

1                   A bill to be entitled  
2                   An act relating to emergency management; s.  
3                   215.559, F.S.; revising the amount of the  
4                   annual appropriation from the Florida Hurricane  
5                   Catastrophe Fund; requiring that funds from  
6                   such appropriation be used for additional  
7                   purposes; amending s. 235.26, F.S.; deleting an  
8                   exemption from the requirement that certain  
9                   educational facilities be constructed as public  
10                  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; amending s.  
 22 252.51, F.S.; designating owners or property  
 23 renting such property as a public shelter as  
 24 agents of the state under certain  
 25 circumstances; repealing s. 252.855, F.S.,  
 26 relating to reporting forms for specified  
 27 storage tank registration programs and annual  
 28 fee payments for reports by certain petroleum  
 29 distributors and retail outlets; providing an  
 30 effective date.  
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1 Be It Enacted by the Legislature of the State of Florida:

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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~~<sup>\$7</sup> 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 the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

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

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

1           235.26 State Uniform Building Code for Public  
2 Educational Facilities Construction.--The Commissioner of  
3 Education shall adopt a uniform statewide building code for  
4 the planning and construction of public educational and  
5 ancillary plants by district school boards and community  
6 college district boards of trustees. The code must be entitled  
7 the State Uniform Building Code for Public Educational  
8 Facilities Construction. Included in this code must be flood  
9 plain management criteria in compliance with the rules and  
10 regulations in 44 C.F.R. parts 59 and 60, and subsequent  
11 revisions thereto which are adopted by the Federal Emergency  
12 Management Agency. Wherever the words "Uniform Building Code"  
13 appear, they mean the "State Uniform Building Code for Public  
14 Educational Facilities Construction." It is not a purpose of  
15 the Uniform Building Code to inhibit the use of new materials  
16 or innovative techniques; nor may it specify or prohibit  
17 materials by brand names. The code must be flexible enough to  
18 cover all phases of construction so as to afford reasonable  
19 protection for the public safety, health, and general welfare.  
20 The department may secure the service of other state agencies  
21 or such other assistance as it finds desirable in revising the  
22 code.

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

1 shall publish proposed amendments to the State Uniform  
 2 Building Code for Public Educational Facilities Construction  
 3 setting forth the public-shelter criteria by July 1, 1995. A  
 4 facility, or an appropriate core facility area within a  
 5 facility, for which a design contract is entered into  
 6 subsequent to the effective date of the inclusion of the  
 7 public shelter criteria in the code must be built in  
 8 compliance with the amended code unless the facility or a part  
 9 thereof is exempted from using the new shelter criteria due to  
 10 its location, size, or other characteristics by the applicable  
 11 board with the concurrence of the applicable local emergency  
 12 management agency or the Department of Community Affairs. Any  
 13 educational facility located or proposed to be located in an  
 14 identified category 1, 2, or 3 evacuation zone is not subject  
 15 to the requirements of this subsection. If the regional  
 16 planning council region in which the county is located does  
 17 not have a hurricane evacuation shelter deficit, as determined  
 18 by the Department of Community Affairs, school districts  
 19 within the planning council region are not ~~if more than one~~  
 20 ~~educational facility is being constructed within any 3-mile~~  
 21 ~~radius, no more than one facility, which must be selected on~~  
 22 ~~the basis of cost-effectiveness and greatest provision of~~  
 23 ~~shelter space, is required to incorporate the public shelter~~  
 24 ~~criteria into its construction~~ of educational facilities.

25 (b) By January 31, 1996, and by January 31 every  
 26 even-numbered year thereafter, the Department of Community  
 27 Affairs shall prepare and submit a statewide emergency shelter  
 28 plan to the Governor and the Cabinet for approval. The plan  
 29 must identify the general location and square footage of  
 30 existing shelters, by regional planning council region ~~county,~~  
 31 and the general location and square footage of needed

1 shelters, by regional planning council region ~~county~~, in the  
2 next 5 years. Such plan must identify the types of public  
3 facilities which should be constructed to comply with  
4 emergency shelter criteria and must recommend an appropriate,  
5 adequate, and dedicated source of funding for the additional  
6 cost of constructing emergency shelters within these public  
7 facilities. After the approval of the plan, a board may not be  
8 required to build more emergency shelter space than identified  
9 as needed in the plan, and decisions pertaining to exemptions  
10 pursuant to paragraph (a) must be guided by the plan ~~and by~~  
11 ~~this subsection.~~

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

14 240.295 State University System; authorization for  
15 fixed capital outlay projects.--

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

1 ~~252.385(3).adequate to house those students, faculty, and~~  
2 ~~employees expected to seek public shelter prior to or during a~~  
3 ~~disaster and those other persons for which the campus has~~  
4 ~~agreed with the local emergency management agency or other~~  
5 ~~voluntary organization to provide shelter space. The board~~  
6 ~~shall submit a report describing the results of its assessment~~  
7 ~~to the Governor and the Legislature by February 1, 1994. At~~  
8 ~~the discretion of the board, this report may be accompanied by~~  
9 ~~a list of proposed improvements to existing buildings to~~  
10 ~~improve shelter capacity and an estimate of the costs~~  
11 ~~associated with implementing these improvements. Until a~~  
12 regional planning council region in which a campus is located  
13 has sufficient public hurricane evacuation shelter space, any  
14 campus building for which a design contract is entered into  
15 subsequent to July 1, 2001 1994, and which has been identified  
16 by the board, with the concurrence of the local emergency  
17 management agency or the Department of Community Affairs, to  
18 be appropriate for use as a public hurricane evacuation  
19 shelter,must be constructed in accordance with public shelter  
20 ~~standards unless the board, with the concurrence of the local~~  
21 ~~emergency management agency or the Department of Community~~  
22 ~~Affairs, exempts the building or part thereof from shelter~~  
23 ~~standards because of its location, size, or other~~  
24 ~~characteristic.~~

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

27 252.35 Emergency management powers; Division of  
28 Emergency Management.--

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

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

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

25           2. Include a shelter component that includes specific  
26 regional and interregional planning provisions and promotes  
27 coordination of shelter activities between the public,  
28 private, and nonprofit sectors. This component must, at a  
29 minimum: contain strategies to ensure the availability of  
30 adequate public shelter space in each region of the state;  
31 establish strategies for refuge-of-last-resort programs;



1 provide strategies to assist local emergency management  
 2 efforts to ensure that adequate staffing plans exist for all  
 3 shelters, including medical and security personnel; provide  
 4 for a postdisaster communications system for public shelters;  
 5 establish model shelter guidelines for operations,  
 6 registration, inventory, power generation capability,  
 7 information management, and staffing; and set forth policy  
 8 guidance for sheltering people with special needs.

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

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1 establish systems for coordinating volunteers and accepting  
2 and distributing donated funds and goods.

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

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

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

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

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

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28 The division shall prepare an interim postdisaster response  
29 and recovery component that substantially complies with the  
30 provisions of this paragraph by June 1, 1993. Each state  
31 agency assigned lead responsibility for an emergency support

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

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

17 (c) Assist political subdivisions in preparing and  
18 maintaining emergency management plans.

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

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

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

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

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

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

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

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

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

1           (k) Coordinate federal, state, and local emergency  
2 management activities and take all other steps, including the  
3 partial or full mobilization of emergency management forces  
4 and organizations in advance of an actual emergency, to ensure  
5 the availability of adequately trained and equipped forces of  
6 emergency management personnel before, during, and after  
7 emergencies and disasters.

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

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

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

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

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

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

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

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

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

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

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

30 Section 5. Paragraph (b) of subsection (1) of section  
31 252.38, Florida Statutes, is amended to read:

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

5           (1) COUNTIES.--

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

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1 Section 6. Section 252.385, Florida Statutes, is  
2 amended to read:

3 252.385 Public shelter space.--

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

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

21 (3) ~~Beginning no later than September 1, 1994,~~ The  
22 division shall annually provide to the President of the  
23 Senate, the Speaker of the House of Representatives, and the  
24 Governor a list of facilities recommended to be retrofitted  
25 using state funds. State funds should be maximized and  
26 targeted to regional planning council regions ~~counties~~ with  
27 hurricane evacuation shelter deficits. Retrofitting facilities  
28 in regions with public shelter deficits shall be given first  
29 priority and should be completed by 2003 ~~1998~~. All  
30 recommended ~~appropriate~~ facilities should be retrofitted by  
31 2008 ~~2003~~. The owner or lessee of a public hurricane



1 evacuation shelter that is included on the list of facilities  
2 recommended for retrofitting is not required to perform any  
3 recommended improvements.

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

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

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

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

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

9 252.373 Allocation of funds; rules.--

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

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

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

5           Section 8. Section 252.51, Florida Statutes, is  
6 amended to read:

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

30           Section 9. Section 252.855, Florida Statutes, is  
31 repealed.

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