single annual fee payment and due date for  
4 reporting required from specified petroleum distributors  
5 and retail outlets.  
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