

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: Domestic Security Committee

BILL: CS/SB 678

SPONSOR: Domestic Security Committee and Senator Bullard

SUBJECT: Department of Management Services

DATE: March 8, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McKay</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/1 amendment</u>
2.	<u>Pardue</u>	<u>Skelton</u>	<u>DS</u>	<u>Fav/CS</u>
3.	_____	_____	<u>GA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute requires the Department of Management Services to compile and maintain a list of unoccupied space in state-owned facilities that are suitable for use as emergency shelters.

This bill substantially amends section 252.385 of the Florida Statutes.

II. Present Situation:

Facilities responsibilities of the Department of Management Services:

The Department of Management Services (DMS), pursuant to the "Capital Facilities Planning and Budgeting Act" of sections 216.015-216.016, F.S., is required to do an inventory of current facilities owned, leased, rented, or otherwise occupied by any agency of the state or the judicial branch.¹ The DMS produces an annual report to comply with this requirement, which is available online.² Facilities of the State Board of Administration, Board of Regents, the Community College System, Water Management Districts, local school districts, and private correctional facilities are not included in the report, and facilities with less than three thousand square feet in gross area are usually not included.³ One section of the annual inventory, the State Facility Inventory program, includes the following information for state facilities: ownership, management responsibility, date assessed, assessor, location, occupancy, size, and general data. Another component of the inventory, the Lease Inventory Program, includes a recording of all

¹ Section 216.015(3)(b), F.S.

² <http://fcn.state.fl.us/dms/dbc/mgt/inventory/inventory.html>

³ According to the Executive Summary of the 2005 Inventory Annual Report.

leases, whether the state agency is the lessee or lessor. The inventory includes ownership, square footages, costs, beginning and ending dates, and general data for these leases.

The DMS, pursuant to s. 252.385(4)(b) and (c), F.S., must incorporate provisions for the use of suitable leased public facilities as public hurricane evacuation shelters into lease agreements for state agencies, and in consultation with local and state emergency management agencies, assess DMS facilities to identify the extent to which each facility has public hurricane evacuation shelter space. According to the DMS, there are no known leased facilities that would qualify under the criteria established under this statute,⁴ or that would qualify as unoccupied space.

Shelter responsibilities of the Department of Community Affairs:

The Department of Community Affairs, Division of Emergency Management (“Division”), is required by the “State Emergency Management Act” of sections 252.31-252.60, F.S., to prepare a state comprehensive emergency management plan, which must be integrated into and coordinated with the emergency management plans and programs of the Federal Government.⁵ The plan must include a shelter component that includes specific planning provisions and promotes coordination of shelter activities between the public, private, and nonprofit sectors. This component must contain strategies to ensure the availability of adequate public shelter space in each region of the state; establish strategies for refuge-of-last-resort programs; provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel; provide for a post-disaster communications system for public shelters; establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and set forth policy guidance for sheltering people with special needs.⁶

The Division has adopted and incorporated by reference into its rules the State Comprehensive Emergency Management Plan (February 1, 2004 Edition),⁷ which includes in Appendix VI the coordination of activities involved with the emergency provision of temporary shelters.

The Division currently administers a program for surveying existing public buildings, and those private buildings that the owner agrees in writing to provide as hurricane shelters, to identify those that are appropriately designed and located to serve as shelters.⁸ Public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals or nursing homes, which are suitable for use as public hurricane evacuation shelters must be made available at the request of the local emergency management agencies.⁹

⁴ Suitable leased public facilities include leased public facilities that are solely occupied by state agencies and have at least 2,000 square feet of net floor area in a single room or in a combination of rooms having a minimum of 400 square feet in each room. Section 252.385(4)(b), F.S.

⁵ Section 252.35(2)(a), F.S.

⁶ Section 252.35(2)(a)2., F.S.

⁷ Rule 9G-2.002, F.A.C.

⁸ Section 252.385(2), F.S.

⁹ Section 252.385(4)(a), F.S.

III. Effect of Proposed Changes:

Section 1 provides that the Department of Management Services must compile a list of state-owned facilities that have unoccupied space suitable for use as emergency shelters during storms or other catastrophic events. The list must be organized by county and municipality and must be updated by May 31 of each year. The committee substitute defines “suitable for use as an emergency shelter” as a facility meeting the American Red Cross standard for a hurricane evacuation shelter. The term “unoccupied” is defined as vacant due to suspended operations or nonuse.

Section 252.385 is also amended to include the term “state agency” in the list of organizations coordinating with local emergency management agencies in making public buildings available as emergency public shelters.

Section 2 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:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DMS may incur additional staffing and technology costs associated with creating and maintaining a list of all state owned facility unoccupied space suitable for use as an emergency shelter. Those costs are currently indeterminate.

VI. Technical Deficiencies:

None.

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:

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