

By the Committee on Comprehensive Planning, Local and Military
Affairs

316-211A-00

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

1 liability for persons or organizations that
2 permit property to be used for sheltering
3 persons during specified emergencies; exempting
4 the state and its political subdivisions,
5 agents, and employees from liability for
6 damages caused by emergency management workers
7 in certain situations; providing exceptions;
8 defining "emergency management worker";
9 amending s. 252.373, F.S.; requiring that
10 grants and loans be used for retrofitting
11 projects; providing appropriations; providing
12 an effective date.

13

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

15

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. The board shall
24 submit to the Governor and the Legislature by September 30 of
25 each year a 5-year capital improvements program that
26 identifies new or retrofitted facilities that will incorporate
27 enhanced hurricane resistance standards and that can be used
28 as public hurricane evacuation shelters.~~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, 2001 ~~1994~~, and which has been identified~~
12 ~~by the board, with the concurrence of the local emergency~~
13 ~~management agency or the Department of Community Affairs, to~~
14 ~~be appropriate for use as a public hurricane evacuation~~
15 ~~shelter, must be constructed in accordance with public shelter~~
16 ~~standards ~~unless the board, with the concurrence of the local~~~~
17 ~~emergency management agency or the Department of Community~~
18 ~~Affairs, ~~exempts the building or part thereof from shelter~~~~
19 ~~standards because of its location, size, or other~~
20 ~~characteristic.~~

21 Section 2. Section 252.385, Florida Statutes, is
22 amended to read:

23 252.385 Public shelter space.--

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

28 (2) The division shall administer a program to survey
29 existing schools, universities, community colleges, and other
30 state-owned, municipally owned, and county-owned public
31 buildings and any private facility that the owner, in writing,

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

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

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

31

1 governing board when requesting the use of such facilities as
2 public hurricane evacuation shelters.

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

17 Section 3. Section 252.51, Florida Statutes, is
18 amended to read:

19 252.51 Liability.--

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

1 ~~reason or as a result of such license, privilege, designation,~~
2 ~~or use,~~ unless the gross negligence or the willful and wanton
3 misconduct of such person owning or controlling such real
4 estate or premises or her or his successor in interest is the
5 proximate cause of such death, injury, loss, or damage
6 occurring during such sheltering period.

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

27 Section 4. Paragraph (c) of subsection (1) and
28 subsection (2) of section 252.373, Florida Statutes, are
29 amended to read:

30 252.373 Allocation of funds; rules.--

31

1 (1) Funds appropriated from the Emergency Management,
2 Preparedness, and Assistance Trust Fund shall be allocated by
3 the Department of Community Affairs as follows:

4 (c) Twenty percent for grants and loans to state or
5 regional agencies, local governments, and private
6 organizations to retrofit hurricane evacuation shelter
7 facilities. The division shall by rule establish criteria and
8 procedures for competitively allocating these funds. If in any
9 fiscal year funds are not distributed to retrofit hurricane
10 evacuation shelter facilities, the department may use the
11 funds in the subsequent fiscal year for grants and loans to
12 state or regional agencies, local governments, and private
13 organizations to implement projects that will further state
14 and local emergency management objectives. These projects
15 must include, but need not be limited to, projects that will
16 promote public education on disaster preparedness and recovery
17 issues, enhance coordination of relief efforts of statewide
18 private sector organizations, and improve the training and
19 operations capabilities of agencies assigned lead or support
20 responsibilities in the state comprehensive emergency
21 management plan, including the State Fire Marshal's Office for
22 coordinating the Florida fire services. The division shall
23 establish criteria and procedures for competitive allocation
24 of these funds by rule. No more than 5 percent of any award
25 made pursuant to this paragraph may be used for administrative
26 expenses.

27 (2) The distribution formulas ~~formula~~ provided in
28 subsection (1) may be adjusted proportionally when necessary
29 to meet any matching requirements imposed as a condition of
30 receiving federal disaster relief assistance or planning
31 funds.

1 Section 5. (1) The sum of \$2.2 million is
2 appropriated from the Florida Hurricane Catastrophe Trust Fund
3 to be used to retrofit hurricane evacuation shelter
4 facilities. These funds must be deposited in the Emergency
5 Management, Preparedness, and Assistance Trust Fund,
6 established pursuant to section 252.371, Florida Statutes, to
7 be distributed through the Emergency Management Competitive
8 Grant Program, pursuant to section 252.373, Florida Statutes.

9 (2) The sum of \$3 million is appropriated from the
10 Florida Hurricane Catastrophe Trust Fund to be used to
11 retrofit hurricane evacuation shelter facilities. These funds
12 must be deposited in the Emergency Management, Preparedness,
13 and Assistance Trust Fund, established pursuant to section
14 252.371, Florida Statutes, to be distributed through the
15 Emergency Management Competitive Grant Program, pursuant to
16 section 252.373, Florida Statutes.

17 Section 6. This act shall take effect July 1, 2000.

18
19 *****

20 SENATE SUMMARY

21 Requires the Board of Regents to annually submit a 5-year
22 capital improvements program that identifies retrofitted
23 facilities that can be used as public hurricane
24 evacuation shelters. Revises public shelter space
25 requirements. Exempts the state and its political
26 subdivisions, agents, and employees from liability for
27 damages caused by emergency management workers except in
28 certain circumstances. Provides appropriations for grants
29 to retrofit hurricane evacuation shelter facilities.
30
31