

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

The Committee on General Appropriations offered the following:

**Amendment (with title amendment)**

On page 2, line 22 through page 8, line 6  
remove from the bill: all of said lines

and insert in lieu thereof:

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

215.559 Hurricane Loss Mitigation--Program.--

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

(2) (a) Seven million dollars in ~~The~~ funds provided in  
subsection (1) shall be used for programs to improve the wind  
resistance of residences and mobile homes, including loans,  
subsidies, grants, demonstration projects, and direct  
assistance; cooperative programs with local governments and

Amendment No. \_\_\_\_ (for drafter's use only)

1 the Federal Government; and other efforts to prevent or reduce  
2 losses or reduce the cost of rebuilding after a disaster.

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 cover all phases of construction so as to afford reasonable  
2 protection for the public safety, health, and general welfare.  
3 The department may secure the service of other state agencies  
4 or such other assistance as it finds desirable in revising the  
5 code.

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

30 (4) The Board of Regents shall, in consultation with  
31 local and state emergency management agencies, assess existing

Amendment No. \_\_\_\_ (for drafter's use only)

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

28 1. Include an evacuation component that includes  
29 specific regional and interregional planning provisions and  
30 promotes intergovernmental coordination of evacuation  
31 activities. This component must, at a minimum: contain

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

30 7. Establish guidelines and schedules for annual  
31 exercises that evaluate the ability of the state and its



Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 (d) Review periodically political subdivision  
2 emergency management plans for consistency with the state  
3 comprehensive emergency management plan and standards and  
4 requirements adopted under this section.

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

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

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

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

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

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

31 (u) In accordance with chapter 120, create, implement,

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

11 Section 5. Paragraph (b) of subsection (1) of section  
12 252.38, Florida Statutes, is amended to read:

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

17 (1) COUNTIES.--

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

14 252.385 Public shelter space.--

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

Amendment No. \_\_\_\_ (for drafter's use only)

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 shelter deficits shall be given first  
9 priority and should be completed by 2003 ~~1998~~. All  
10 recommended ~~appropriate~~ facilities should be retrofitted by  
11 2008 ~~2003~~. The owner or lessee of a public hurricane  
12 evacuation shelter that is included on the list of facilities  
13 recommended for retrofitting is not required to perform any  
14 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

Amendment No. \_\_\_\_ (for drafter's use only)

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 of spaces such as  
4 mechanical and electrical rooms, storage rooms, open  
5 corridors, restrooms, kitchens, science or computer  
6 laboratories, shop or mechanical areas, administrative  
7 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



Amendment No. \_\_\_\_ (for drafter's use only)

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

Amendment No. \_\_\_\_ (for drafter's use only)

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 Section 10. This act shall take effect July 1, 2000.

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

15 And the title is amended as follows:

16 On page 1, line 1 through page 2, line 18  
 17 remove from the title of the bill: all of said lines

18  
 19 and insert in lieu thereof:

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 requiring the submission of a capital  
2 improvements program; deleting a requirement  
3 for the submission of a report; revising a  
4 condition precedent to a requirement for  
5 specified building construction standards;  
6 revising applicability; removing an exemption;  
7 amending s. 252.35, F.S.; requiring that the  
8 Division of Emergency Management of the  
9 Department of Community Affairs adopt the state  
10 comprehensive emergency management plan as a  
11 rule; authorizing the division to adopt rules  
12 to administer and distribute federal financial  
13 assistance; amending s. 252.38, F.S.; revising  
14 provisions governing the appointment and  
15 control of the director of the county emergency  
16 management agency; amending s. 252.385, F.S.;  
17 revising legislative intent; including certain  
18 private facilities within a survey of  
19 prospective public hurricane evacuation  
20 shelters; including district school boards and  
21 community college boards of trustees among  
22 those coordinating and implementing such  
23 survey; revising completion dates for the  
24 retrofitting of specified facilities; exempting  
25 the owner or lessee of a shelter scheduled for  
26 retrofitting from a requirement to make certain  
27 improvements; providing that specified public  
28 facilities be made available as public  
29 hurricane evacuation shelters; requiring the  
30 Department of Management Services to  
31 incorporate public hurricane evacuation shelter

Amendment No. \_\_\_\_ (for drafter's use only)

1 provisions into lease agreements for state  
2 agencies; providing specifications for suitable  
3 leased public facilities; requiring that the  
4 department assess facilities to identify  
5 shelter space for hurricane evacuations;  
6 amending s. 252.373, F.S.; providing criteria  
7 for prioritizing retrofit projects for  
8 hurricane evacuation shelters; amending s.  
9 252.51, F.S.; designating owners or property  
10 renting such property as a public shelter as  
11 agents of the state under certain  
12 circumstances; repealing s. 252.855, F.S.,  
13 relating to reporting forms for specified  
14 storage tank registration programs and annual  
15 fee payments for reports by certain petroleum  
16 distributors and retail outlets; providing an  
17 effective date.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31