

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: SB 1484

SPONSOR: Senator Rich

SUBJECT: Emergency Public Shelters

DATE: April 19, 2006 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pardue	Skelton	DS	Fav/2 amendments
2.	Herrin	Yeatman	CA	Favorable
3.			HE	
4.			GE	
5.				
6.				

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This bill requires the Division of Emergency Management to incorporate strategies within the shelter component of the state comprehensive emergency management plan for:

- Establishing at least one shelter in each county that is designated, equipped, and staffed with necessary personnel to accept evacuees, with pets, who reside in an area under an evacuation order
- Providing rules for the establishment of a registry of persons with pets who may qualify for evacuation shelter

The bill provides for a notification requirement for residential customers of electric utility companies about the registry program. Liability is limited for property owners who voluntarily and without compensation provide emergency shelter for persons and animals.

The bill expands the possible use of the local government infrastructure surtax funds by redefining the term infrastructure to include private facilities used on a temporary basis for emergency public sheltering or staging emergency response equipment during an emergency.

This bill substantially amends the following sections of the Florida Statutes: 252.35, 252.51, and 212.055.

The bill also creates section 252.3568 of the Florida Statutes.

II. Present Situation:

People Are Reluctant to Evacuate Without Their Pets – Both the 2004 and 2005 hurricane seasons highlighted the problem of people being forced to evacuate while leaving their pets behind. Emotional scenes of abandoned pets were common in the media.

Evacuated pets present additional problems for shelters in terms of food, water, and sanitation. For these reasons, pets have normally been banned from emergency evacuation shelters in the past. However, it is now recognized that many people will refuse to evacuate if it means leaving their pet behind. Recent trends recognize that in order to preserve both human and animal life, accommodations for pets in emergency shelters are necessary.

While Red Cross shelters do not allow pets, several local governments have recognized this need and do provide pet-friendly shelters. In addition, large animal evacuations routinely take place in advance of a storm to protect valuable livestock. The Department of Agriculture works with various groups to effectuate such evacuations.

Local Government Infrastructure Surtax - Local governments are authorized to levy numerous types of local discretionary sales surtaxes pursuant to s. 212.055, F.S. One such tax is the Local Government Infrastructure Surtax which may be levied at 0.5 percent or 1 percent. The proceeds of the tax are authorized to be expended within a county or municipalities within a county or by negotiated joint county agreement within another county. For counties with populations over 50,000, the proceeds of the tax must be used for the following purposes: 1) to finance, plan and construct infrastructure; 2) to acquire land for public recreation or conservation or protection of natural resources; and 3) to finance the closure of county-owned or municipality-owned solid waste landfills. Counties with a population of 50,000 or less as of April 1, 1992, in addition to generally authorized uses, may use the tax revenues for any public purpose if: 1) the debt service obligations for any year are met; 2) the county's comprehensive plan is in compliance; and 3) the county has amended its surtax ordinance. These small counties are authorized to use the proceeds or accrued interest for long-term maintenance costs associated with landfill closures.

As currently defined by the section, infrastructure means: 1) any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and related engineering costs; 2) emergency vehicles and equipment; and 3) any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, court-related functions.

As of January 2006, twenty-one counties levy the Local Government Infrastructure Surtax.¹

¹ Charlotte, Clay, Duval, Escambia, Flagler, Glades, Highlands, Hillsborough, Indian River, Lafayette, Lake, Leon, Monroe, Osceola, Pasco, Pinellas, Putnam, Sarasota, Seminole, Taylor and Wakulla counties.

III. Effect of Proposed Changes:

Section 1 amends s. 252.35, F.S., by adding a requirement to the shelter component of the state emergency management plan. The shelter component will be required to include a strategy for:

- Establishing at least one shelter in each county that is designated and equipped to accept evacuees, with pets, who reside in an area under an evacuation order.
- Providing those shelters designated to accept evacuees with pets with veterinary and animal control personnel.
- Setting forth policy guidance for people with pets who reside in an area under an evacuation order.

Section 2 creates s. 252.3568, F.S., which requires the Division of Emergency Management to provide, within the shelter component of the state emergency management plan, for at least one shelter in each county that is designated and equipped to accept evacuees, with pets, who reside in an area under an evacuation order. The division shall prescribe rules that:

- Provide for a registration system of persons seeking shelter, with pets, who reside in an area under an evacuation order. The registry will be maintained by local emergency management agencies.
- Designate the types of pets, excluding reptiles, which may be accepted at such shelters.
- Provide for post-evacuation cleaning, disinfecting, and maintenance of the shelter to be coordinated by the local emergency management agency.

The bill provides guidelines to local emergency management agencies for registering persons with pets who would seek shelter. The registry must identify these people along with the number and type of pets they own. In order to assist in identifying such persons, public and private animal shelters and animal control agencies are required to provide registration information to the public. The bill also requires that the registry be updated annually.

On or before May 1 of each year, each electric utility will be required to notify its residential customers of the availability of the registry. All records, data, information, correspondence, and communications relating to the registry shall be made available to other emergency response agencies as determined by the local emergency management director. All appropriate agencies and community-based service providers are required to assist in establishing public information programs regarding the registry.

Pet owners, upon arrival at the emergency evacuation shelter, must provide:

- Proof of address verifying that the owner resides within the evacuation area.
- The pet's identification tag.
- The pet's rabies vaccination tag, which should be attached to the pet.
- A current photograph of the pet.
- A sturdy leash or harness.
- Water and food bowls.

- A pet carrier, cage, or other container that is clearly, legibly, and permanently marked with the name of the owner and the name of the pet.
- Adequate food for 3 days.
- A 3-day supply of potable water.
- Any medications the pet may require.
- Any of the pet's medical record, which must be stored in a waterproof container.
- A pet first-aid kit.
- Pet beds and toys that are easily transportable.

Section 3 amends s. 252.51, F.S., by extending coverage to animals along with people in limiting the liability of property owners or operators who voluntarily and without compensation provide shelter facilities.

Section 4 amends s. 212.055, F.S., by redefining the term "infrastructure" with respect to the local government infrastructure surtax. The term infrastructure includes private facilities used on a temporary basis for emergency public sheltering or staging emergency response equipment during an emergency.

Section 5 provides for an effective date of July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

The bill expands the possible use of local government infrastructure surtax funds. The tax is not increased; rather the use of surtax funds is extended for private facilities that are used on a temporary basis as emergency evacuation shelters.

B. Private Sector Impact:

Electric utility companies will incur the additional cost of notifying their residential customers about the persons with pets registry program.

C. Government Sector Impact:

Local governments may incur additional costs for:

- Post evacuation shelter cleanup and sanitization.
- Providing veterinary and animal control personnel staffing for evacuation shelters.
- Establishing and maintaining a registry of persons with pets who may require shelter.

VI. Technical Deficiencies:

There is a typographical error on page 6 line 4. The word “as” should read “at.”

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

VIII. Summary of Amendments:

Barcode 891970 by Domestic Security

This is a technical amendment correcting a typographical error.

Barcode 334288 by Domestic Security

This amendment deletes the requirement for electric utility companies to annually notify residential customers about the registration program for persons seeking hurricane shelter with pets.

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