

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: Governmental Oversight and Productivity Committee

BILL: SB 678

INTRODUCER: Senator Bullard

SUBJECT: Department of Management Services

DATE: February 9, 2006

REVISED: 02/15/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay	Wilson	GO	Fav/1 amendment
2.			DS	
3.			GA	
4.				
5.				
6.				

Please see last section for Summary of Amendments

Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill requires the Department of Management Services to compile and maintain a list of unoccupied buildings that are available for use as emergency shelters.

This bill creates an unnumbered section 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

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.

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 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 postdisaster 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 unoccupied building owned by the state or others which are available 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.

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 unoccupied buildings in the state. Those costs are currently indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

By requiring that the DMS compile a list of unoccupied building owned by the state "or others," the bill appears to require the DMS to survey all owners of buildings, including private property

owners. The scope of such an inquiry and maintenance of the resulting list could be a significant undertaking. Transactions in the commercial real estate market may render data relating to privately-owned buildings quickly outdated.

The bill does not define the term “available.” In regards to privately-owned buildings, it is unclear whether buildings unoccupied at the time of inquiry, but soon to be occupied, would be considered “available.” It is unclear whether an “available” building is a *suitable* building for an emergency shelter.¹⁰ Such determinations are largely made at the political subdivision level.

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

¹⁰ With limited exceptions, DMS may not conduct plans reviews or inspection services for consistency with the Florida Building Code. Section 255.31, F.S.

VIII. Summary of Amendments:

Barcode 803216 by Governmental Oversight and Productivity:

This amendment requires the DMS to compile and yearly update a list of unoccupied buildings owned by the state which are suitable for use as emergency shelters, and defines “unoccupied” as meaning “vacant due to suspended operations or nonuse.” The buildings must meet the applied standards of the American Red Cross. (WITH TITLE AMENDMENT)

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