

By the Committee on Community Affairs and Representative  
Gay

1                                   A bill to be entitled  
2           An act relating to emergency management;  
3           amending s. 240.295, F.S.; requiring the  
4           submission of a capital improvements program;  
5           prescribing duties of the Board of Regents with  
6           respect to identifying public hurricane  
7           evacuation shelter space on certain campuses;  
8           deleting a requirement for the submission of a  
9           report; revising a condition precedent to a  
10          requirement for specified building construction  
11          standards; amending s. 252.38, F.S.; revising  
12          provisions relating to the appointment, salary,  
13          and direction and control of a county emergency  
14          management agency director; amending s.  
15          252.385, F.S.; revising legislative intent;  
16          including certain private facilities within a  
17          survey of prospective public hurricane  
18          evacuation shelters; including district school  
19          boards and community college boards of trustees  
20          among those coordinating and implementing such  
21          survey; revising completion dates for the  
22          retrofitting of specified facilities; exempting  
23          the owner or lessee of a shelter scheduled for  
24          retrofitting from a requirement to make certain  
25          improvements; providing that specified public  
26          facilities be made available as public  
27          hurricane evacuation shelters; requiring the  
28          Department of Management Services to  
29          incorporate public hurricane evacuation shelter  
30          provisions into lease agreements for state  
31          agencies; providing specifications for suitable

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

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

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22 Section 1. Subsection (4) of section 240.295, Florida  
23 Statutes, is amended to read:

24 240.295 State University System; authorization for  
25 fixed capital outlay projects.--

26 (4) The Board of Regents shall, in consultation with  
27 local and state emergency management agencies, assess existing  
28 facilities to identify the extent to which each campus has  
29 public hurricane evacuation shelter space. The board shall  
30 submit to the Governor and the Legislature by September 30 of  
31 each year a 5-year capital improvements program that

1 identifies new or retrofitted facilities that will incorporate  
2 enhanced hurricane resistance standards and that can be used  
3 as public hurricane evacuation shelters.~~adequate to house~~  
4 ~~those students, faculty, and employees expected to seek public~~  
5 ~~shelter prior to or during a disaster and those other persons~~  
6 ~~for which the campus has agreed with the local emergency~~  
7 ~~management agency or other voluntary organization to provide~~  
8 ~~shelter space. The board shall submit a report describing the~~  
9 ~~results of its assessment to the Governor and the Legislature~~  
10 ~~by February 1, 1994. At the discretion of the board, this~~  
11 ~~report may be accompanied by a list of proposed improvements~~  
12 ~~to existing buildings to improve shelter capacity and an~~  
13 ~~estimate of the costs associated with implementing these~~  
14 ~~improvements. Until a county in which a campus is located has~~  
15 ~~sufficient public hurricane evacuation shelter space, any~~  
16 ~~campus building for which a design contract is entered into~~  
17 ~~subsequent to July 1, 2001 ~~1994~~, and which has been identified~~  
18 ~~by the board, with the concurrence of the local emergency~~  
19 ~~management agency or the Department of Community Affairs, to~~  
20 ~~be appropriate for use as a public hurricane evacuation~~  
21 ~~shelter, must be constructed in accordance with public shelter~~  
22 ~~standards unless the board, with the concurrence of the local~~  
23 ~~emergency management agency or the Department of Community~~  
24 ~~Affairs, exempts the building or part thereof from shelter~~  
25 ~~standards because of its location, size, or other~~  
26 ~~characteristic.~~

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

29 252.38 Emergency management powers of political  
30 subdivisions.--Safeguarding the life and property of its  
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1 citizens is an innate responsibility of the governing body of  
2 each political subdivision of the state.

3 (1) COUNTIES.--

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

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

31 252.385 Public shelter space.--

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

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

19           (3) ~~Beginning no later than September 1, 1994,~~The  
20 division shall annually provide to the President of the  
21 Senate, the Speaker of the House of Representatives, and the  
22 Governor a list of facilities recommended to be retrofitted  
23 using state funds. State funds should be targeted to counties  
24 with hurricane evacuation shelter deficits. Retrofitting  
25 facilities in regions with public hurricane evacuation shelter  
26 deficits shall be given first priority and should be completed  
27 by 2004 ~~1998~~. All recommended ~~appropriate~~ facilities should  
28 be retrofitted by 2009 ~~2003~~. The owner or lessee of a public  
29 hurricane evacuation shelter that is included on the list of  
30 facilities recommended for retrofitting is not required to  
31 perform any recommended improvements.

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

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

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

27       252.51 Liability.--

28       (1) Any person or organization, public or private,  
29 owning or controlling real estate or other premises who  
30 voluntarily and without compensation grants a license or  
31 privilege or otherwise permits the designation by the local

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

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

1 which they would otherwise be entitled under any workers'  
2 compensation law, any pension law, or any other federal or  
3 state statute are not affected by this subsection.

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

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

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HOUSE SUMMARY

With respect to emergency management, prescribes duties of the Board of Regents with respect to identifying public hurricane evacuation shelter space on certain campuses. Provides that until a county in which a campus is located has sufficient public hurricane evacuation shelter space, specified building construction standards must be adhered to. Requires submission of a capital improvement program.

Revises provisions relating to the appointment, salary, and direction and control of a county emergency management agency director. Provides that directors shall be appointed by the board of county commissioners or the chief administrative officer of the county. Provides that a county constitutional officer or an employee thereof may be appointed as a county emergency management director following notification to the Division of Emergency Management of the Department of Community Affairs.

Provides legislative intent with respect to the provision of safe public hurricane evacuation shelter space. Includes certain private facilities within a survey of prospective public hurricane evacuation shelters. Provides that district school boards and community college boards of trustees, along with the Board of Regents and the Department of Education, are responsible for coordinating and implementing such survey. Provides that the retrofitting of facilities in regions with public hurricane evacuation shelter deficits should be completed by 2004, and that all recommended facilities should be retrofitted by 2009. Exempts the owner or lessee of a shelter scheduled for retrofitting from a requirement to make certain improvements. Provides that public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments which are suitable for use as public hurricane evacuation shelters, be made available as public hurricane evacuation shelters at the request of local emergency management agencies. Requires the Department of Management Services to incorporate public hurricane evacuation shelter provisions into lease agreements for state agencies. Provides specifications for suitable leased public facilities.

Revises provisions which provide exemption from liability for persons or organizations who permit real estate or premises to be used for sheltering persons during specified emergencies. Exempts the state, its political subdivisions, agents, and employees from liability for damages caused by emergency management workers in certain situations. Provides exceptions. Defines "emergency management worker" for purposes of the act.

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Repeals provisions which require the Department of Environmental Protection and the Department of Community Affairs to develop consolidated reporting forms for specified storage tank registration programs and provide for a single annual fee payment and due date for reporting required from specified petroleum distributors and retail outlets.