

Bill No. CS for SB 430, 1st Eng.

Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Carlton moved the following amendment:		
12			
13	<b>Senate Amendment (with title amendment)</b>		
14	On page 2, line 31,		
15			
16	insert:		
17	Section 1. Subsections (1) and (2) of section 215.559,		
18	Florida Statutes, are amended to read:		
19	215.559 Hurricane Loss Mitigation Program.--		
20	(1) There is created a Hurricane Loss Mitigation		
21	Program. The Legislature shall annually appropriate <del>\$10</del> \$7		
22	million of the moneys authorized for appropriation under s.		
23	215.555(7)(c) from the Florida Hurricane Catastrophe Fund to		
24	the Department of Community Affairs for the purposes set forth		
25	in this section.		
26	(2)(a) <u>Seven million dollars in</u> <del>The</del> funds provided in		
27	subsection (1) shall be used for programs to improve the wind		
28	resistance of residences and mobile homes, including loans,		
29	subsidies, grants, demonstration projects, and direct		
30	assistance; cooperative programs with local governments and		
31	the Federal Government; and other efforts to prevent or reduce		

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1 losses or reduce the cost of rebuilding after a disaster.  
2 (b) Three million dollars in funds provided in  
3 subsection (1) shall be used to retrofit existing facilities  
4 used as public hurricane shelters. The department must  
5 prioritize the use of these funds for projects included in the  
6 September 1, 2000, version of the Shelter Retrofit Report  
7 prepared in accordance with s. 252.385(3), and each annual  
8 report thereafter. The department must give funding priority  
9 to projects in regional planning council regions that have  
10 shelter deficits and to projects that maximize use of state  
11 funds.

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

14 235.26 State Uniform Building Code for Public  
15 Educational Facilities Construction.--The Commissioner of  
16 Education shall adopt a uniform statewide building code for  
17 the planning and construction of public educational and  
18 ancillary plants by district school boards and community  
19 college district boards of trustees. The code must be entitled  
20 the State Uniform Building Code for Public Educational  
21 Facilities Construction. Included in this code must be flood  
22 plain management criteria in compliance with the rules and  
23 regulations in 44 C.F.R. parts 59 and 60, and subsequent  
24 revisions thereto which are adopted by the Federal Emergency  
25 Management Agency. Wherever the words "Uniform Building Code"  
26 appear, they mean the "State Uniform Building Code for Public  
27 Educational Facilities Construction." It is not a purpose of  
28 the Uniform Building Code to inhibit the use of new materials  
29 or innovative techniques; nor may it specify or prohibit  
30 materials by brand names. The code must be flexible enough to  
31 cover all phases of construction so as to afford reasonable

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1 protection for the public safety, health, and general welfare.  
2 The department may secure the service of other state agencies  
3 or such other assistance as it finds desirable in revising the  
4 code.

5 (9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.--

6 (a) The Department of Education shall, in consultation  
7 with boards and county and state emergency management offices,  
8 amend the State Uniform Building Code for Public Educational  
9 Facilities Construction to incorporate public shelter design  
10 criteria into the Uniform Building Code. The new criteria must  
11 be designed to ensure that appropriate core facility areas in  
12 new educational facilities can serve as public shelters for  
13 emergency management purposes. The Commissioner of Education  
14 shall publish proposed amendments to the State Uniform  
15 Building Code for Public Educational Facilities Construction  
16 setting forth the public-shelter criteria by July 1, 1995. A  
17 facility, or an appropriate core facility area within a  
18 facility, for which a design contract is entered into  
19 subsequent to the effective date of the inclusion of the  
20 public shelter criteria in the code must be built in  
21 compliance with the amended code unless the facility or a part  
22 thereof is exempted from using the new shelter criteria due to  
23 its location, size, or other characteristics by the applicable  
24 board with the concurrence of the applicable local emergency  
25 management agency or the Department of Community Affairs. Any  
26 educational facility located or proposed to be located in an  
27 identified category 1, 2, or 3 evacuation zone is not subject  
28 to the requirements of this subsection. If the regional  
29 planning council region in which the county is located does  
30 not have a hurricane evacuation shelter deficit, as determined  
31 by the Department of Community Affairs, school districts

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1 within the planning council region are not ~~if more than one~~  
2 ~~educational facility is being constructed within any 3-mile~~  
3 ~~radius, no more than one facility, which must be selected on~~  
4 ~~the basis of cost-effectiveness and greatest provision of~~  
5 ~~shelter space, is required to incorporate the public shelter~~  
6 ~~criteria into its construction~~ of educational facilities.

7 (b) By January 31, 1996, and by January 31 every  
8 even-numbered year thereafter, the Department of Community  
9 Affairs shall prepare and submit a statewide emergency shelter  
10 plan to the Governor and the Cabinet for approval. The plan  
11 must identify the general location and square footage of  
12 existing shelters, by regional planning council region county,  
13 and the general location and square footage of needed  
14 shelters, by regional planning council region county, in the  
15 next 5 years. Such plan must identify the types of public  
16 facilities which should be constructed to comply with  
17 emergency shelter criteria and must recommend an appropriate,  
18 adequate, and dedicated source of funding for the additional  
19 cost of constructing emergency shelters within these public  
20 facilities. After the approval of the plan, a board may not be  
21 required to build more emergency shelter space than identified  
22 as needed in the plan, and decisions pertaining to exemptions  
23 pursuant to paragraph (a) must be guided by the plan ~~and by~~  
24 ~~this subsection.~~

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

27 240.295 State University System; authorization for  
28 fixed capital outlay projects.--

29 (4) The Board of Regents shall, in consultation with  
30 local and state emergency management agencies, assess existing  
31 facilities to identify the extent to which each campus has

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1 public hurricane evacuation shelter space. The board shall  
2 submit to the Governor and the Legislature by August 1 of each  
3 year a 5-year capital improvements program that identifies new  
4 or retrofitted facilities that will incorporate enhanced  
5 hurricane resistance standards and that can be used as public  
6 hurricane evacuation shelters. Enhanced hurricane resistance  
7 standards include fixed passive protection for window and door  
8 applications to provide mitigation protection, security  
9 protection with egress, and energy efficiencies that meet  
10 standards required in the 130-mile-per-hour wind zone areas.  
11 The board must also submit proposed facility retrofit projects  
12 to the Department of Community Affairs for assessment and  
13 inclusion in the annual report prepared in accordance with s.  
14 252.385(3).adequate to house those students, faculty, and  
15 employees expected to seek public shelter prior to or during a  
16 disaster and those other persons for which the campus has  
17 agreed with the local emergency management agency or other  
18 voluntary organization to provide shelter space. The board  
19 shall submit a report describing the results of its assessment  
20 to the Governor and the Legislature by February 1, 1994. At  
21 the discretion of the board, this report may be accompanied by  
22 a list of proposed improvements to existing buildings to  
23 improve shelter capacity and an estimate of the costs  
24 associated with implementing these improvements. Until a  
25 regional planning council region in which a campus is located  
26 has sufficient public hurricane evacuation shelter space, any  
27 campus building for which a design contract is entered into  
28 subsequent to July 1, 2001 +1994, and which has been identified  
29 by the board, with the concurrence of the local emergency  
30 management agency or the Department of Community Affairs, to  
31 be appropriate for use as a public hurricane evacuation

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1 shelter, must be constructed in accordance with public shelter  
2 standards ~~unless the board, with the concurrence of the local~~  
3 ~~emergency management agency or the Department of Community~~  
4 ~~Affairs, exempts the building or part thereof from shelter~~  
5 ~~standards because of its location, size, or other~~  
6 ~~characteristic.~~

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

9 252.35 Emergency management powers; Division of  
10 Emergency Management.--

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

14 (a) Prepare a state comprehensive emergency management  
15 plan, which shall be integrated into and coordinated with the  
16 emergency management plans and programs of the Federal  
17 Government. The division must adopt the plan as a rule in  
18 accordance with chapter 120.The plan shall be implemented by  
19 a continuous, integrated comprehensive emergency management  
20 program. The plan must contain provisions to ensure that the  
21 state is prepared for emergencies and minor, major, and  
22 catastrophic disasters, and the division shall work closely  
23 with local governments and agencies and organizations with  
24 emergency management responsibilities in preparing and  
25 maintaining the plan. The state comprehensive emergency  
26 management plan shall be operations oriented and:

27 1. Include an evacuation component that includes  
28 specific regional and interregional planning provisions and  
29 promotes intergovernmental coordination of evacuation  
30 activities. This component must, at a minimum: contain  
31 guidelines for lifting tolls on state highways; ensure

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1 coordination pertaining to evacuees crossing county lines; set  
2 forth procedures for directing people caught on evacuation  
3 routes to safe shelter; establish strategies for ensuring  
4 sufficient, reasonably priced fueling locations along  
5 evacuation routes; and establish policies and strategies for  
6 emergency medical evacuations.

7         2. Include a shelter component that includes specific  
8 regional and interregional planning provisions and promotes  
9 coordination of shelter activities between the public,  
10 private, and nonprofit sectors. This component must, at a  
11 minimum: contain strategies to ensure the availability of  
12 adequate public shelter space in each region of the state;  
13 establish strategies for refuge-of-last-resort programs;  
14 provide strategies to assist local emergency management  
15 efforts to ensure that adequate staffing plans exist for all  
16 shelters, including medical and security personnel; provide  
17 for a postdisaster communications system for public shelters;  
18 establish model shelter guidelines for operations,  
19 registration, inventory, power generation capability,  
20 information management, and staffing; and set forth policy  
21 guidance for sheltering people with special needs.

22         3. Include a postdisaster response and recovery  
23 component that includes specific regional and interregional  
24 planning provisions and promotes intergovernmental  
25 coordination of postdisaster response and recovery activities.  
26 This component must provide for postdisaster response and  
27 recovery strategies according to whether a disaster is minor,  
28 major, or catastrophic. The postdisaster response and recovery  
29 component must, at a minimum: establish the structure of the  
30 state's postdisaster response and recovery organization;  
31 establish procedures for activating the state's plan; set

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1 forth policies used to guide postdisaster response and  
2 recovery activities; describe the chain of command during the  
3 postdisaster response and recovery period; describe initial  
4 and continuous postdisaster response and recovery actions;  
5 identify the roles and responsibilities of each involved  
6 agency and organization; provide for a comprehensive  
7 communications plan; establish procedures for monitoring  
8 mutual aid agreements; provide for rapid impact assessment  
9 teams; ensure the availability of an effective statewide urban  
10 search and rescue program coordinated with the fire services;  
11 ensure the existence of a comprehensive statewide medical care  
12 and relief plan administered by the Department of Health; and  
13 establish systems for coordinating volunteers and accepting  
14 and distributing donated funds and goods.

15           4. Include additional provisions addressing aspects of  
16 preparedness, response, recovery, and mitigation as determined  
17 necessary by the division.

18           5. Address the need for coordinated and expeditious  
19 deployment of state resources, including the Florida National  
20 Guard. In the case of an imminent major disaster, procedures  
21 should address predeployment of the Florida National Guard,  
22 and, in the case of an imminent catastrophic disaster,  
23 procedures should address predeployment of the Florida  
24 National Guard and the United States Armed Forces.

25           6. Establish a system of communications and warning to  
26 ensure that the state's population and emergency management  
27 agencies are warned of developing emergency situations and can  
28 communicate emergency response decisions.

29           7. Establish guidelines and schedules for annual  
30 exercises that evaluate the ability of the state and its  
31 political subdivisions to respond to minor, major, and



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1 catastrophic disasters and support local emergency management  
2 agencies. Such exercises shall be coordinated with local  
3 governments and, to the extent possible, the Federal  
4 Government.

5           8. Assign lead and support responsibilities to state  
6 agencies and personnel for emergency support functions and  
7 other support activities.

8  
9 The division shall prepare an interim postdisaster response  
10 and recovery component that substantially complies with the  
11 provisions of this paragraph by June 1, 1993. Each state  
12 agency assigned lead responsibility for an emergency support  
13 function by the state comprehensive emergency management plan  
14 shall also prepare a detailed operational plan needed to  
15 implement its responsibilities by June 1, 1993. The complete  
16 state comprehensive emergency management plan shall be  
17 submitted to the President of the Senate, the Speaker of the  
18 House of Representatives, and the Governor no later than  
19 February 1, 1994, and on February 1 of every even-numbered  
20 year thereafter.

21           (b) Adopt standards and requirements for county  
22 emergency management plans. The standards and requirements  
23 must ensure that county plans are coordinated and consistent  
24 with the state comprehensive emergency management plan. If a  
25 municipality elects to establish an emergency management  
26 program, it must adopt a city emergency management plan that  
27 complies with all standards and requirements applicable to  
28 county emergency management plans.

29           (c) Assist political subdivisions in preparing and  
30 maintaining emergency management plans.

31           (d) Review periodically political subdivision

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1 emergency management plans for consistency with the state  
2 comprehensive emergency management plan and standards and  
3 requirements adopted under this section.

4 (e) Cooperate with the President, the heads of the  
5 Armed Forces, the various federal emergency management  
6 agencies, and the officers and agencies of other states in  
7 matters pertaining to emergency management in the state and  
8 the nation and incidents thereof and, in connection therewith,  
9 take any measures that it deems proper to carry into effect  
10 any request of the President and the appropriate federal  
11 officers and agencies for any emergency management action,  
12 including the direction or control of:

13 1. Emergency management drills, tests, or exercises of  
14 whatever nature.

15 2. Warnings and signals for tests and drills, attacks,  
16 or other imminent emergencies or threats thereof and the  
17 mechanical devices to be used in connection with such warnings  
18 and signals.

19 (f) Make recommendations to the Legislature, building  
20 code organizations, and political subdivisions for zoning,  
21 building, and other land use controls; safety measures for  
22 securing mobile homes or other nonpermanent or semipermanent  
23 structures; and other preparedness, prevention, and mitigation  
24 measures designed to eliminate emergencies or reduce their  
25 impact.

26 (g) In accordance with the state comprehensive  
27 emergency management plan and program for emergency  
28 management, ascertain the requirements of the state and its  
29 political subdivisions for equipment and supplies of all kinds  
30 in the event of an emergency; plan for and either procure  
31 supplies, medicines, materials, and equipment or enter into

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1 memoranda of agreement or open purchase orders that will  
2 ensure their availability; and use and employ from time to  
3 time any of the property, services, and resources within the  
4 state in accordance with ss. 252.31-252.91.

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

7 (i) Institute statewide public awareness programs.  
8 This shall include an intensive public educational campaign on  
9 emergency preparedness issues.

10 (j) Prepare and distribute to appropriate state and  
11 local officials catalogs of federal, state, and private  
12 assistance programs.

13 (k) Coordinate federal, state, and local emergency  
14 management activities and take all other steps, including the  
15 partial or full mobilization of emergency management forces  
16 and organizations in advance of an actual emergency, to ensure  
17 the availability of adequately trained and equipped forces of  
18 emergency management personnel before, during, and after  
19 emergencies and disasters.

20 (l) Establish a schedule of fees that may be charged  
21 by local emergency management agencies for review of emergency  
22 management plans on behalf of external agencies and  
23 institutions. In establishing such schedule, the division  
24 shall consider facility size, review complexity, and other  
25 factors.

26 (m) Implement training programs to improve the ability  
27 of state and local emergency management personnel to prepare  
28 and implement emergency management plans and programs. This  
29 shall include a continuous training program for agencies and  
30 individuals that will be called on to perform key roles in  
31 state and local postdisaster response and recovery efforts and

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1 for local government personnel on federal and state  
2 postdisaster response and recovery strategies and procedures.

3 (n) Review periodically emergency operating procedures  
4 of state agencies and recommend revisions as needed to ensure  
5 consistency with the state comprehensive emergency management  
6 plan and program.

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

10 (p) Prepare, in advance whenever possible, such  
11 executive orders, proclamations, and rules for issuance by the  
12 Governor as are necessary or appropriate for coping with  
13 emergencies and disasters.

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

18 (r) Assist political subdivisions with the creation  
19 and training of urban search and rescue teams and promote the  
20 development and maintenance of a state urban search and rescue  
21 program.

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

25 (t) Report biennially to the President of the Senate,  
26 the Speaker of the House of Representatives, and the Governor,  
27 no later than February 1 of every odd-numbered year, the  
28 status of the emergency management capabilities of the state  
29 and its political subdivisions.

30 (u) In accordance with chapter 120, create, implement,  
31 administer, adopt ~~promulgate~~, amend, and rescind rules,

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1 programs, and plans needed to carry out the provisions of ss.  
2 252.31-252.91 with due consideration for, and in cooperating  
3 with, the plans and programs of the Federal Government. In  
4 addition, the division may adopt rules in accordance with  
5 chapter 120 to administer and distribute federal financial  
6 predisaster and postdisaster assistance for prevention,  
7 mitigation, preparedness, response, and recovery.

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

10 Section 5. Paragraph (b) of subsection (1) of section  
11 252.38, Florida Statutes, is amended to read:

12 252.38 Emergency management powers of political  
13 subdivisions.--Safeguarding the life and property of its  
14 citizens is an innate responsibility of the governing body of  
15 each political subdivision of the state.

16 (1) COUNTIES.--

17 (b) Each county emergency management agency created  
18 and established pursuant to ss. 252.31-252.91 shall have a  
19 director ~~who shall be appointed and have an annual salary~~  
20 ~~fixed by the board of county commissioners of the county.~~ The  
21 director must meet the minimum training and education  
22 qualifications established in a job description approved by  
23 the county. The director shall be appointed by the board of  
24 county commissioners or the chief administrative officer of  
25 the county, as described in chapter 125 or the county charter,  
26 if applicable, to serve at the pleasure of the appointing  
27 authority board, subject to their direction and control, in  
28 conformance with applicable resolutions, ordinances, and laws.  
29 A county constitutional officer, or an employee of a county  
30 constitutional officer, may be appointed as director following  
31 prior notification to the division. Each board of county

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1 commissioners shall promptly inform the division of the  
 2 appointment of the director and other personnel. Each director  
 3 has direct responsibility for the organization,  
 4 administration, and operation of the county emergency  
 5 management agency, ~~subject only to the direction and control~~  
 6 ~~of the governing body of the county.~~ The director shall  
 7 coordinate emergency management activities, services, and  
 8 programs within the county and shall serve as liaison to the  
 9 division and other local emergency management agencies and  
 10 organizations.

11 Section 6. Section 252.385, Florida Statutes, is  
 12 amended to read:

13 252.385 Public shelter space.--

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

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

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

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

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

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

8 (c) The Department of Management Services shall, in  
9 consultation with local and state emergency management  
10 agencies, assess Department of Management Services facilities  
11 to identify the extent to which each facility has public  
12 hurricane evacuation shelter space. The Department of  
13 Management Services shall submit proposed facility retrofit  
14 projects that incorporate hurricane protection enhancements to  
15 the department for assessment and inclusion in the annual  
16 report prepared in accordance with s. 252.385(3).

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

20 252.373 Allocation of funds; rules.--

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

24 (c) Twenty percent for grants and loans to state or  
25 regional agencies, local governments, and private  
26 organizations to implement projects that will further state  
27 and local emergency management objectives. These projects  
28 must include, but need not be limited to, projects that will  
29 promote public education on disaster preparedness and recovery  
30 issues, enhance coordination of relief efforts of statewide  
31 private sector organizations, and improve the training and



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1 operations capabilities of agencies assigned lead or support  
2 responsibilities in the state comprehensive emergency  
3 management plan, including the State Fire Marshal's Office for  
4 coordinating the Florida fire services. The division shall  
5 establish criteria and procedures for competitive allocation  
6 of these funds by rule. No more than 5 percent of any award  
7 made pursuant to this paragraph may be used for administrative  
8 expenses. This competitive criteria must give priority  
9 consideration to hurricane evacuation shelter retrofit  
10 projects.

11 (2) The distribution formula provided in subsection  
12 (1) may be adjusted proportionally when necessary to meet any  
13 matching requirements imposed as a condition of receiving  
14 federal disaster relief assistance or planning funds.

15 Section 8. Section 252.51, Florida Statutes, is  
16 amended to read:

17 252.51 Liability.--Any person or organization, public  
18 or private, owning or controlling real estate or other  
19 premises who voluntarily and without compensation, other than  
20 payment or reimbursement of costs and expenses, grants a  
21 license or privilege or otherwise permits the designation by  
22 the local emergency management agency or use of the whole or  
23 any part of such real estate or premises for the purpose of  
24 sheltering persons during an actual, impending, mock, or  
25 practice emergency, together with her or his successor in  
26 interest, if any, shall not be liable for the death of, or  
27 injury to, any person on or about such real estate or premises  
28 during the actual, impending, mock, or practice emergency, or  
29 for loss of, or damage to, the property of such person, solely  
30 by reason or as a result of such license, privilege,  
31 designation, or use, unless the gross negligence or the

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1 willful and wanton misconduct of such person owning or  
 2 controlling such real estate or premises or her or his  
 3 successor in interest is the proximate cause of such death,  
 4 injury, loss, or damage occurring during such sheltering  
 5 period. Any such person or organization who provides such  
 6 shelter space for compensation shall be deemed to be an  
 7 instrumentality of the state or its applicable agency or  
 8 subdivision for the purposes of s. 768.28.

9 Section 9. Section 252.855, Florida Statutes, is  
 10 repealed.

11  
 12 (Redesignate subsequent sections.)

13  
 14  
 15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, line 2, after the first semicolon,

18  
 19 insert:

20 amending s. 215.559, F.S.; revising the amount  
 21 of the annual appropriation from the Florida  
 22 Hurricane Catastrophe Fund; requiring that  
 23 funds from such appropriation be used for  
 24 additional purposes; amending s. 235.26, F.S.;  
 25 deleting an exemption from the requirement that  
 26 certain educational facilities be constructed  
 27 as public shelters; amending s. 240.295, F.S.;  
 28 prescribing duties of the Board of Regents with  
 29 respect to identifying public hurricane  
 30 evacuation shelter space on certain campuses;  
 31 requiring the submission of a capital

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1 improvements program; deleting a requirement  
2 for the submission of a report; revising a  
3 condition precedent to a requirement for  
4 specified building construction standards;  
5 revising applicability; removing an exemption;  
6 amending s. 252.35, F.S.; requiring that the  
7 Division of Emergency Management of the  
8 Department of Community Affairs adopt the state  
9 comprehensive emergency management plan as a  
10 rule; authorizing the division to adopt rules  
11 to administer and distribute federal financial  
12 assistance; amending s. 252.38, F.S.; revising  
13 provisions governing the appointment and  
14 control of the director of the county emergency  
15 management agency; amending s. 252.385, F.S.;  
16 revising legislative intent; including certain  
17 private facilities within a survey of  
18 prospective public hurricane evacuation  
19 shelters; including district school boards and  
20 community college boards of trustees among  
21 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

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1 agencies; providing specifications for suitable  
2 leased public facilities; requiring that the  
3 department assess facilities to identify  
4 shelter space for hurricane evacuations;  
5 amending s. 252.373, F.S.; providing criteria  
6 for prioritizing retrofit projects for  
7 hurricane evacuation shelters; providing  
8 appropriations; authorizing the Department of  
9 Community Affairs to use certain federal  
10 mitigation funds for hurricane shelter retrofit  
11 projects; amending s. 252.51, F.S.; providing  
12 an exception to a limitation on liability;  
13 repealing s. 252.855, F.S., relating to  
14 reporting forms for specified storage tank  
15 registration programs and annual fee payments  
16 for reports by certain petroleum distributors  
17 and retail outlets;

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