

By the Committee on Comprehensive Planning, Local and Military
Affairs

316-1702A-00

1 A bill to be entitled
2 An act relating to emergency management;
3 amending s. 215.559, F.S.; revising the amount
4 of the annual appropriation from the Florida
5 Hurricane Catastrophe Fund; requiring that
6 funds from such appropriation be used for
7 additional purposes; amending s. 235.26, F.S.;
8 deleting an exemption from the requirement that
9 certain educational facilities be constructed
10 as public shelters; amending s. 240.295, F.S.;
11 prescribing duties of the Board of Regents with
12 respect to identifying public hurricane
13 evacuation shelter space on certain campuses;
14 requiring the submission of a capital
15 improvements program; deleting a requirement
16 for the submission of a report; revising a
17 condition precedent to a requirement for
18 specified building construction standards;
19 revising applicability; removing an exemption;
20 amending s. 252.35, F.S.; requiring that the
21 Division of Emergency Management of the
22 Department of Community Affairs adopt the state
23 comprehensive emergency management plan as a
24 rule; authorizing the division to adopt rules
25 to administer and distribute federal financial
26 assistance; amending s. 252.38, F.S.; revising
27 provisions governing the appointment and
28 control of the director of the county emergency
29 management agency; amending s. 252.385, F.S.;
30 revising legislative intent; including certain
31 private facilities within a survey of

1 prospective public hurricane evacuation
2 shelters; including district school boards and
3 community college boards of trustees among
4 those coordinating and implementing such
5 survey; revising completion dates for the
6 retrofitting of specified facilities; exempting
7 the owner or lessee of a shelter scheduled for
8 retrofitting from a requirement to make certain
9 improvements; providing that specified public
10 facilities be made available as public
11 hurricane evacuation shelters; requiring the
12 Department of Management Services to
13 incorporate public hurricane evacuation shelter
14 provisions into lease agreements for state
15 agencies; providing specifications for suitable
16 leased public facilities; requiring that the
17 department assess facilities to identify
18 shelter space for hurricane evacuations;
19 amending s. 252.373, F.S.; providing criteria
20 for prioritizing retrofit projects for
21 hurricane evacuation shelters; providing
22 appropriations; authorizing the Department of
23 Community Affairs to use certain federal
24 mitigation funds for hurricane shelter retrofit
25 projects; amending s. 252.51, F.S.; designating
26 owners of property renting such property as a
27 public shelter as agents of the state under
28 certain circumstances; repealing s. 252.855,
29 F.S., relating to reporting forms for specified
30 storage tank registration programs and annual
31 fee payments for reports by certain petroleum

1 distributors and retail outlets; amending s.
2 252.355, F.S.; revising provisions relating to
3 registration of persons requiring special needs
4 assistance in emergencies; creating s.
5 381.0303, F.S.; providing for recruitment of
6 health care practitioners for special needs
7 shelters; providing for reimbursement and
8 funding; providing duties of the Department of
9 Health, the county health departments, and the
10 local emergency management agencies;
11 authorizing use of a health care practitioner
12 registry; authorizing establishment of a
13 special needs shelter interagency committee;
14 providing membership and responsibilities;
15 providing for rules; creating s. 400.492, F.S.;
16 requiring home health agencies to prepare a
17 comprehensive emergency management plan;
18 specifying plan requirements; amending ss.
19 400.497, 400.610, F.S.; providing minimum
20 requirements for home health agency and hospice
21 comprehensive emergency management plans;
22 providing for rules; providing for plan review
23 and approval; providing for plan review and
24 approval for home health agencies and hospices
25 operating in more than one county; providing an
26 exception to comprehensive emergency management
27 plan requirements; amending s. 400.506, F.S.;
28 requiring nurse registries to assist at-risk
29 clients with special needs registration and to
30 prepare a comprehensive emergency management
31 plan; specifying plan requirements; providing

1 for plan review; amending s. 400.605, F.S.;

2 requiring the Department of Elderly Affairs to

3 include components for comprehensive emergency

4 management plan in its rules establishing

5 minimum standards for a hospice; amending s.

6 400.6095, F.S.; requiring that certain

7 emergency care and service information be

8 included in hospice patients' medical records;

9 creating s. 401.273, F.S.; providing for

10 establishment of a registry of emergency

11 medical technicians and paramedics for

12 disasters and emergencies; clarifying the

13 functions of emergency medical technicians and

14 paramedics; amending s. 408.15, F.S.;

15 authorizing the Agency for Health Care

16 Administration to establish uniform standards

17 of care for special needs shelters; creating s.

18 455.718, F.S.; providing for establishment of a

19 health practitioner registry for disasters and

20 emergencies; requiring emergency and disaster

21 planning provisions in certain state agency

22 provider contracts; specifying minimum contract

23 requirements; providing appropriations;

24 amending s. 509.201, F.S.; requiring public

25 lodging establishments to adopt emergency rates

26 under certain conditions; setting emergency

27 rates; providing for enforcement and penalties;

28 providing effective dates.

29

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

31

1 Section 1. Subsections (1) and (2) of section 215.559,
2 Florida Statutes, are amended to read:

3 215.559 Hurricane Loss Mitigation Program.--

4 (1) There is created a Hurricane Loss Mitigation
5 Program. The Legislature shall annually appropriate ~~\$10~~^{\$7}
6 million of the moneys authorized for appropriation under s.
7 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to
8 the Department of Community Affairs for the purposes set forth
9 in this section.

10 (2)(a) Seven million dollars in ~~The~~ funds provided in
11 subsection (1) shall be used for programs to improve the wind
12 resistance of residences and mobile homes, including loans,
13 subsidies, grants, demonstration projects, and direct
14 assistance; cooperative programs with local governments and
15 the Federal Government; and other efforts to prevent or reduce
16 losses or reduce the cost of rebuilding after a disaster.

17 (b) Three million dollars in funds provided in
18 subsection (1) shall be used to retrofit existing facilities
19 used as public hurricane shelters. The department must
20 prioritize the use of these funds for projects included in the
21 September 1, 2000, version of the Shelter Retrofit Report
22 prepared in accordance with s. 252.385(3), and each annual
23 report thereafter. The department must give funding priority
24 to projects in regional planning council regions that have
25 shelter deficits and to projects that maximize use of state
26 funds.

27 Section 2. Subsection (9) of section 235.26, Florida
28 Statutes, is amended to read:

29 235.26 State Uniform Building Code for Public
30 Educational Facilities Construction.--The Commissioner of
31 Education shall adopt a uniform statewide building code for

1 the planning and construction of public educational and
2 ancillary plants by district school boards and community
3 college district boards of trustees. The code must be entitled
4 the State Uniform Building Code for Public Educational
5 Facilities Construction. Included in this code must be flood
6 plain management criteria in compliance with the rules and
7 regulations in 44 C.F.R. parts 59 and 60, and subsequent
8 revisions thereto which are adopted by the Federal Emergency
9 Management Agency. Wherever the words "Uniform Building Code"
10 appear, they mean the "State Uniform Building Code for Public
11 Educational Facilities Construction." It is not a purpose of
12 the Uniform Building Code to inhibit the use of new materials
13 or innovative techniques; nor may it specify or prohibit
14 materials by brand names. The code must be flexible enough to
15 cover all phases of construction so as to afford reasonable
16 protection for the public safety, health, and general welfare.
17 The department may secure the service of other state agencies
18 or such other assistance as it finds desirable in revising the
19 code.

20 (9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.--
21 (a) The Department of Education shall, in consultation
22 with boards and county and state emergency management offices,
23 amend the State Uniform Building Code for Public Educational
24 Facilities Construction to incorporate public shelter design
25 criteria into the Uniform Building Code. The new criteria must
26 be designed to ensure that appropriate core facility areas in
27 new educational facilities can serve as public shelters for
28 emergency management purposes. The Commissioner of Education
29 shall publish proposed amendments to the State Uniform
30 Building Code for Public Educational Facilities Construction
31 setting forth the public-shelter criteria by July 1, 1995. A

1 facility, or an appropriate core facility area within a
2 facility, for which a design contract is entered into
3 subsequent to the effective date of the inclusion of the
4 public shelter criteria in the code must be built in
5 compliance with the amended code unless the facility or a part
6 thereof is exempted from using the new shelter criteria due to
7 its location, size, or other characteristics by the applicable
8 board with the concurrence of the applicable local emergency
9 management agency or the Department of Community Affairs. Any
10 educational facility located or proposed to be located in an
11 identified category 1, 2, or 3 evacuation zone is not subject
12 to the requirements of this subsection. If the regional
13 planning council region in which the county is located does
14 not have a hurricane evacuation shelter deficit, as determined
15 by the Department of Community Affairs, school districts
16 within the planning council region are not ~~If more than one~~
17 ~~educational facility is being constructed within any 3-mile~~
18 ~~radius, no more than one facility, which must be selected on~~
19 ~~the basis of cost-effectiveness and greatest provision of~~
20 ~~shelter space, is required to incorporate the public shelter~~
21 ~~criteria into its construction~~ of educational facilities.

22 (b) By January 31, 1996, and by January 31 every
23 even-numbered year thereafter, the Department of Community
24 Affairs shall prepare and submit a statewide emergency shelter
25 plan to the Governor and the Cabinet for approval. The plan
26 must identify the general location and square footage of
27 existing shelters, by regional planning council region county,
28 and the general location and square footage of needed
29 shelters, by regional planning council region county, in the
30 next 5 years. Such plan must identify the types of public
31 facilities which should be constructed to comply with

1 emergency shelter criteria and must recommend an appropriate,
2 adequate, and dedicated source of funding for the additional
3 cost of constructing emergency shelters within these public
4 facilities. After the approval of the plan, a board may not be
5 required to build more emergency shelter space than identified
6 as needed in the plan, and decisions pertaining to exemptions
7 pursuant to paragraph (a) must be guided by the plan ~~and by~~
8 ~~this subsection.~~

9 Section 3. Subsection (4) of section 240.295, Florida
10 Statutes, is amended to read:

11 240.295 State University System; authorization for
12 fixed capital outlay projects.--

13 (4) The Board of Regents shall, in consultation with
14 local and state emergency management agencies, assess existing
15 facilities to identify the extent to which each campus has
16 public hurricane evacuation shelter space. The board shall
17 submit to the Governor and the Legislature by August 1 of each
18 year a 5-year capital improvements program that identifies new
19 or retrofitted facilities that will incorporate enhanced
20 hurricane resistance standards and that can be used as public
21 hurricane evacuation shelters. Enhanced hurricane resistance
22 standards include fixed passive protection for window and door
23 applications to provide mitigation protection, security
24 protection with egress, and energy efficiencies that meet
25 standards required in the 130-mile-per-hour wind zone areas.
26 The board must also submit proposed facility retrofit projects
27 to the Department of Community Affairs for assessment and
28 inclusion in the annual report prepared in accordance with s.
29 252.385(3).~~adequate to house those students, faculty, and~~
30 ~~employees expected to seek public shelter prior to or during a~~
31 ~~disaster and those other persons for which the campus has~~

1 ~~agreed with the local emergency management agency or other~~
2 ~~voluntary organization to provide shelter space. The board~~
3 ~~shall submit a report describing the results of its assessment~~
4 ~~to the Governor and the Legislature by February 1, 1994. At~~
5 ~~the discretion of the board, this report may be accompanied by~~
6 ~~a list of proposed improvements to existing buildings to~~
7 ~~improve shelter capacity and an estimate of the costs~~
8 ~~associated with implementing these improvements. Until a~~
9 ~~regional planning council region in which a campus is located~~
10 ~~has sufficient public hurricane evacuation shelter space, any~~
11 ~~campus building for which a design contract is entered into~~
12 ~~subsequent to July 1, 2001 ~~1994~~, and which has been identified~~
13 ~~by the board, with the concurrence of the local emergency~~
14 ~~management agency or the Department of Community Affairs, to~~
15 ~~be appropriate for use as a public hurricane evacuation~~
16 ~~shelter, must be constructed in accordance with public shelter~~
17 ~~standards unless the board, with the concurrence of the local~~
18 ~~emergency management agency or the Department of Community~~
19 ~~Affairs, exempts the building or part thereof from shelter~~
20 ~~standards because of its location, size, or other~~
21 ~~characteristic.~~

22 Section 4. Subsection (2) of section 252.35, Florida
23 Statutes, is amended to read:

24 252.35 Emergency management powers; Division of
25 Emergency Management.--

26 (2) The division is responsible for carrying out the
27 provisions of ss. 252.31-252.91. In performing its duties
28 under ss. 252.31-252.91, the division shall:

29 (a) Prepare a state comprehensive emergency management
30 plan, which shall be integrated into and coordinated with the
31 emergency management plans and programs of the Federal

1 Government. The division must adopt the plan as a rule in
2 accordance with chapter 120.The plan shall be implemented by
3 a continuous, integrated comprehensive emergency management
4 program. The plan must contain provisions to ensure that the
5 state is prepared for emergencies and minor, major, and
6 catastrophic disasters, and the division shall work closely
7 with local governments and agencies and organizations with
8 emergency management responsibilities in preparing and
9 maintaining the plan. The state comprehensive emergency
10 management plan shall be operations oriented and:

11 1. Include an evacuation component that includes
12 specific regional and interregional planning provisions and
13 promotes intergovernmental coordination of evacuation
14 activities. This component must, at a minimum: contain
15 guidelines for lifting tolls on state highways; ensure
16 coordination pertaining to evacuees crossing county lines; set
17 forth procedures for directing people caught on evacuation
18 routes to safe shelter; establish strategies for ensuring
19 sufficient, reasonably priced fueling locations along
20 evacuation routes; and establish policies and strategies for
21 emergency medical evacuations.

22 2. Include a shelter component that includes specific
23 regional and interregional planning provisions and promotes
24 coordination of shelter activities between the public,
25 private, and nonprofit sectors. This component must, at a
26 minimum: contain strategies to ensure the availability of
27 adequate public shelter space in each region of the state;
28 establish strategies for refuge-of-last-resort programs;
29 provide strategies to assist local emergency management
30 efforts to ensure that adequate staffing plans exist for all
31 shelters, including medical and security personnel; provide

1 for a postdisaster communications system for public shelters;
2 establish model shelter guidelines for operations,
3 registration, inventory, power generation capability,
4 information management, and staffing; and set forth policy
5 guidance for sheltering people with special needs.

6 3. Include a postdisaster response and recovery
7 component that includes specific regional and interregional
8 planning provisions and promotes intergovernmental
9 coordination of postdisaster response and recovery activities.
10 This component must provide for postdisaster response and
11 recovery strategies according to whether a disaster is minor,
12 major, or catastrophic. The postdisaster response and recovery
13 component must, at a minimum: establish the structure of the
14 state's postdisaster response and recovery organization;
15 establish procedures for activating the state's plan; set
16 forth policies used to guide postdisaster response and
17 recovery activities; describe the chain of command during the
18 postdisaster response and recovery period; describe initial
19 and continuous postdisaster response and recovery actions;
20 identify the roles and responsibilities of each involved
21 agency and organization; provide for a comprehensive
22 communications plan; establish procedures for monitoring
23 mutual aid agreements; provide for rapid impact assessment
24 teams; ensure the availability of an effective statewide urban
25 search and rescue program coordinated with the fire services;
26 ensure the existence of a comprehensive statewide medical care
27 and relief plan administered by the Department of Health; and
28 establish systems for coordinating volunteers and accepting
29 and distributing donated funds and goods.

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1 4. Include additional provisions addressing aspects of
2 preparedness, response, recovery, and mitigation as determined
3 necessary by the division.

4 5. Address the need for coordinated and expeditious
5 deployment of state resources, including the Florida National
6 Guard. In the case of an imminent major disaster, procedures
7 should address predeployment of the Florida National Guard,
8 and, in the case of an imminent catastrophic disaster,
9 procedures should address predeployment of the Florida
10 National Guard and the United States Armed Forces.

11 6. Establish a system of communications and warning to
12 ensure that the state's population and emergency management
13 agencies are warned of developing emergency situations and can
14 communicate emergency response decisions.

15 7. Establish guidelines and schedules for annual
16 exercises that evaluate the ability of the state and its
17 political subdivisions to respond to minor, major, and
18 catastrophic disasters and support local emergency management
19 agencies. Such exercises shall be coordinated with local
20 governments and, to the extent possible, the Federal
21 Government.

22 8. Assign lead and support responsibilities to state
23 agencies and personnel for emergency support functions and
24 other support activities.

25
26 The division shall prepare an interim postdisaster response
27 and recovery component that substantially complies with the
28 provisions of this paragraph by June 1, 1993. Each state
29 agency assigned lead responsibility for an emergency support
30 function by the state comprehensive emergency management plan
31 shall also prepare a detailed operational plan needed to

1 implement its responsibilities by June 1, 1993. The complete
2 state comprehensive emergency management plan shall be
3 submitted to the President of the Senate, the Speaker of the
4 House of Representatives, and the Governor no later than
5 February 1, 1994, and on February 1 of every even-numbered
6 year thereafter.

7 (b) Adopt standards and requirements for county
8 emergency management plans. The standards and requirements
9 must ensure that county plans are coordinated and consistent
10 with the state comprehensive emergency management plan. If a
11 municipality elects to establish an emergency management
12 program, it must adopt a city emergency management plan that
13 complies with all standards and requirements applicable to
14 county emergency management plans.

15 (c) Assist political subdivisions in preparing and
16 maintaining emergency management plans.

17 (d) Review periodically political subdivision
18 emergency management plans for consistency with the state
19 comprehensive emergency management plan and standards and
20 requirements adopted under this section.

21 (e) Cooperate with the President, the heads of the
22 Armed Forces, the various federal emergency management
23 agencies, and the officers and agencies of other states in
24 matters pertaining to emergency management in the state and
25 the nation and incidents thereof and, in connection therewith,
26 take any measures that it deems proper to carry into effect
27 any request of the President and the appropriate federal
28 officers and agencies for any emergency management action,
29 including the direction or control of:

30 1. Emergency management drills, tests, or exercises of
31 whatever nature.

1 2. Warnings and signals for tests and drills, attacks,
2 or other imminent emergencies or threats thereof and the
3 mechanical devices to be used in connection with such warnings
4 and signals.

5 (f) Make recommendations to the Legislature, building
6 code organizations, and political subdivisions for zoning,
7 building, and other land use controls; safety measures for
8 securing mobile homes or other nonpermanent or semipermanent
9 structures; and other preparedness, prevention, and mitigation
10 measures designed to eliminate emergencies or reduce their
11 impact.

12 (g) In accordance with the state comprehensive
13 emergency management plan and program for emergency
14 management, ascertain the requirements of the state and its
15 political subdivisions for equipment and supplies of all kinds
16 in the event of an emergency; plan for and either procure
17 supplies, medicines, materials, and equipment or enter into
18 memoranda of agreement or open purchase orders that will
19 ensure their availability; and use and employ from time to
20 time any of the property, services, and resources within the
21 state in accordance with ss. 252.31-252.91.

22 (h) Anticipate trends and promote innovations that
23 will enhance the emergency management system.

24 (i) Institute statewide public awareness programs.
25 This shall include an intensive public educational campaign on
26 emergency preparedness issues.

27 (j) Prepare and distribute to appropriate state and
28 local officials catalogs of federal, state, and private
29 assistance programs.

30 (k) Coordinate federal, state, and local emergency
31 management activities and take all other steps, including the

1 partial or full mobilization of emergency management forces
2 and organizations in advance of an actual emergency, to ensure
3 the availability of adequately trained and equipped forces of
4 emergency management personnel before, during, and after
5 emergencies and disasters.

6 (l) Establish a schedule of fees that may be charged
7 by local emergency management agencies for review of emergency
8 management plans on behalf of external agencies and
9 institutions. In establishing such schedule, the division
10 shall consider facility size, review complexity, and other
11 factors.

12 (m) Implement training programs to improve the ability
13 of state and local emergency management personnel to prepare
14 and implement emergency management plans and programs. This
15 shall include a continuous training program for agencies and
16 individuals that will be called on to perform key roles in
17 state and local postdisaster response and recovery efforts and
18 for local government personnel on federal and state
19 postdisaster response and recovery strategies and procedures.

20 (n) Review periodically emergency operating procedures
21 of state agencies and recommend revisions as needed to ensure
22 consistency with the state comprehensive emergency management
23 plan and program.

24 (o) Make such surveys of industries, resources, and
25 facilities within the state, both public and private, as are
26 necessary to carry out the purposes of ss. 252.31-252.91.

27 (p) Prepare, in advance whenever possible, such
28 executive orders, proclamations, and rules for issuance by the
29 Governor as are necessary or appropriate for coping with
30 emergencies and disasters.

31

1 (q) Cooperate with the Federal Government and any
2 public or private agency or entity in achieving any purpose of
3 ss. 252.31-252.91 and in implementing programs for mitigation,
4 preparation, response, and recovery.

5 (r) Assist political subdivisions with the creation
6 and training of urban search and rescue teams and promote the
7 development and maintenance of a state urban search and rescue
8 program.

9 (s) Delegate, as necessary and appropriate, authority
10 vested in it under ss. 252.31-252.91 and provide for the
11 subdelegation of such authority.

12 (t) Report biennially to the President of the Senate,
13 the Speaker of the House of Representatives, and the Governor,
14 no later than February 1 of every odd-numbered year, the
15 status of the emergency management capabilities of the state
16 and its political subdivisions.

17 (u) In accordance with chapter 120, create, implement,
18 administer, adopt ~~promulgate~~, amend, and rescind rules,
19 programs, and plans needed to carry out the provisions of ss.
20 252.31-252.91 with due consideration for, and in cooperating
21 with, the plans and programs of the Federal Government. In
22 addition, the division may adopt rules in accordance with
23 chapter 120 to administer and distribute federal financial
24 pre-disaster and post-disaster assistance for prevention,
25 mitigation, preparedness, response, and recovery.

26 (v) Do other things necessary, incidental, or
27 appropriate for the implementation of ss. 252.31-252.91.

28 Section 5. 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 6. 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 maximized and
24 targeted to regional planning council regions ~~counties~~ with
25 hurricane evacuation shelter deficits. Retrofitting facilities
26 in regions with public hurricane evacuation shelter deficits
27 shall be given first priority and should be completed by 2003
28 ~~1998~~. All recommended ~~appropriate~~ facilities should be
29 retrofitted by 2008 ~~2003~~. The owner or lessee of a public
30 hurricane evacuation shelter that is included on the list of
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1 facilities recommended for retrofitting is not required to
2 perform any recommended improvements.

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

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

27 (c) The Department of Management Services shall, in
28 consultation with local and state emergency management
29 agencies, assess Department of Management Services facilities
30 to identify the extent to which each facility has public
31 hurricane evacuation shelter space. The Department of

1 Management Services shall submit proposed facility retrofit
2 projects that incorporate hurricane protection enhancements to
3 the department for assessment and inclusion in the annual
4 report prepared in accordance with s. 252.385(3).

5 Section 7. Paragraph (c) of subsection (1) and
6 subsection (2) of section 252.373, Florida Statutes, are
7 amended to read:

8 252.373 Allocation of funds; rules.--

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

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

30 (2) The distribution formula provided in subsection
31 (1) may be adjusted proportionally when necessary to meet any

1 matching requirements imposed as a condition of receiving
2 federal disaster relief assistance or planning funds.

3 Section 8. Section 252.51, Florida Statutes, is
4 amended to read:

5 252.51 Liability.--Any person or organization, public
6 or private, owning or controlling real estate or other
7 premises who ~~voluntarily and without compensation~~ grants a
8 license or privilege or otherwise permits the designation by
9 the local emergency management agency or use of the whole or
10 any part of such real estate or premises for the purpose of
11 sheltering persons during an actual, impending, mock, or
12 practice emergency, together with her or his successor in
13 interest, if any, shall not be liable for the death of, or
14 injury to, any person on or about such real estate or premises
15 during the actual, impending, mock, or practice emergency, or
16 for loss of, or damage to, the property of such person, solely
17 by reason or as a result of such license, privilege,
18 designation, or use, unless the gross negligence or the
19 willful and wanton misconduct of such person owning or
20 controlling such real estate or premises or her or his
21 successor in interest is the proximate cause of such death,
22 injury, loss, or damage occurring during such sheltering
23 period. Any person or organization who is immune from
24 liability pursuant to this section shall be deemed to be an
25 agent of the state or applicable agency or subdivision for
26 purposes of s. 768.28.

27 Section 9. (1) The sum of \$2.2 million is
28 appropriated from the Florida Hurricane Catastrophe Trust Fund
29 to be used to retrofit hurricane evacuation shelter
30 facilities.

31

1 (2) The sum of \$3 million is appropriated from the
2 Florida Hurricane Catastrophe Trust Fund to the Department of
3 Community Affairs to be used to retrofit hurricane evacuation
4 shelter facilities.

5 (3) The funds appropriated by this section must be
6 deposited in the Grants and Donations Trust Fund.

7 Section 10. The sum of \$3.3 million is appropriated to
8 the Department of Community Affairs from the General Revenue
9 Fund to be used to retrofit hurricane shelter facilities.

10 Section 11. The Department of Community Affairs may
11 use \$5 million in mitigation funds from the Federal Emergency
12 Management Agency for Hurricanes Floyd and Irene for hurricane
13 shelter retrofit projects.

14 Section 12. Section 252.855, Florida Statutes, is
15 repealed.

16 Section 13. Section 252.355, Florida Statutes, is
17 amended to read:

18 252.355 Registry of ~~disabled~~ persons with special
19 needs; notice.--

20 (1) In order to meet the special needs of persons who
21 would need assistance during evacuations and sheltering
22 because of physical, mental, or sensory disabilities ~~or mental~~
23 ~~handicaps~~, each local emergency management agency in the state
24 shall maintain a registry of ~~disabled~~ persons with special
25 needs located within the jurisdiction of the local agency.
26 The registration shall identify those persons in need of
27 assistance and plan for resource allocation to meet those
28 identified needs. To assist the local emergency management
29 agency in identifying such persons, the Department of Children
30 and Family Services, Department of Health, Agency for Health
31 Care Administration, Department of Labor and Employment

1 Security, and Department of Elderly Affairs shall provide
2 registration information to all of their special needs clients
3 and to all incoming clients as a part of the intake process.
4 The registry shall be updated annually. The registration
5 program shall give ~~disabled~~ persons with special needs the
6 option of preauthorizing emergency response personnel to enter
7 their homes during search and rescue operations if necessary
8 to assure their safety and welfare following disasters.

9 (2) On or before May 1 of each year each electric
10 utility in the state shall annually notify residential
11 customers in its service area of the availability of the
12 registration program available through their local emergency
13 management agency.

14 (3) All records, data, information, correspondence,
15 and communications relating to the registration of ~~disabled~~
16 persons with special needs as provided in subsection (1) are
17 confidential and exempt from the provisions of s. 119.07(1),
18 except that such information shall be available to other
19 emergency response agencies, as determined by the local
20 emergency management director.

21 (4) All appropriate agencies and community-based
22 service providers, including home health care providers, shall
23 assist emergency management agencies by collecting
24 registration information for persons ~~people~~ with special needs
25 as part of program intake processes, establishing programs to
26 increase the awareness of the registration process, and
27 educating clients about the procedures that may be necessary
28 for their safety during disasters. Clients of state or
29 federally funded service programs with physical, mental, or
30 sensory disabilities ~~or mental handicaps~~ who need assistance
31

1 in evacuating, or when in shelters, must register as persons
2 ~~people~~ with special needs.

3 Section 14. Section 381.0303, Florida Statutes, is
4 created to read:

5 381.0303 Health practitioner recruitment for special
6 needs shelters.--

7 (1) PURPOSE.--The purpose of this section is to
8 designate the Department of Health, through its county health
9 departments, as the lead agency for coordination of the
10 recruitment of health care practitioners, as defined in s.
11 455.501(4), to staff special needs shelters in times of
12 emergency or disaster and to provide resources to the
13 department to carry out this responsibility. However, nothing
14 in this section prohibits a county health department from
15 entering into an agreement with a local emergency management
16 agency to assume the lead responsibility for recruiting health
17 care practitioners.

18 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--Provided
19 funds have been appropriated to support medical services
20 disaster coordinator positions in county health departments,
21 the department shall assume lead responsibility for the local
22 coordination of local medical and health care providers, the
23 American Red Cross, and other interested parties in developing
24 a plan for the staffing and medical management of special
25 needs shelters. The plan shall be in conformance with the
26 local comprehensive emergency management plan.

27 (a) County health departments shall, in conjunction
28 with the local emergency management agencies, have the lead
29 responsibility for coordination of the recruitment of health
30 care practitioners to staff local special needs shelters.
31 County health departments shall assign their employees to work

1 in special needs shelters when needed to protect the health of
2 patients.

3 (b) The appropriate county health department and local
4 emergency management agency shall jointly determine who has
5 responsibility for medical supervision in a special needs
6 shelter.

7 (c) Local emergency management agencies shall be
8 responsible for the designation and operation of special needs
9 shelters during times of emergency or disaster. County health
10 departments shall assist the local emergency management agency
11 with regard to the management of medical services in special
12 needs shelters.

13 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
14 Department of Health shall reimburse, subject to the
15 availability of funds for this purpose, health care
16 practitioners, as defined in s. 455.501, provided the
17 practitioner is not providing care to a patient under an
18 existing contract, and emergency medical technicians and
19 paramedics licensed pursuant to chapter 401 for medical care
20 provided at the request of the department in special needs
21 shelters or at other locations during times of emergency or
22 major disaster. Reimbursement for health care practitioners,
23 except for physicians licensed pursuant to chapter 458 or
24 chapter 459, shall be based on the average hourly rate that
25 such practitioners were paid according to the most recent
26 survey of Florida hospitals conducted by the Florida Hospital
27 Association. Reimbursement shall be requested on forms
28 prepared by the Department of Health. If a Presidential
29 Disaster Declaration has been made, and the Federal Government
30 makes funds available, the department shall use such funds for
31 reimbursement of eligible expenditures. In other situations,

1 or if federal funds do not fully compensate the department for
2 reimbursement made pursuant to this section, the department
3 shall submit to the Cabinet or Legislature, as appropriate, a
4 budget amendment to obtain reimbursement from the working
5 capital fund. Travel expense and per diem costs shall be
6 reimbursed pursuant to s. 112.061.

7 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department
8 may use the registries established in ss. 401.273 and 455.718
9 when health care practitioners are needed to staff special
10 needs shelters or to staff disaster medical assistance teams.

11 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
12 Department of Health may establish a special needs shelter
13 interagency committee, to be chaired and staffed by the
14 department. The committee shall resolve problems related to
15 special needs shelters not addressed in the state
16 comprehensive emergency medical plan and shall serve as an
17 oversight committee to monitor the planning and operation of
18 special needs shelters.

19 (a) The committee may:

20 1. On or before January 1, 2001, resolve questions
21 concerning the roles and responsibilities of state agencies
22 and other organizations that are necessary to implement the
23 program.

24 2. On or before January 1, 2001, identify any issues
25 requiring additional legislation and funding.

26 3. Develop and negotiate any necessary interagency
27 agreements.

28 4. Undertake other such activities as the department
29 deems necessary to facilitate the implementation of this
30 section.

31

1 5. Submit recommendations to the Legislature as
2 necessary.

3 (b) The special needs shelter interagency committee
4 shall be composed of representatives of emergency management,
5 health, medical, and social services organizations. Membership
6 shall include, but shall not be limited to, the Departments of
7 Community Affairs, Children and Family Services, Elderly
8 Affairs, Labor and Employment Security, and Education; the
9 Agency for Health Care Administration; the Florida Medical
10 Association; the Florida Osteopathic Medical Association;
11 Associated Home Health Industries of Florida, Inc.; the
12 Florida Nurses Association; the Florida Health Care
13 Association; the Florida Assisted Living Association; the
14 Florida Hospital Association; the Florida Statutory Teaching
15 Hospital Council; the Florida Association of Homes for the
16 Aging; the Florida Emergency Preparedness Association; the
17 American Red Cross; Florida Hospices, Inc.; the Association of
18 Community Hospitals and Health Systems; the Florida
19 Association of Health Maintenance Organizations; the Florida
20 League of Health Systems; Private Care Association; and the
21 Salvation Army.

22 (c) Meetings of the committee shall be held in
23 Tallahassee and members of the committee shall serve at the
24 expense of the agencies or organizations they represent.

25 (6) RULES.--The department may adopt rules necessary
26 to implement this section. Rules may include a definition of a
27 special needs patient, specify physician reimbursement, and
28 designate which county health departments will have
29 responsibility for implementation of subsections (2) and (3).

30 Section 15. Section 400.492, Florida Statutes, is
31 created to read:

1 400.492 Provision of services during an
2 emergency.--Each home health agency shall prepare and maintain
3 a comprehensive emergency management plan that is consistent
4 with the standards adopted by national accreditation
5 organizations and consistent with the local special needs
6 plan. The plan shall be updated annually and shall provide for
7 continuing home health services during an emergency that
8 interrupts patient care or services in the patient's home. The
9 plan shall describe how the home health agency establishes and
10 maintains an effective response to emergencies and disasters,
11 including: notifying staff when emergency response measures
12 are initiated; providing for communication between staff
13 members, county health departments, and local emergency
14 management agencies, including a backup system; identifying
15 resources necessary to continue essential care or services or
16 referrals to other organizations subject to written agreement;
17 and prioritizing and contacting patients who need continued
18 care or services.

19 (1) Each patient record for patients who are listed in
20 the registry established pursuant to s. 252.355 shall include
21 a description of how care or services will be continued in the
22 event of an emergency or disaster. The home health agency
23 shall discuss the emergency provisions with the patient and
24 the patient's caregivers, including where and how the patient
25 is to evacuate, procedures for notifying the home health
26 agency in the event that the patient evacuates to a location
27 other than the shelter identified in the patient record, and a
28 list of medications and equipment which must either accompany
29 the patient or will be needed by the patient in the event of
30 an evacuation.

31

1 (2) Each home health agency shall maintain a current
2 prioritized list of patients who need continued services
3 during an emergency. The list shall indicate how services
4 shall be continued in the event of an emergency or disaster
5 for each patient and if the patient is to be transported to a
6 special needs shelter, and shall indicate if the patient is
7 receiving skilled nursing services and the patient's
8 medication and equipment needs. The list shall be furnished to
9 county health departments and to local emergency management
10 agencies, upon request.

11 (3) Home health agencies shall not be required to
12 continue to provide care to patients in emergency situations
13 that are beyond their control and that make it impossible to
14 provide services, such as when roads are impassable or when
15 patients do not go to the location specified in their patient
16 records.

17 (4) Notwithstanding the provisions of s. 400.464(2) or
18 any other provision of law to the contrary, a home health
19 agency may provide services in a special needs shelter located
20 in any county.

21 Section 16. Subsection (1) of section 400.497, Florida
22 Statutes, is amended, and subsection (11) is added to that
23 section, to read:

24 400.497 Rules establishing minimum standards.--The
25 Agency for Health Care Administration shall adopt, publish,
26 and enforce rules to implement this part, including, as
27 applicable, ss. 400.506 and 400.509, which must provide
28 reasonable and fair minimum standards relating to:

29 (1) Scope of home health services to be provided,
30 which shall include services to be provided during emergency
31 evacuation and sheltering.

1 (11) Preparation of a comprehensive emergency
2 management plan pursuant to s. 400.492.

3 (a) The Agency for Health Care Administration shall
4 adopt rules establishing minimum criteria for the plan and
5 plan updates, with the concurrence of the Department of Health
6 and in consultation with the Department of Community Affairs.

7 (b) The rules must address the requirements in s.
8 400.492. In addition, the rules shall provide for the
9 maintenance of patient-specific medication lists that can
10 accompany patients who are transported from their homes.

11 (c) The plan is subject to review and approval by the
12 county health department. During its review, the county health
13 department shall ensure that the following agencies, at a
14 minimum, are given the opportunity to review the plan:

15 1. The local emergency management agency.
16 2. The Agency for Health Care Administration.
17 3. The local chapter of the American Red Cross or
18 other lead sheltering agency.

19 4. The district office of the Department of Children
20 and Family Services.

21
22 The county health department shall complete its review within
23 60 days after receipt of the plan and shall either approve the
24 plan or advise the home health agency of necessary revisions.

25 (d) For any home health agency that operates in more
26 than one county, the Department of Health shall review the
27 plan, after consulting with all of the county health
28 departments, the agency, and all the local chapters of the
29 American Red Cross or other lead sheltering agencies in the
30 areas of operation for that particular home health agency. The
31 Department of Health shall complete its review within 90 days

1 after receipt of the plan and shall either approve the plan or
2 advise the home health agency of necessary revisions. The
3 Department of Health shall make every effort to avoid imposing
4 differing requirements based on differences between counties
5 on the home health agency.

6 (e) The requirements in this subsection do not apply
7 to:

8 1. A facility that is certified under chapter 651 and
9 has a licensed home health agency used exclusively by
10 residents of the facility; or

11 2. A retirement community that consists of residential
12 units for independent living and either a licensed nursing
13 home or an assisted living facility, and has a licensed home
14 health agency used exclusively by the residents of the
15 retirement community, provided the comprehensive emergency
16 management plan for the facility or retirement community
17 provides for continuous care of all residents with special
18 needs during an emergency.

19 Section 17. Subsections (15), (16), and (17) of
20 section 400.506, Florida Statutes, are renumbered as
21 subsections (17), (18), and (19), respectively, and new
22 subsections (15) and (16) are added to that section, to read:

23 400.506 Licensure of nurse registries; requirements;
24 penalties.--

25 (15) Nurse registries shall assist persons who would
26 need assistance and sheltering during evacuations because of
27 physical, mental, or sensory disabilities in registering with
28 the appropriate local emergency management agency pursuant to
29 s. 252.355.

30 (16) Each nurse registry shall prepare and maintain a
31 comprehensive emergency management plan that is consistent

1 with the criteria in this subsection and with the local
2 special needs plan. The plan shall be updated annually. The
3 plan shall specify how the nurse registry shall facilitate the
4 provision of continuous care by persons referred for contract
5 to persons who are registered pursuant to s. 252.355 during an
6 emergency that interrupts the provision of care or services in
7 private residences.

8 (a) All persons referred for contract who care for
9 persons registered pursuant to s. 252.355 must include in the
10 patient record a description of how care will be continued
11 during a disaster or emergency that interrupts the provision
12 of care in the patient's home. It shall be the responsibility
13 of the person referred for contract to ensure that continuous
14 care is provided.

15 (b) Each nurse registry shall maintain a current
16 prioritized list of patients in private residences who are
17 registered pursuant to s. 252.355 and are under the care of
18 persons referred for contract and who need continued services
19 during an emergency. This list shall indicate, for each
20 patient, if the client is to be transported to a special needs
21 shelter and if the patient is receiving skilled nursing
22 services. Nurse registries shall make this list available to
23 county health departments and to local emergency management
24 agencies upon request.

25 (c) Each person referred for contract who is caring
26 for a patient who is registered pursuant to s. 252.355 shall
27 provide a list of the patient's medication and equipment needs
28 to the nurse registry. Each person referred for contract shall
29 make this information available to county health departments
30 and to local emergency management agencies upon request.

31

1 (d) Each person referred for contract shall not be
2 required to continue to provide care to patients in emergency
3 situations that are beyond the person's control and that make
4 it impossible to provide services, such as when roads are
5 impassable or when patients do not go to the location
6 specified in their patient records.

7 (e) The comprehensive emergency management plan
8 required by this subsection is subject to review and approval
9 by the county health department. During its review, the county
10 health department shall ensure that, at a minimum, the local
11 emergency management agency, the Agency for Health Care
12 Administration, and the local chapter of the American Red
13 Cross or other lead sheltering agency are given the
14 opportunity to review the plan. The county health department
15 shall complete its review within 60 days after receipt of the
16 plan and shall either approve the plan or advise the nurse
17 registry of necessary revisions.

18 (f) The Agency for Health Care Administration shall
19 adopt rules establishing minimum criteria for the
20 comprehensive emergency management plan and plan updates
21 required by this subsection, with the concurrence of the
22 Department of Health and in consultation with the Department
23 of Community Affairs.

24 Section 18. Paragraph (j) of subsection (1) of section
25 400.605, Florida Statutes, is amended to read:

26 400.605 Administration; forms; fees; rules;
27 inspections; fines.--

28 (1) The department, in consultation with the agency,
29 shall by rule establish minimum standards and procedures for a
30 hospice. The rules must include:

31

1 (j) Components of a comprehensive emergency management
2 plan, developed in consultation with the Department of Health,
3 the Department of Elderly Affairs, and the Department of
4 Community Affairs ~~Component of a disaster preparedness plan.~~

5 Section 19. Paragraph (f) is added to subsection (5)
6 of section 400.6095, Florida Statutes, to read:

7 400.6095 Patient admission; assessment; plan of care;
8 discharge; death.--

9 (5) Each hospice, in collaboration with the patient
10 and the patient's primary or attending physician, shall
11 prepare and maintain a plan of care for each patient, and the
12 care provided to a patient must be in accordance with the plan
13 of care. The plan of care shall be made a part of the
14 patient's medical record and shall include, at a minimum:

15 (f) A description of how needed care and services will
16 be provided in the event of an emergency.

17 Section 20. Paragraph (b) of subsection (1) of section
18 400.610, Florida Statutes, is amended to read:

19 400.610 Administration and management of a hospice.--

20 (1) A hospice shall have a clearly defined organized
21 governing body, consisting of a minimum of seven persons who
22 are representative of the general population of the community
23 served. The governing body shall have autonomous authority and
24 responsibility for the operation of the hospice and shall meet
25 at least quarterly. The governing body shall:

26 (b)1. Prepare and maintain a comprehensive emergency
27 management plan that provides for continuing hospice services
28 in the event of an emergency that is consistent with local
29 special needs plans. The plan shall include provisions for
30 ensuring continuing care to hospice patients who go to special
31 needs shelters. The plan is subject to review and approval by

1 the county health department, except as provided in
2 subparagraph 2. During its review, the county health
3 department shall ensure that the department, the agency, and
4 the local chapter of the American Red Cross or other lead
5 sheltering agency have an opportunity to review and comment on
6 the plan. The county health department shall complete its
7 review within 60 days after receipt of the plan and shall
8 either approve the plan or advise the hospice of necessary
9 revisions ~~Prepare a disaster preparedness plan.~~

10 2. For any hospice that operates in more than one
11 county, the Department of Health shall review the plan, after
12 consulting with all of the county health departments, the
13 agency, and all the local chapters of the American Red Cross
14 or other lead sheltering agency in the areas of operation for
15 that particular hospice. The Department of Health shall
16 complete its review within 90 days after receipt of the plan
17 and shall either approve the plan or advise the hospice of
18 necessary revisions. The Department of Health shall make every
19 effort to avoid imposing on the hospice differing requirements
20 based on differences between counties.

21 Section 21. Section 401.273, Florida Statutes, is
22 created to read:

23 401.273 Emergency medical technician and paramedic
24 registry for disasters and emergencies.--

25 (1) The department shall include on its forms for the
26 certification or recertification of emergency medical
27 technicians and paramedics who could assist the department in
28 the event of a disaster a question asking if the
29 certificateholder would be available to provide health care
30 services in special needs shelters or to help staff disaster
31 medical assistance teams during times of emergency or major

1 disaster. The names of the emergency medical technicians and
2 paramedics who answer affirmatively shall be maintained by the
3 department as a registry for disasters and emergencies.

4 (2) A certificateholder may perform the functions of
5 an emergency medical technician or paramedic in a special
6 needs shelter or as a member of a disaster medical assistance
7 team, provided that such functions are performed only under
8 the medical direction of a physician who is licensed under
9 chapter 458 or chapter 459 and who has complied with the
10 formal supervision requirements of s. 458.348.

11 Section 22. Subsection (12) is added to section
12 408.15, Florida Statutes, to read:

13 408.15 Powers of the agency.--In addition to the
14 powers granted to the agency elsewhere in this chapter, the
15 agency is authorized to:

16 (12) Establish, in coordination with the Department of
17 Health, uniform standards of care to be provided in special
18 needs units or shelters during times of emergency or major
19 disaster.

20 Section 23. Section 455.718, Florida Statutes, is
21 created to read:

22 455.718 Health care practitioner registry for
23 disasters and emergencies.--The Department of Health may
24 include on its forms for the licensure or certification of
25 health care practitioners, as defined in s. 455.501, who could
26 assist the department in the event of a disaster a question
27 asking if the practitioner would be available to provide
28 health care services in special needs shelters or to help
29 staff disaster medical assistance teams during times of
30 emergency or major disaster. The names of practitioners who
31 answer affirmatively shall be maintained by the department as

1 a health care practitioner registry for disasters and
2 emergencies.

3 Section 24. State agencies that contract with
4 providers for the care of persons with disabilities or
5 limitations that make such persons dependent upon the care of
6 others shall include emergency and disaster planning
7 provisions in such contracts at the time the contracts are
8 initiated or upon renewal. These provisions shall include, but
9 shall not be limited to:

10 (1) The designation of an emergency coordinating
11 officer.

12 (2) A procedure to contact, prior to or immediately
13 following an emergency or disaster, all persons, on a priority
14 basis, who need assistance and sheltering during evacuations
15 because of physical, mental, or sensory disabilities and whose
16 care is provided under the contract.

17 (3) A procedure to help persons who need assistance
18 and sheltering during evacuations because of physical, mental,
19 or sensory disabilities register with the local emergency
20 management agency, as provided in section 252.355, Florida
21 Statutes.

22 (4) A procedure to dispatch the emergency coordinating
23 officer or other staff members to special needs shelters to
24 assist clients with special needs, if necessary.

25 (5) A procedure for providing the essential services
26 the organization currently provides to special needs clients
27 in preparation for, and during and following, a disaster.

28 Section 25. There is appropriated from the General
29 Revenue Fund, to fund the implementation of sections 13-24 of
30 this act:

31

1 (1) To the Department of Health the sum of \$3,124,500
2 and two full-time-equivalent positions.

3 (2) To the Department of Children and Family Services
4 the sum of \$58,898 and one full-time-equivalent position.

5 (3) To the Department of Elderly Affairs the sum of
6 \$58,898 and one full-time-equivalent position.

7 (4) To the Agency for Health Care Administration the
8 sum of \$58,898 and one full-time-equivalent position.

9 (5) To the Department of Community Affairs the sum of
10 \$58,898 and one full-time-equivalent position.

11 Section 26. Section 509.201, Florida Statutes, is
12 amended to read:

13 509.201 Room rates; posting; advertising; penalties.--

14 (1)(a) In each public lodging establishment renting by
15 the day or week there shall be posted in a plainly legible
16 fashion, in a conspicuous place in each rental unit, the rates
17 at which each such unit is rented. Such posting shall show
18 the maximum amount charged for occupancy per person; the
19 amount charged for extra conveniences, more complete
20 accommodations, or additional furnishings; and the dates
21 during the year when such charges prevail. Copies of the
22 posted rate schedules for all similar rental units in each
23 establishment shall be filed with the division at least 5 days
24 before such rates are to become effective and shall be kept
25 current. The rates posted in the rental units may not exceed
26 those on file with the division, and an establishment may not
27 charge more than the rates posted in the rental units and
28 filed with the division.

29 (b) Upon a declared state of emergency by the Governor
30 or upon a government-ordered evacuation of an area impacted by
31 a disaster, a public lodging establishment that elects to

1 provide accommodations to evacuees from the affected area must
2 temporarily suspend the approved posted rates and charge an
3 emergency rate. Emergency rates for transient lodging
4 establishments may not exceed by more than 10 percent the
5 average daily rate charged in the 7 days preceding the date of
6 the declared state of emergency or evacuation. The average
7 daily rate must include all standard rates, discounted rates,
8 reduced rates, or special rates charged to the public during
9 the previous 7 days. Emergency rates for nontransient lodging
10 establishments may be no more than 10 percent of the usual
11 monthly rate for that unit, prorated to a daily rate. A
12 variance for the method of emergency rate calculation may be
13 granted as provided for by rule.

14 (c) Public lodging establishments may not impose
15 minimum stays on evacuees during a declared state of
16 emergency.

17 (d) A violation of paragraph (b) or paragraph (c)
18 constitutes price gouging and is a violation of this chapter.
19 A public lodging establishment that violates paragraph (b) or
20 paragraph (c) is subject to penalties provided in s. 509.261,
21 and may be required to refund any amount that exceeded the
22 emergency rate.

23 (e) Enforcement of paragraphs (b) and (c) is preempted
24 to the Department of Business and Professional Regulation.
25 Paragraphs (b) and (c) do not apply 7 days after the declared
26 state of emergency or other ordered evacuation. The department
27 may adopt rules to administer this section.

28 (2)(a) A person may not display or cause to be
29 displayed any sign which may be seen from a public highway or
30 street, which sign includes a statement or numbers relating to
31 the rates charged at a public lodging establishment renting by

1 the day or week, unless such sign includes, in letters and
2 figures of similar size and prominence, the following
3 information: the number of rental units in the establishment
4 and the rates charged for each, whether the rates quoted are
5 for single or multiple occupancy if such fact affects the rate
6 charged, and the dates during which such rates are in effect.
7 In each instance the rates charged may not exceed those filed
8 with the division. A sign may not be displayed which includes
9 a statement or numbers which appear to relate to the rate
10 charged at a public lodging establishment when in fact the
11 statement or numbers do not relate to such rates.

12 (b) A person may not publish or cause to be published
13 any advertisement, other than those referred to in paragraph
14 (a), which includes a statement or numbers relating to rates
15 charged at a public lodging establishment renting by the day
16 or week unless such advertisement includes, in letters or
17 figures immediately adjacent to said rate, a statement as to
18 whether the rates quoted are for single or multiple occupancy
19 if such fact affects the rates charged. Any such
20 advertisement shall also include the dates during which such
21 rates are in effect, an indication as to whether there are
22 other rates in effect in the establishment, and, in the event
23 the number of rental units in the establishment at the
24 advertised rate is limited, the advertisement shall include a
25 phone number to verify availability. The advertised rate in
26 each instance may not exceed those filed for such units with
27 the division. For any such advertisement, the type size of
28 the required additional information may not be smaller than
29 one-twelfth of the size of the rate figures advertised or
30 equal to the type size used in the body of the advertisement,
31 whichever is larger. The requirements of this paragraph apply

1 to any type of display advertisement, regardless of whether it
2 is printed in a magazine, newspaper, or other similar
3 publication.

4 (c) The provisions of paragraph (b) do not apply to
5 advertisements or listings in guides or directories which are
6 published by nonprofit organizations or associations or to
7 advertisements of a classified nature placed in the classified
8 section of newspapers and other similar publications.

9 (d) An advertisement may not be published that
10 contains false or misleading statements about any public
11 lodging establishment.

12 (3) Any operator of any public lodging establishment
13 who violates, or causes to be violated, any of the provisions
14 of this section is guilty of a misdemeanor of the second
15 degree, punishable as provided in s. 775.082 or s. 775.083.
16 In addition to the criminal penalty, the license of any public
17 lodging establishment may be suspended or revoked by the
18 division, or the division may impose fines on the licensee, in
19 accordance with the provisions of s. 509.261, when the
20 operator of such establishment is determined by the division
21 to have violated any provision of this section. It is not
22 necessary that the offender be convicted of violating this
23 section as a condition precedent to the suspension or
24 revocation of such license or the imposition of a civil
25 penalty by the division.

26 (4) Subsection (1) and paragraphs (a), (b), and (c) of
27 subsection (2) do not apply to any facility or unit classified
28 as a resort condominium, nontransient apartment, or resort
29 dwelling as described in s. 509.242(1)(c), (d), and (g).

30
31

1 Section 27. This act shall take effect July 1, 2000,
2 except that sections 13-25 of this act shall take effect
3 October 1, 2000.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 198

4 This CS differs from the bill as filed in that it:
5 amends the distribution formula for the Hurricane Loss
6 Mitigation Program to include \$3 million of the \$10 million
7 annually appropriated for hurricane mitigation, to be used for
8 shelter retrofitting;
9 amends the provision that exempts school districts from
10 incorporating public shelter construction criteria into new
11 school buildings;
12 expands the geographic area, from county to regional planning
13 council region, that must have sufficient shelter space for
14 BOR facilities to be exempt from the requirement to construct
15 facilities in accordance with public shelter standards;
16 authorizes county constitutional officers, or their employees,
17 be designated as the emergency management director, subject to
18 prior notification to DCA;
19 adopts a regional, as opposed to county, approach to targeting
20 the distribution of funds for shelter retrofitting;
21 requires DMS to identify the extent to which their facilities
22 have public shelter space, and to submit to DCA a summary of
23 proposed retrofit projects;
24 requires shelter retrofit projects be given priority when
25 Emergency Management, Preparedness, and Assistance Trust Fund
26 grant and loan funds are distributed;
27 extends a liability waiver to private property owners that
28 rent their property for use as emergency shelters;
29 appropriates \$3.3 million in general revenue funds to retrofit
30 hurricane shelter facilities;
31 grants DCA authority to use \$5 million in federal mitigation
funds for shelter retrofit projects;
repeals s. 252.855, F.S., an obsolete provision relating to
reporting and fee collection by DEP and DCA;
prohibits price gouging by hotels and motels during a declared
state of emergency or government-ordered evacuation; and
includes the substance of CS/SB 430, which provides for the
continuation of health care services to persons requiring
special needs assistance during an emergency or disaster.