

By Senator Rich

34-1019-06

1 A bill to be entitled
2 An act relating to emergency public shelters;
3 amending s. 252.35, F.S.; providing that the
4 shelter component of the state comprehensive
5 emergency management plan must contain
6 strategies to ensure specified availability of
7 shelter space that is designated and equipped
8 to accept evacuees with pets; requiring the
9 component to set forth policy guidance for
10 sheltering people with pets; creating s.
11 252.3568, F.S.; requiring the Division of
12 Emergency Management to prescribe rules
13 governing the emergency sheltering of persons
14 with pets; providing for a system of
15 registration; providing procedures and
16 requirements; prescribing requirements for
17 admittance to such a shelter; amending s.
18 252.51, F.S.; revising provisions relating to
19 liability with respect to the designation or
20 use of real estate or premises for use as a
21 shelter during an actual, impending, mock, or
22 practice emergency, to conform; amending s.
23 212.055, F.S.; redefining the term
24 "infrastructure" with respect to the local
25 government infrastructure surtax to provide
26 that public facilities include private
27 facilities used on a temporary basis by a local
28 government for emergency public sheltering or
29 staging for emergency response equipment during
30 officially declared emergencies; providing an
31 effective date.

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

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3 Section 1. Paragraph (a) of subsection (2) of section
4 252.35, Florida Statutes, is amended to read:

5 252.35 Emergency management powers; Division of
6 Emergency Management.--

7 (2) The division is responsible for carrying out the
8 provisions of ss. 252.31-252.90. In performing its duties
9 under ss. 252.31-252.90, the division shall:

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

23 1. Include an evacuation component that includes
24 specific regional and interregional planning provisions and
25 promotes intergovernmental coordination of evacuation
26 activities. This component must, at a minimum: contain
27 guidelines for lifting tolls on state highways; ensure
28 coordination pertaining to evacuees crossing county lines; set
29 forth procedures for directing people caught on evacuation
30 routes to safe shelter; establish strategies for ensuring
31 sufficient, reasonably priced fueling locations along

1 | evacuation routes; and establish policies and strategies for
2 | emergency medical evacuations.

3 | 2. Include a shelter component that includes specific
4 | regional and interregional planning provisions and promotes
5 | coordination of shelter activities between the public,
6 | private, and nonprofit sectors. This component must, at a
7 | minimum: contain strategies to ensure the availability of
8 | adequate public shelter space in each region of the state,
9 | including at least one shelter space in each county that is
10 | designated and equipped to accept evacuees with pets who
11 | reside in an area under an evacuation order; establish
12 | strategies for refuge-of-last-resort programs; provide
13 | strategies to assist local emergency management efforts to
14 | ensure that adequate staffing plans exist for all shelters,
15 | including medical and security personnel and, for those
16 | shelters designated to accept evacuees with pets who reside in
17 | an area under an evacuation order, veterinary and animal
18 | control personnel; provide for a postdisaster communications
19 | system for public shelters; establish model shelter guidelines
20 | for operations, registration, inventory, power generation
21 | capability, information management, and staffing; and set
22 | forth policy guidance for sheltering people with special needs
23 | and people with pets who reside in an area under an evacuation
24 | order.

25 | 3. Include a postdisaster response and recovery
26 | component that includes specific regional and interregional
27 | planning provisions and promotes intergovernmental
28 | coordination of postdisaster response and recovery activities.
29 | This component must provide for postdisaster response and
30 | recovery strategies according to whether a disaster is minor,
31 | major, or catastrophic. The postdisaster response and recovery

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

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

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

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

1 7. Establish guidelines and schedules for annual
2 exercises that evaluate the ability of the state and its
3 political subdivisions to respond to minor, major, and
4 catastrophic disasters and support local emergency management
5 agencies. Such exercises shall be coordinated with local
6 governments and, to the extent possible, the Federal
7 Government.

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

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12 The complete state comprehensive emergency management plan
13 shall be submitted to the President of the Senate, the Speaker
14 of the House of Representatives, and the Governor on February
15 1 of every even-numbered year.

16 Section 2. Section 252.3568, Florida Statutes, is
17 created to read:

18 252.3568 Emergency sheltering of persons with pets who
19 reside in an area under an evacuation order; registration;
20 requirements for admittance.--

21 (1) GENERAL PROVISIONS.--In accordance with the
22 provisions of s. 252.35, the division shall provide within the
23 shelter component of the state comprehensive emergency
24 management plan for at least one shelter space in each county
25 to be designated and equipped to accept evacuees with pets who
26 reside in an area under an evacuation order. The division
27 shall prescribe rules that:

28 (a) Provide for a system of registration for persons
29 with pets who reside in an area under an evacuation order and
30 who seek emergency shelter during an evacuation to be
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1 maintained by local emergency management agencies as provided
2 in subsection (2).

3 (b) Designate the types of pets, excluding reptiles,
4 which may be accepted as such shelters.

5 (c) Provide for postevacuation cleaning, disinfecting,
6 and maintenance of the shelter to be coordinated by the local
7 emergency management agency.

8 (2) REGISTRATION.--

9 (a) In order to meet the special needs of persons with
10 pets who reside in an area under an evacuation order and who
11 seek emergency shelter during an evacuation, each local
12 emergency management agency in the state shall establish and
13 maintain a registry of persons with pets located within the
14 jurisdiction of the local agency who would seek shelter during
15 an emergency with their pet or pets. The registry shall
16 identify those persons who would seek shelter and the number
17 and type of pets owned by each person. In order to assist the
18 local emergency management agency in identifying such persons,
19 public and private animal shelters and animal control agencies
20 operated by a humane society or by a municipal, county, or
21 other incorporated political subdivision within the state
22 shall provide registration information to the public. The
23 registry shall be updated annually.

24 (b) On or before May 1 of each year, each electric
25 utility in the state shall notify residential customers in its
26 service area of the availability of the registration program
27 maintained by their local emergency management agency.

28 (c) All records, data, information, correspondence,
29 and communications relating to the registration of persons
30 with pets shall be available to other emergency response
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1 agencies, as determined by the local emergency management
2 director.

3 (d) All appropriate agencies and community-based
4 service providers shall assist emergency management agencies
5 by establishing programs to increase the awareness of the
6 registration process and educating the public about procedures
7 that may be necessary for their safety and the safety of their
8 pets when seeking emergency shelter during a disaster.

9 (3) REQUIREMENTS FOR ADMITTANCE.--Upon arrival at an
10 emergency evacuation shelter that accepts pets, the owner of
11 the pet must present the following:

12 (a) Proof of address verifying that the owner resides
13 within the evacuation area.

14 (b) The pet's identification tag.

15 (c) The pet's rabies vaccination tag, which should be
16 attached to the pet.

17 (d) A current photograph of the pet.

18 (e) A sturdy leash or harness.

19 (f) Water and food bowls.

20 (g) A pet carrier, cage, or other container that is
21 clearly, legibly, and permanently marked with the name of the
22 owner and the name of the pet.

23 (h) Adequate food for 3 days.

24 (i) A 3-day supply of potable water.

25 (j) Any medications the pet might require.

26 (k) Any of the pet's medical records, which must be
27 stored in a waterproof container.

28 (l) A pet first-aid kit.

29 (m) Pet beds and toys, if easily transportable.

30 Section 3. Section 252.51, Florida Statutes, is
31 amended to read:

1 252.51 Liability.--Any person or organization, public
2 or private, owning or controlling real estate or other
3 premises who voluntarily and without compensation, other than
4 payment or reimbursement of costs and expenses, grants a
5 license or privilege or otherwise permits the designation by
6 the local emergency management agency or use of the whole or
7 any part of such real estate or premises for the purpose of
8 sheltering persons or animals during an actual, impending,
9 mock, or practice emergency, together with her or his
10 successor in interest, if any, shall not be liable for the
11 death of, or injury to, any person or animal on or about such
12 real estate or premises during the actual, impending, mock, or
13 practice emergency, or for loss of, or damage to, the property
14 of such person, solely by reason or as a result of such
15 license, privilege, designation, or use, unless the gross
16 negligence or the willful and wanton misconduct of such person
17 owning or controlling such real estate or premises or her or
18 his successor in interest is the proximate cause of such
19 death, injury, loss, or damage occurring during such
20 sheltering period. Any such person or organization who
21 provides such shelter space for compensation shall be deemed
22 to be an instrumentality of the state or its applicable agency
23 or subdivision for the purposes of s. 768.28.

24 Section 4. Paragraph (d) of subsection (2) of section
25 212.055, Florida Statutes, is amended to read:

26 212.055 Discretionary sales surtaxes; legislative
27 intent; authorization and use of proceeds.--It is the
28 legislative intent that any authorization for imposition of a
29 discretionary sales surtax shall be published in the Florida
30 Statutes as a subsection of this section, irrespective of the
31 duration of the levy. Each enactment shall specify the types

1 of counties authorized to levy; the rate or rates which may be
2 imposed; the maximum length of time the surtax may be imposed,
3 if any; the procedure which must be followed to secure voter
4 approval, if required; the purpose for which the proceeds may
5 be expended; and such other requirements as the Legislature
6 may provide. Taxable transactions and administrative
7 procedures shall be as provided in s. 212.054.

8 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

9 (d)1. The proceeds of the surtax authorized by this
10 subsection and any interest accrued thereto shall be expended
11 by the school district or within the county and municipalities
12 within the county, or, in the case of a negotiated joint
13 county agreement, within another county, to finance, plan, and
14 construct infrastructure and to acquire land for public
15 recreation or conservation or protection of natural resources
16 and to finance the closure of county-owned or municipally
17 owned solid waste landfills that are already closed or are
18 required to close by order of the Department of Environmental
19 Protection. Any use of such proceeds or interest for purposes
20 of landfill closure prior to July 1, 1993, is ratified.

21 Neither the proceeds nor any interest accrued thereto shall be
22 used for operational expenses of any infrastructure, except
23 that any county with a population of less than 75,000 that is
24 required to close a landfill by order of the Department of
25 Environmental Protection may use the proceeds or any interest
26 accrued thereto for long-term maintenance costs associated
27 with landfill closure. Counties, as defined in s. 125.011(1),
28 and charter counties may, in addition, use the proceeds and
29 any interest accrued thereto to retire or service indebtedness
30 incurred for bonds issued prior to July 1, 1987, for
31 infrastructure purposes, and for bonds subsequently issued to

1 refund such bonds. Any use of such proceeds or interest for
2 purposes of retiring or servicing indebtedness incurred for
3 such refunding bonds prior to July 1, 1999, is ratified.

4 2. For the purposes of this paragraph,
5 "infrastructure" means:

6 a. Any fixed capital expenditure or fixed capital
7 outlay associated with the construction, reconstruction, or
8 improvement of public facilities which have a life expectancy
9 of 5 or more years and any land acquisition, land improvement,
10 design, and engineering costs related thereto. Public
11 facilities include private facilities that are used on a
12 temporary basis from time to time by a local government for
13 emergency public sheltering or staging for emergency response
14 equipment during an emergency, as officially declared by the
15 Governor or by the respective local government under s.
16 252.38.

17 b. A fire department vehicle, an emergency medical
18 service vehicle, a sheriff's office vehicle, a police
19 department vehicle, or any other vehicle, and such equipment
20 necessary to outfit the vehicle for its official use or
21 equipment that has a life expectancy of at least 5 years.

22 c. Any expenditure for the construction, lease, or
23 maintenance of, or provision of utilities or security for,
24 facilities as defined in s. 29.008.

25 3. Notwithstanding any other provision of this
26 subsection, a discretionary sales surtax imposed or extended
27 after the effective date of this act may provide for an amount
28 not to exceed 15 percent of the local option sales surtax
29 proceeds to be allocated for deposit to a trust fund within
30 the county's accounts created for the purpose of funding
31 economic development projects of a general public purpose

1 targeted to improve local economies, including the funding of
2 operational costs and incentives related to such economic
3 development. The ballot statement must indicate the intention
4 to make an allocation under the authority of this
5 subparagraph.

6 Section 5. This act shall take effect July 1, 2006.

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9 SENATE SUMMARY

10 Requires that the state emergency management plan contain
11 strategies to ensure the availability of shelter space
12 for evacuees with pets. Requires that the Division of
13 Emergency Management prescribe rules governing the
14 sheltering of persons with pets in an emergency.
15 Redefines the term "infrastructure" to include private
16 facilities that are used for emergency public sheltering
17 or staging areas during an emergency. (See bill for
18 details.)
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