

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; requiring the
7 submission of a capital improvements program;
8 deleting a requirement for the submission of a
9 report; revising a condition precedent to a
10 requirement for specified building construction
11 standards; revising applicability; removing an
12 exemption; amending s. 252.38, F.S.; revising
13 provisions relating to the appointment, salary,
14 and direction and control of a county emergency
15 management agency director; amending s.
16 252.385, F.S.; revising legislative intent;
17 including certain private facilities within a
18 survey of prospective public hurricane
19 evacuation shelters; including district school
20 boards and community college boards of trustees
21 among those coordinating and implementing such
22 survey; revising completion dates for the
23 retrofitting of specified facilities; exempting
24 the owner or lessee of a shelter scheduled for
25 retrofitting from a requirement to make certain
26 improvements; providing that specified public
27 facilities be made available as public
28 hurricane evacuation shelters; requiring the
29 Department of Management Services to
30 incorporate public hurricane evacuation shelter
31 provisions into lease agreements for state

1 agencies; providing specifications for suitable
2 leased public facilities; amending s. 252.51,
3 F.S.; revising provisions which provide
4 exemption from liability for persons or
5 organizations who permit real estate or
6 premises to be used for sheltering persons
7 during specified emergencies; exempting the
8 state, its political subdivisions, agents, and
9 employees from liability for damages caused by
10 emergency management workers in certain
11 situations; providing exceptions; defining
12 "emergency management worker"; repealing s.
13 252.855, F.S., which requires the development
14 of consolidated reporting forms for specified
15 storage tank registration programs and single
16 annual fee payment and due date for reporting
17 required from specified petroleum distributors
18 and retail outlets; providing an effective
19 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. The board shall
31 submit to the Governor and the Legislature by September 30 of

1 each year a 5-year capital improvements program that
 2 identifies new or retrofitted facilities that will incorporate
 3 enhanced hurricane resistance standards and that can be used
 4 as public hurricane evacuation shelters.~~adequate to house~~
 5 ~~those students, faculty, and employees expected to seek public~~
 6 ~~shelter prior to or during a disaster and those other persons~~
 7 ~~for which the campus has agreed with the local emergency~~
 8 ~~management agency or other voluntary organization to provide~~
 9 ~~shelter space. The board shall submit a report describing the~~
 10 ~~results of its assessment to the Governor and the Legislature~~
 11 ~~by February 1, 1994. At the discretion of the board, this~~
 12 ~~report may be accompanied by a list of proposed improvements~~
 13 ~~to existing buildings to improve shelter capacity and an~~
 14 ~~estimate of the costs associated with implementing these~~
 15 ~~improvements. Until a county in which a campus is located has~~
 16 ~~sufficient public hurricane evacuation shelter space, any~~
 17 ~~campus building for which a design contract is entered into~~
 18 ~~subsequent to July 1, 2000 ~~1994~~, and which has been identified~~
 19 ~~by the board, with the concurrence of the local emergency~~
 20 ~~management agency or the Department of Community Affairs, to~~
 21 ~~be appropriate for use as a public hurricane evacuation~~
 22 ~~shelter, must be constructed in accordance with public shelter~~
 23 ~~standards unless the board, with the concurrence of the local~~
 24 ~~emergency management agency or the Department of Community~~
 25 ~~Affairs, exempts the building or part thereof from shelter~~
 26 ~~standards because of its location, size, or other~~
 27 ~~characteristic.~~

28 Section 2. Paragraph (b) of subsection (1) of section
 29 252.38, Florida Statutes, is amended to read:

30 252.38 Emergency management powers of political
 31 subdivisions.--Safeguarding the life and property of its

1 citizens is an innate responsibility of the governing body of
2 each political subdivision of the state.

3 (1) COUNTIES.--

4 (b) Each county emergency management agency created
5 and established pursuant to ss. 252.31-252.91 shall have a
6 director ~~who shall be appointed and have an annual salary~~
7 ~~fixed by the board of county commissioners of the county.~~ The
8 director must meet the minimum training and education
9 qualifications established in a job description approved by
10 the county. The director shall be appointed by the board of
11 county commissioners or the chief administrative officer of
12 the county, as described in chapter 125 or the county charter
13 if applicable, to serve at the pleasure of the appointing
14 authority board, ~~subject to their direction and control,~~ in
15 conformance with applicable resolutions, ordinances, and laws.
16 A county constitutional officer or an employee of a county
17 constitutional officer may be appointed as director following
18 prior notification to the division. Each board of county
19 commissioners shall promptly inform the division of the
20 appointment of the director and other personnel. Each director
21 has direct responsibility for the organization,
22 administration, and operation of the county emergency
23 management agency, ~~subject only to the direction and control~~
24 ~~of the governing body of the county.~~ The director shall
25 coordinate emergency management activities, services, and
26 programs within the county and shall serve as liaison to the
27 division and other local emergency management agencies and
28 organizations.

29 Section 3. Section 252.385, Florida Statutes, is
30 amended to read:

31 252.385 Public shelter space.--

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

5 (2) The division shall administer a program to survey
6 existing schools, universities, community colleges, and other
7 state-owned, municipally owned, and county-owned public
8 buildings and any private facility that the owner, in writing,
9 agrees to provide for use as a public hurricane evacuation
10 shelter to identify those that are appropriately designed and
11 located to serve as such shelters. The owners of the
12 facilities must ~~shall~~ be given the opportunity to participate
13 in the surveys. The Board of Regents, district school boards,
14 community college boards of trustees, and the Department of
15 Education are responsible for coordinating and implementing
16 the survey of public schools, universities, and community
17 colleges with the division or the local emergency management
18 agency.

19 (3) ~~Beginning no later than September 1, 1994,~~The
20 division shall annually provide to the President of the
21 Senate, the Speaker of the House of Representatives, and the
22 Governor a list of facilities recommended to be retrofitted
23 using state funds. State funds should be targeted to counties
24 with hurricane evacuation shelter deficits. Retrofitting
25 facilities in regions with public hurricane evacuation shelter
26 deficits shall be given first priority and should be completed
27 by 2003 ~~1998~~. All recommended ~~appropriate~~ facilities should
28 be retrofitted by 2008 ~~2003~~. The owner or lessee of a public
29 hurricane evacuation shelter that is included on the list of
30 facilities recommended for retrofitting is not required to
31 perform any recommended improvements.

1 (4)(a) Public facilities, including schools,
2 postsecondary education facilities, and other facilities owned
3 or leased by the state or local governments which are suitable
4 for use as public hurricane evacuation shelters shall be made
5 available at the request of the local emergency management
6 agencies. Such agencies shall coordinate with the appropriate
7 school board, university, community college, or local
8 governing board when requesting the use of such facilities as
9 public hurricane evacuation shelters.

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

24 Section 4. Section 252.51, Florida Statutes, is
25 amended to read:

26 252.51 Liability.--

27 (1) Any person or organization, public or private,
28 owning or controlling real estate or other premises who
29 voluntarily and without compensation grants a license or
30 privilege or otherwise permits the designation by the local
31 emergency management agency or use of the whole or any part of

1 such real estate or premises for the purpose of sheltering
2 persons during an actual, impending, mock, or practice
3 emergency, together with her or his successor in interest, if
4 any, shall not be liable for the death of, or injury to, any
5 person on or about such real estate or premises during the
6 actual, impending, mock, or practice emergency, or for loss
7 of, or damage to, the property of such person, ~~solely by~~
8 ~~reason or as a result of such license, privilege, designation,~~
9 ~~or use,~~ unless the gross negligence or the willful and wanton
10 misconduct of such person owning or controlling such real
11 estate or premises or her or his successor in interest is the
12 proximate cause of such death, injury, loss, or damage
13 occurring during such sheltering period.

14 (2) Neither the state nor any political subdivision of
15 the state, nor their agents or employees, except for bad
16 faith, gross negligence, malicious purpose, or wanton and
17 willful disregard of human rights, safety, or property, shall
18 be liable for personal injury, death, or property damage
19 sustained by any person as a result of the acts or omissions
20 of any emergency management worker complying with this chapter
21 or any order, rule, ordinance, or resolution adopted pursuant
22 to this chapter. As used in this subsection, the term
23 "emergency management worker" includes any full-time or
24 part-time paid or volunteer employee or agent of this state,
25 its political subdivisions, other states, territories, or
26 possessions, the District of Columbia, or the Federal
27 Government who is performing emergency management activities
28 in this state, subject to the order or control of or pursuant
29 to the request of the state, its agencies, or its political
30 subdivisions. The rights of any person to receive benefits to
31 which they would otherwise be entitled under any workers'

1 compensation law, any pension law, or any other federal or
2 state statute are not affected by this subsection.

3 Section 5. Section 252.855, Florida Statutes, is
4 repealed.

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

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