

Bill No. HB 7121, 1st Eng.

Barcode 103574

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Diaz de la Portilla moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. The Legislature finds that there is a compelling need fvements in infrastructure, as identified during the 2004 and 2005 hurricane seasons, in order to better protect the residents of this state. Based on the criteria specified in this section, the Legislature shall make funds available to local and state agencies through appropriations to the Department of Community Affairs for the purpose of enhancing public education and information, constructing or improving county emergency operations centers and designated alternate state emergency operations centers, providing emergency power for public special-needs hurricane evacuation shelters, retrofitting public hurricane evacuation shelters, improving logistical staging and warehouse capacity for commodities, and planning for hurricane evacuations. The criteria in this section shall be considered by the

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1 Legislature in determining eligibility for funding.

2 (1)(a) The Legislature finds that county emergency

3 operations centers and designated alternate state emergency

4 operations centers should meet minimum criteria for structural

5 survivability and sufficiency of operational space, as

6 determined by assessments performed by the Department of

7 Community Affairs using the structural requirements of

8 American Red Cross Standard ARC 4496, "Guidelines for

9 Hurricane Evacuation Shelter Selection," and based on guidance

10 from the Federal Emergency Management Agency. Criteria for

11 prioritizing and recommending the funding for county emergency

12 operations centers and designated alternate state emergency

13 operations centers include, but are not limited to, county

14 population, hurricane evacuation clearance time for the

15 vulnerable population of the county, structural survivability

16 of the existing emergency operations center, and guidance of

17 the Federal Emergency Management Agency for workspace

18 requirements for the emergency operations center. First

19 priority for funding recommendations shall be for county

20 emergency operations centers or designated alternate state

21 emergency operations centers where no survivable facility

22 exists and where workspace deficits exist. Funding

23 recommendations made pursuant to this paragraph may not

24 include land acquisition; the purchase of equipment,

25 furnishings, communications, or operational systems; or

26 recurring expenditures. Funding recommendations must be

27 limited to the construction or structural renovation of the

28 county emergency operations center or designated alternate

29 state emergency operations centers needed to meet the same

30 structural requirements of American Red Cross Standard ARC

31 4496, "Guidelines for Hurricane Evacuation Shelter Selection,"

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1 and national workspace recommendations. The Department of  
 2 Community Affairs shall establish a statewide competitive  
 3 grant application process for proposals to construct or  
 4 improve county emergency operations centers such that those  
 5 centers would, upon completion of the project, meet minimum  
 6 criteria as specified in this section. The application may  
 7 contain one or more independent proposals for:

8       1. A construction or improvement project requesting  
 9 state financial assistance or having received state financial  
 10 assistance which also includes facility hardening or  
 11 mitigation and which qualifies for funding under the federal  
 12 Hazard Mitigation Grant Program. These proposals must document  
 13 the commitment of all local funds needed and identify the  
 14 proposed state and federal funding needed, based on the  
 15 funding criteria specified in this paragraph, to complete the  
 16 project for a fully operational county emergency operations  
 17 center or designated alternate state emergency operations  
 18 center.

19       2. A construction or improvement project to be funded  
 20 with local or other nonstate funds which includes facility  
 21 hardening or mitigation and which qualifies for funding under  
 22 the federal Hazard Mitigation Grant Program. These proposals  
 23 must document the commitment of all local funds needed and  
 24 identify the proposed federal funding needed, based on the  
 25 funding criteria in this paragraph, to complete the project  
 26 for a fully operational county emergency operations center or  
 27 a designated alternate state emergency operations center.

28       (b) The department shall prioritize all properly  
 29 submitted project applications based on minimum criteria as  
 30 specified in this section, local government participation, and  
 31 documented need. In reviewing proposals, the department must

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1 take into consideration all state funds already provided for  
2 the project which have not been expended but which will  
3 decrease the project's fiscal need once expended. The amount  
4 of a project's cost recommended for funding by the department  
5 shall be limited to those costs considered reasonably  
6 necessary to meet minimum criteria specified in this section.  
7 The release of any funds specifically appropriated to  
8 implement this subsection must be approved by the Legislative  
9 Budget Commission. Upon completion of the prioritization  
10 process, and no later than November 1, 2006, the department  
11 shall submit to the Legislative Budget Commission for approval  
12 a comprehensive funding proposal for the construction of and  
13 improvements to county emergency operations centers and  
14 designated alternate state emergency operations centers using  
15 appropriated funds. The proposal submitted to the Legislative  
16 Budget Commission must include a detailed identification of  
17 the project and the corresponding detailed local, state, and  
18 federal funding proposed for each project. In order to ensure  
19 the maximum use of federal funds that are available for the  
20 Hazard Mitigation Grant Program, any federal funds  
21 appropriated to implement this subsection which remain after  
22 fully allocating those funds to proposals under subparagraphs  
23 1. and 2. may be used to fund proposals for retrofitting  
24 hurricane evacuation shelters under subsection (3). Any  
25 federal funds appropriated to implement this paragraph which  
26 remain after fully allocating those funds for proposals under  
27 subparagraphs 1. and 2. and subsection (3) shall be  
28 appropriated for distribution pursuant to chapter 9G-22,  
29 Florida Administrative Code. The Executive Office of the  
30 Governor may submit a budget amendment to transfer those funds  
31 in accordance with chapter 216, Florida Statutes.

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1       (2) The Legislature finds that by June 1, 2007, all  
2 designated public special-needs hurricane evacuation shelters  
3 should be equipped with permanent emergency power generating  
4 capacity in order to provide electrical power for necessary  
5 medical equipment for persons housed in the shelter and for  
6 heating, ventilating, and air-conditioning the facility. An  
7 appropriation for equipping a public special-needs hurricane  
8 evacuation shelter with permanent emergency power generating  
9 capacity may also be used in coordination with local  
10 communities in order to increase the number of special-needs  
11 shelter spaces that are available and to ensure that a  
12 sufficient number of public special-needs shelters are  
13 designated to meet the anticipated demand based on the best  
14 available data as determined jointly by the Department of  
15 Community Affairs and the Department of Health.

16       (3) The Legislature finds that retrofitting public  
17 hurricane evacuation shelters is an efficient and economical  
18 method of accelerating the state and local efforts to reduce  
19 the deficit in shelter space. Criteria for assessing and  
20 prioritizing the funding needs for retrofitting public  
21 hurricane evacuation shelters include, but are not limited to,  
22 the project's ability to meet the structural and siting  
23 requirements of American Red Cross Standard ARC 4496,  
24 "Guidelines for Hurricane Evacuation Shelter Selection," once  
25 completed; the shelter needs of the local government as well  
26 as the overall needs of the hurricane evacuation planning  
27 region; the cost-effectiveness of the project in terms of the  
28 number of public hurricane evacuation spaces; and the priority  
29 ranking of the proposed project in the applicable local  
30 mitigation strategy. The Department of Community Affairs shall  
31 establish a statewide competitive grant application process

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1 for retrofitting public hurricane evacuation shelters to meet  
2 the minimum criteria specified in this section. In reviewing  
3 proposals, the department shall consider all state funds  
4 already provided for the project which have not been expended  
5 but which will decrease the project's fiscal need once  
6 expended. The department shall prioritize all properly  
7 submitted project applications based on criteria specified in  
8 this section and documented need. The release of any funds  
9 specifically appropriated to implement this subsection must be  
10 approved by the Legislative Budget Commission. Upon completion  
11 of the prioritization process, and no later than November 1,  
12 2006, the department shall recommend funding for retrofitting  
13 public hurricane evacuation shelters to the Legislative Budget  
14 Commission for approval. In order to ensure maximum use of  
15 federal funds available for the Hazard Mitigation Grant  
16 Program, any federal funds appropriated to implement this  
17 subsection which are remaining after fully allocating those  
18 funds to proposals under this subsection shall be appropriated  
19 for distribution pursuant to chapter 9G-22, Florida  
20 Administrative Code. The Executive Office of the Governor may  
21 submit a budget amendment to transfer those funds in  
22 accordance with the provisions of chapter 216, Florida  
23 Statutes.

24 (4) The Legislature finds that improved logistical  
25 staging and warehouse capacity for commodities will help  
26 ensure that adequate supplies, equipment, and commodities are  
27 available and accessible for purposes of responding to  
28 disasters. Appropriated funds may be used for increasing  
29 storage capacity; improving technologies to manage  
30 commodities; and enhancing the state's ability to maintain in  
31 a safe and secure manner an inventory of supplies, equipment,

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1 and commodities that would be needed in the immediate  
 2 aftermath of a disaster. The release of any funds specifically  
 3 appropriated to implement this subsection must be approved by  
 4 the Legislative Budget Commission. The department shall submit  
 5 a funding plan for improved logistical staging and warehouse  
 6 capacity to the Legislative Budget Commission for approval by  
 7 September 1, 2006. Procurement of technologies to perform  
 8 inventory tracking and commodities management must comply with  
 9 the provisions of s. 287.057, Florida Statutes, requiring  
 10 competitive bids.

11       (5) The Legislature finds that hurricane evacuation  
 12 planning is a critical task that must be completed in the most  
 13 effective and efficient manner possible. Appropriated funds  
 14 may be used to update current regional evacuation plans and  
 15 shall incorporate current transportation networks, behavioral  
 16 studies, and vulnerability studies. In addition, funds may be  
 17 used to perform computer-modeling analysis on the effects of  
 18 storm-surge events. Procurement of technologies to perform the  
 19 updates and computer modeling must comply with the provisions  
 20 s. 287.057, Florida Statutes, requiring competitive bids.

21       Section 2. The sum of \$13.2 million in fixed capital  
 22 outlay is appropriated from the General Revenue Fund and the  
 23 sum of \$39.6 million is appropriated from the U.S.  
 24 Contributions Trust Fund to the Department of Community  
 25 Affairs for the purpose of implementing the provisions of this  
 26 act relating to providing emergency power generators in  
 27 special-needs shelters during the 2006-2007 state fiscal year.  
 28 The Department of Community Affairs may not use more than 5  
 29 percent of these funds to administer the funding provided.

30       Section 3. The sum of \$15 million in fixed capital  
 31 outlay is appropriated from the U.S. Contributions Trust Fund

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1 to the Department of Community Affairs for the purpose of  
 2 implementing the provisions of this act relating to  
 3 retrofitting public hurricane evacuation shelters during the  
 4 2006-2007 state fiscal year. The Department of Community  
 5 Affairs may not use more than 5 percent of these funds to  
 6 administer the funding provided.

7       Section 4. The sum of \$29 million is appropriated from  
 8 the U.S. Contributions Trust Fund to the Department of  
 9 Community Affairs for the purpose of implementing the  
 10 provisions of this act relating to hurricane evacuation  
 11 planning during the 2006-2007 state fiscal year. The  
 12 Department of Community Affairs may not use more than 5  
 13 percent of these funds to administer the funding provided.

14       Section 5. The sum of \$2.1 million in recurring funds  
 15 is appropriated from the General Revenue Fund and the sum of  
 16 \$4.4 million is appropriated from the Emergency Management  
 17 Preparedness and Assistance Trust Fund to the Department of  
 18 Community Affairs for the 2006-2007 state fiscal year.  
 19 Notwithstanding s. 252.373, Florida Statutes, these funds may  
 20 be used to implement the provisions of this act relating to  
 21 improved logistical staging and warehouse capacity for  
 22 commodities.

23       Section 6. The sum of \$20 million in fixed capital  
 24 outlay is appropriated from the General Revenue Fund and the  
 25 sum of \$25 million is appropriated from the U.S. Contributions  
 26 Trust Fund to the Department of Community Affairs for the  
 27 purpose of implementing the provisions of this act relating to  
 28 county emergency operations centers and designated alternate  
 29 state emergency operations centers during the 2006-2007 state  
 30 fiscal year. The Department of Community Affairs may not use  
 31 more than 5 percent of these funds to administer the funding



1 provided.

2           Section 7. The sum of \$3.4 million is appropriated  
3 from the U.S. Contributions Trust Fund to the Department of  
4 Community Affairs for the purpose of implementing the  
5 provisions of this act relating to enhanced public education  
6 and information on hurricane preparedness during the 2006-2007  
7 state fiscal year.

8           Section 8. The Legislature finds that there is a  
9 compelling need to better coordinate emergency response  
10 capabilities among local, state, federal, nongovernment, and  
11 private sector partners to provide the best and most effective  
12 postdisaster services to the people of the State of Florida.  
13 In order to encourage the rapid recovery of economies in  
14 disaster affected areas, the Legislature finds that programs  
15 to restore normal commerce in communities should be a part of  
16 the State Comprehensive Emergency Management Plan. The  
17 Legislature recognizes nongovernment agencies and the private  
18 sector as key partners in disaster preparedness, response, and  
19 recovery. Further, the Legislature recognizes the demonstrated  
20 abilities and contributions of these entities in successfully  
21 providing logistical support and commodities through  
22 well-proven distribution systems. In order to enhance the  
23 State Comprehensive Plan, the Division of Emergency Management  
24 within the Department of Community Affairs is directed to  
25 conduct a feasibility study on incorporating into the state's  
26 emergency management plan the logistical supply and  
27 distribution of essential commodities by nongovernment  
28 agencies and private entities. In conducting the study, the  
29 division shall consult with the Florida Retail Federation, the  
30 Florida Petroleum Council, the Florida Petroleum Marketers and  
31 Convenience Store Association, the Florida Emergency

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1 Preparedness Association, the American Red Cross, Volunteer  
 2 Florida, and other entities as appropriate. As part of the  
 3 study, the division shall create a set of operational  
 4 standards that may be adopted by retail establishments to  
 5 qualify for preemption from local government regulations in  
 6 response to a disaster. No later than February 1, 2007, the  
 7 division shall make recommendations based on the study to the  
 8 Governor, the President of the Senate, and the Speaker of the  
 9 House of Representatives, and shall provide a set of  
 10 operational standards for retail establishments which are  
 11 recognized as part of the state emergency management plan.  
 12 These standards must be met in order for retail establishments  
 13 to participate in the state emergency response to a disaster  
 14 and to qualify for preemption of regulation of such businesses  
 15 to the state during such a response.

16 Section 9. Effective July 1, 2006, section 526.143,  
 17 Florida Statutes, is created to read:

18 526.143 Alternate generated power capacity for motor  
 19 fuel dispensing facilities.--

20 (1) By June 1, 2007, each motor fuel terminal  
 21 facility, as defined in s. 526.303(16), and each wholesaler,  
 22 as defined in s. 526.303(17), which sells motor fuel in this  
 23 state must be capable of operating its distribution loading  
 24 racks using an alternate generated power source for a minimum  
 25 of 72 hours. Pending a postdisaster examination of the  
 26 equipment by the operator to determine any extenuating damage  
 27 that would render it unsafe to use, the facility must have  
 28 such alternate generated power source available for operation  
 29 no later than 36 hours after a major disaster as defined in s.  
 30 252.34. Installation of appropriate wiring, including a  
 31 transfer switch, shall be performed by a certified electrical

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1 contractor. Each business that is subject to this subsection  
 2 must keep a copy of the documentation of such installation on  
 3 site or at its corporate headquarters. In addition, each  
 4 business must keep a written statement attesting to the  
 5 periodic testing and ensured operational capacity of the  
 6 equipment. The required documents must be made available, upon  
 7 request, to the Division of Emergency Management and the  
 8 director of the county emergency management agency.

9       (2) Each newly constructed or substantially renovated  
 10 motor fuel retail outlet, as defined in s. 526.303(14), for  
 11 which a certificate of occupancy is issued on or after July 1,  
 12 2006, shall be prewired with an appropriate transfer switch,  
 13 and capable of operating all fuel pumps, dispensing equipment,  
 14 life-safety systems, and payment-acceptance equipment using an  
 15 alternate generated power source. As used in this subsection,  
 16 the term "substantially renovated" means a renovation that  
 17 results in an increase of greater than 50 percent in the  
 18 assessed value of the motor fuel retail outlet. Local building  
 19 inspectors shall include this equipment and operations check  
 20 in the normal inspection process before issuing a certificate  
 21 of occupancy. Each retail outlet that is subject to this  
 22 subsection must keep a copy of the certificate of occupancy on  
 23 site or at its corporate headquarters. In addition, each  
 24 retail outlet must keep a written statement attesting to the  
 25 periodic testing of and ensured operational capability of the  
 26 equipment. The required documents must be made available, upon  
 27 request, to the Division of Emergency Management and the  
 28 director of the county emergency management agency.

29       (3)(a) No later than June 1, 2007, each motor fuel  
 30 retail outlet described in subparagraph 1., subparagraph 2.,  
 31 or subparagraph 3., which is located within one-half mile

1 proximate to an interstate highway or state or federally  
 2 designated evacuation route must be prewired with an  
 3 appropriate transfer switch and be capable of operating all  
 4 fuel pumps, dispensing equipment, life-safety systems, and  
 5 payment-acceptance equipment using an alternate generated  
 6 power source:

7       1. A motor fuel retail outlet located in a county  
 8 having a population of 300,000 or more which has 16 or more  
 9 fueling positions.

10       2. A motor fuel retail outlet located in a county  
 11 having a population of 100,000 or more, but fewer than  
 12 300,000, which has 12 or more fueling positions.

13       3. A motor fuel retail outlet located in a county  
 14 having a population of fewer than 100,000 which has eight or  
 15 more fueling positions.

16       (b) Installation of appropriate wiring and transfer  
 17 switches must be performed by a certified electrical  
 18 contractor. Each retail outlet that is subject to this  
 19 subsection must keep a copy of the documentation of such  
 20 installation on site or at its corporate headquarters. In  
 21 addition, each retail outlet must keep a written statement  
 22 attesting to the periodic testing of and ensured operational  
 23 capacity of the equipment. The required documents must be made  
 24 available, upon request, to the Division of Emergency  
 25 Management and the director of the county emergency management  
 26 agency.

27       (4)(a) Subsections (2) and (3) apply to any  
 28 self-service, full-service, or combination self-service and  
 29 full-service motor fuel retail outlet regardless of whether  
 30 the retail outlet is located on the grounds of, or is owned  
 31 by, another retail business establishment that does not engage

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1 in the business of selling motor fuel.

2 (b) Subsections (2) and (3) do not apply to:

3 1. An automobile dealer;

4 2. A person who operates a fleet of motor vehicles;

5 3. A person who sells motor fuel exclusively to a

6 fleet of motor vehicles; or

7 4. A motor fuel retail outlet that has a written

8 agreement with a public hospital, in a form approved by the

9 Division of Emergency Management, wherein the public hospital

10 agrees to provide the motor fuel retail outlet with an

11 alternative means of power generation onsite so that the

12 outlet's fuel pumps may be operated in the event of a power

13 outage.

14 (5)(a) Each corporation or other entity that owns 10

15 or more motor fuel retail outlets located within a single

16 county shall maintain at least one portable generator that is

17 capable of providing an alternate generated power source as

18 required under subsection (2) for every 10 outlets. If an

19 entity owns more than 10 outlets or a multiple of 10 outlets

20 plus an additional six outlets, the entity must provide one

21 additional generator to accommodate such additional outlets.

22 Each portable generator must be stored within this state, or

23 may be stored in another state if located within 250 miles of

24 this state, and must be available for use in an affected

25 location within 24 hours after a disaster.

26 (b) Each corporation or other entity that owns 10 or

27 more motor fuel retail outlets located within a single

28 domestic security region, as determined pursuant to s.

29 943.0312(1), and that does not own additional outlets located

30 outside the domestic security region shall maintain a written

31 document of agreement with one or more similarly equipped

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1 entities for the use of portable generators that may be used  
 2 to meet the requirements of paragraph (a) and that are located  
 3 within this state but outside the affected domestic security  
 4 region. The agreement may be reciprocal, may allow for payment  
 5 for services rendered by the providing entity, and must  
 6 guarantee the availability of the portable generators to an  
 7 affected location within 24 hours after a disaster.

8 (c) For purposes of this section, ownership of a motor  
 9 fuel retail outlet shall be the owner of record of the fuel  
 10 storage systems operating at the location, as identified in  
 11 the Department of Environmental Protection underground storage  
 12 facilities registry pursuant to s. 376.303(1).

13 Section 10. Effective July 1, 2006, section 526.144,  
 14 Florida Statutes, is created to read:

15 526.144 Florida Disaster Motor Fuel Supplier  
 16 Program.--

17 (1)(a) There is created the Florida Disaster Motor  
 18 Fuel Supplier Program within the Department of Community  
 19 Affairs.

20 (b) Participation in the program shall be at the  
 21 option of each county governing body. In counties choosing to  
 22 participate in the program, the local emergency management  
 23 agency shall be primarily responsible for administering the  
 24 program within those counties. Nothing in this section  
 25 requires participation in the program.

26 (c) In participating counties, the Florida Disaster  
 27 Motor Fuel Supplier Program shall allow any retail motor fuel  
 28 outlet doing business in those counties to participate in a  
 29 network of emergency responders to provide fuel supplies and  
 30 services to government agencies, medical institutions and  
 31 facilities, critical infrastructure, and other responders, as

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1 well as the general public, during a declared disaster as  
2 described in s. 252.36(2).

3 (d) Retail motor fuel outlets doing business in  
4 participating counties that choose to become members of the  
5 Florida Disaster Motor Fuel Supplier Program must be able to  
6 demonstrate the capability to provide onsite fuel dispensing  
7 services to other members of the State Emergency Response Team  
8 within 24 hours after a major disaster has occurred and agree  
9 to make such service available as needed. Local emergency  
10 management agencies may determine appropriate measures for  
11 determining such readiness, including acceptance of a written  
12 attestation from the retail motor fuel outlet, a copy of an  
13 executed contract for services, or other documents or  
14 activities that demonstrate readiness. Participating retail  
15 motor fuel outlets may choose to sell motor fuel through a  
16 pre-existing contract with local, state, or federal response  
17 agencies or may provide point-of-sale service to such  
18 agencies. In addition, participating retail motor fuel outlets  
19 may choose to sell motor fuel to the general public upon  
20 compliance with requirements to provide service under ss.  
21 252.35 and 252.38 as directed by county or state emergency  
22 management officials. This section does not preclude any  
23 retail motor fuel outlet from selling fuel during lawful  
24 operating hours. Nonparticipating motor fuel retail outlets  
25 may not operate during declared curfew hours. If requested,  
26 appropriate law enforcement or security personnel may be  
27 provided through emergency management protocol to the  
28 participating business for the purpose of maintaining civil  
29 order during operating hours.

30 (e) Motor fuel outlets that choose to participate in  
31 the Florida Disaster Motor Fuel Supplier Program pursuant to

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1 paragraph (d) may be issued a State Emergency Response Team  
 2 logo by the participating county emergency management agency  
 3 for public display to alert emergency responders and the  
 4 public that the business is capable of assisting in an  
 5 emergency.

6 (f) Counties that choose to participate in the Florida  
 7 Disaster Motor Fuel Supplier Program may charge a fee to cover  
 8 the actual costs of accepting a retail motor fuel outlet into  
 9 the program, including the cost of performing any required  
 10 review, filing of necessary forms, and producing logo decals  
 11 for public display. Additional charges may not be imposed for  
 12 processing individual documents associated with the program.  
 13 Funds collected shall be deposited into an appropriate county  
 14 operating account.

15 (3) Persons who are designated as members of the State  
 16 Emergency Response Team and who can produce appropriate  
 17 identification, as determined by state or county emergency  
 18 management officials, shall be given priority for purchasing  
 19 fuel at businesses designated as members of the State  
 20 Emergency Response Team. A business may be directed by county  
 21 or state emergency management officials to remain open during  
 22 a declared curfew in order to provide service for emergency  
 23 personnel. Under such direction, the business is not in  
 24 violation of the curfew and may not be penalized for such  
 25 operation and the emergency personnel are not in violation of  
 26 the curfew. A person traveling during a curfew must be able to  
 27 produce valid official documentation of his or her position  
 28 with the State Emergency Response Team or the local emergency  
 29 management agency. Such documentation may include, but need  
 30 not be limited to, a current SERT identification badge,  
 31 current law enforcement or other response agency



1 identification or shield, current health care employee  
2 identification card, or current government services  
3 identification card indicating a critical services position.

4 (4) A business that is designated as a member of the  
5 State Emergency Response Team may request priority in  
6 receiving a resupply of fuel in order to continue service to  
7 emergency responders. Such request is not binding but shall be  
8 considered by emergency management officials in determining  
9 appropriate response actions.

10 (5)(a) Notwithstanding any other law or local  
11 ordinance and for the purpose of ensuring an appropriate  
12 emergency management response following major disasters in  
13 this state, the regulation, siting, and placement of alternate  
14 power source capabilities and equipment at motor fuel terminal  
15 facilities, motor fuel wholesalers, and motor fuel retail  
16 sales outlets are preempted to the state.

17 (b) Notwithstanding any other law or other ordinance  
18 and for the purpose of ensuring an appropriate emergency  
19 management response following major disasters in this state,  
20 the regulation of all other retail establishments  
21 participating in such response shall be as follows:

22 1. Regulation of retail establishments that meet the  
23 standards created by the Division of Emergency Management in  
24 the report required in section 8 of this act by July 1, 2007,  
25 is preempted to the state and until such standards are  
26 adopted, the regulation of these retail establishments is  
27 preempted to the state;

28 2. The division shall provide written certification of  
29 such preemption to retail establishments that qualify and  
30 shall provide such information to local governments upon  
31 request; and

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1           3. Regulation of retail establishments that do not  
2 meet the operational standards is subject to local government  
3 laws or ordinances.

4           (6) The Energy Office of the Department of  
5 Environmental Protection shall review situational progress in  
6 post-disaster motor fuel supply distribution and provide a  
7 report to the Legislature by March 1, 2007. The report must  
8 include information concerning statewide compliance with s.  
9 526.143, Florida Statutes, and an identification of all motor  
10 fuel retail outlets that are participating in the Florida  
11 Disaster Motor Fuel Supplier Program.

12           Section 11. Effective July 1, 2006, subsection (2) of  
13 section 501.160, Florida Statutes, is amended to read:

14           501.160 Rental or sale of essential commodities during  
15 a declared state of emergency; prohibition against  
16 unconscionable prices.--

17           (2) Upon a declaration of a state of emergency by the  
18 Governor, it is unlawful and a violation of s. 501.204 for a  
19 person or her or his agent or employee to rent or sell or  
20 offer to rent or sell at an unconscionable price within the  
21 area for which the state of emergency is declared, any  
22 essential commodity including, but not limited to, supplies,  
23 services, provisions, or equipment that is necessary for  
24 consumption or use as a direct result of the emergency. This  
25 prohibition is effective not to exceed 60 days under the  
26 initial declared state of emergency as defined in s. 252.36(2)  
27 and shall be renewed by statement in any subsequent renewals  
28 of the declared state of emergency by the Governor ~~remains in~~  
29 effect until the declaration expires or is terminated.

30           Section 12. Effective July 1, 2006, section 553.509,  
31 Florida Statutes, is amended to read:

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1 553.509 Vertical accessibility.--

2 (1) Nothing in sections 553.501-553.513 or the  
3 guidelines shall be construed to relieve the owner of any  
4 building, structure, or facility governed by those sections  
5 from the duty to provide vertical accessibility to all levels  
6 above and below the occupiable grade level, regardless of  
7 whether the guidelines require an elevator to be installed in  
8 such building, structure, or facility, except for:

9 (a)~~(1)~~ Elevator pits, elevator penthouses, mechanical  
10 rooms, piping or equipment catwalks, and automobile  
11 lubrication and maintenance pits and platforms;

12 (b)~~(2)~~ Unoccupiable spaces, such as rooms, enclosed  
13 spaces, and storage spaces that are not designed for human  
14 occupancy, for public accommodations, or for work areas; and

15 (c)~~(3)~~ Occupiable spaces and rooms that are not open  
16 to the public and that house no more than five persons,  
17 including, but not limited to, equipment control rooms and  
18 projection booths.

19 (2)(a) Any person, firm, or corporation that owns,  
20 manages, or operates a residential multifamily dwelling,  
21 including a condominium, that is at least 75 feet high and  
22 contains a public elevator, as described in s. 399.035(2) and  
23 (3) and rules adopted by the Florida Building Commission,  
24 shall have at least one public elevator that is capable of  
25 operating on an alternate power source for emergency purposes.  
26 Alternate power shall be available for the purpose of allowing  
27 all residents access for a specified number of hours each day  
28 over a 5-day period following a natural disaster, manmade  
29 disaster, emergency, or other civil disturbance that disrupts  
30 the normal supply of electricity. The alternate power source  
31 that controls elevator operations must also be capable of

1 powering any connected fire alarm system in the building.

2 (b) At a minimum, the elevator must be appropriately  
3 pre-wired and prepared to accept an alternate power source and  
4 must have a connection on the line side of the main  
5 disconnect, pursuant to National Electric Code Handbook,  
6 Article 700. In addition to the required power source for the  
7 elevator and connected fire alarm system in the building, the  
8 alternate power supply must be sufficient to provide emergency  
9 lighting to the interior lobbies, hallways, and other portions  
10 of the building used by the public. Residential multifamily  
11 dwelling must have an available generator and fuel source on  
12 the property or have proof of a current contract posted in the  
13 elevator machine room or other place conspicuous to the  
14 elevator inspector affirming a current guaranteed service  
15 contract for such equipment and fuel source to operate the  
16 elevator on an on-call basis within 24 hours after a request.  
17 By December 31, 2006, any person, firm or corporation that  
18 owns, manages or operates a residential multifamily dwelling  
19 as defined in paragraph (2)(a) must provide to the local  
20 building inspection agency verification of engineering plans  
21 for residential multifamily dwellings that provide for the  
22 capability to generate power by alternate means. Compliance  
23 with installation requirements and operational capability  
24 requirements must be verified by local building inspectors and  
25 reported to the county emergency management agency by December  
26 31, 2007.

27 (c) Each newly constructed residential multifamily  
28 dwelling, including a condominium, that is at least 75 feet  
29 high and contains a public elevator, as described in s.  
30 399.035(2) and (3) and rules adopted by the Florida Building  
31 Commission, must have at least one public elevator that is

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1 capable of operating on an alternate power source for the  
 2 purpose of allowing all residents access for a specified  
 3 number of hours each day over a 5-day period following a  
 4 natural disaster, manmade disaster, emergency, or other civil  
 5 disturbance that disrupts the normal supply of electricity.  
 6 The alternate power source that controls elevator operations  
 7 must be capable of powering any connected fire alarm system in  
 8 the building. In addition to the required power source for the  
 9 elevator and connected fire alarm system, the alternate power  
 10 supply must be sufficient to provide emergency lighting to the  
 11 interior lobbies, hallways, and other portions of the building  
 12 used by the public. Engineering plans and verification of  
 13 operational capability must be provided by the local building  
 14 inspector to the county emergency management agency before  
 15 occupancy of the newly constructed building.

16 (d) Each person, firm, or corporation that is required  
 17 to maintain an alternate power source under this subsection  
 18 shall maintain a written emergency operations plan that  
 19 details the sequence of operations before, during, and after a  
 20 natural or manmade disaster or other emergency situation. The  
 21 plan must include, at a minimum, a life safety plan for  
 22 evacuation, maintenance of the electrical and lighting supply,  
 23 and provisions for the health, safety, and welfare of the  
 24 residents. In addition, the owner, manager, or operator of the  
 25 residential multifamily dwelling must keep written records of  
 26 any contracts for alternative power generation equipment.  
 27 Also, quarterly inspection records of life safety equipment  
 28 and alternate power generation equipment must be posted in the  
 29 elevator machine room or other place conspicuous to the  
 30 elevator inspector, which confirm that such equipment is  
 31 properly maintained and in good working condition, and copies

1 of contracts for alternate power generation equipment shall be  
 2 maintained on site for verification. The written emergency  
 3 operations plan and inspection records shall also be open for  
 4 periodic inspection by local and state government agencies as  
 5 deemed necessary. The owner or operator must keep a generator  
 6 key in a lockbox posted at or near any installed generator  
 7 unit.

8 (e) Multistory affordable residential dwellings for  
 9 persons age 62 and older that are financed or insured by the  
 10 United States Department of Housing and Urban Development must  
 11 make every effort to obtain grant funding from the Federal  
 12 Government or the Florida Housing Finance Corporation to  
 13 comply with this subsection. If an owner of such a residential  
 14 dwelling cannot comply with the requirements of this  
 15 subsection, the owner must develop a plan with the local  
 16 emergency management agency to ensure that residents are  
 17 evacuated to a place of safety in the event of a power outage  
 18 resulting from a natural or manmade disaster or other  
 19 emergency situation that disrupts the normal supply of  
 20 electricity for an extended period of time. A place of safety  
 21 may include, but is not limited to, relocation to an  
 22 alternative site within the building or evacuation to a local  
 23 shelter.

24 (f) As a part of the annual elevator inspection  
 25 required under s. 399.061, certified elevator inspectors shall  
 26 confirm that all installed generators required by this chapter  
 27 are in working order, have current inspection records posted  
 28 in the elevator machine room or other place conspicuous to the  
 29 elevator inspector, and that the required generator key is  
 30 present in the lockbox posted at or near the installed  
 31 generator. If a building does not have an installed generator,

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1 the inspector shall confirm that the appropriate pre-wiring  
 2 and switching capabilities are present and that a statement is  
 3 posted in the elevator machine room or other place conspicuous  
 4 to the elevator inspector affirming a current guaranteed  
 5 contract exists for contingent services for alternate power is  
 6 current for the operating period.

7  
 8 However, buildings, structures, and facilities must, as a  
 9 minimum, comply with the requirements in the Americans with  
 10 Disabilities Act Accessibility Guidelines.

11 Section 13. Effective July 1, 2006, paragraph (i) of  
 12 subsection (2) of section 252.35, Florida Statutes, is  
 13 amended, present paragraphs (j) through (q) of that subsection  
 14 are redesignated as paragraphs (k) through (r), respectively,  
 15 present paragraphs (r) through (v) of that subsection are  
 16 redesignated as paragraphs (u) through (y), respectively, and  
 17 new paragraphs (j), (s), and (t) are added to that subsection  
 18 to read:

19 252.35 Emergency management powers; Division of  
 20 Emergency Management.--

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

24 (i) Institute statewide public awareness programs.  
 25 This shall include an intensive public educational campaign on  
 26 emergency preparedness issues, including, but not limited to,  
 27 the personal responsibility of individual citizens to be  
 28 self-sufficient for up to 72 hours following a natural or  
 29 manmade disaster. The public educational campaign shall  
 30 include relevant information on statewide disaster plans,  
 31 evacuation routes, fuel suppliers, and shelters. All

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1 educational materials must be available in alternative formats  
2 and mediums to ensure that they are available to persons with  
3 disabilities.

4 (j) The Division of Emergency Management and the  
5 Department of Education shall coordinate with the Agency For  
6 Persons with Disabilities to provide an educational outreach  
7 program on disaster preparedness and readiness to individuals  
8 who have limited English skills and identify persons who are  
9 in need of assistance but are not defined under special-needs  
10 criteria.

11 (s) By January 1, 2007, the Division of Emergency  
12 Management shall complete an inventory of portable generators  
13 owned by the state and local governments which are capable of  
14 operating during a major disaster. The inventory must  
15 identify, at a minimum, the location of each generator, the  
16 number of generators stored at each specific location, the  
17 agency to which each the generator belongs, the primary use of  
18 the generator by the owner agency, and the names, addresses,  
19 and telephone numbers of persons having the authority to loan  
20 the stored generators as authorized by the Division of  
21 Emergency Management during a declared emergency.

22 (t) The division shall maintain an inventory list of  
23 generators owned by the state and local governments. In  
24 addition, the division may keep a list of private entities,  
25 along with appropriate contact information, which offer  
26 generators for sale or lease. The list of private entities  
27 shall be available to the public for inspection in written and  
28 electronic formats.

29 Section 14. There is appropriated \$76,150 in  
30 nonrecurring general revenue funds to the Department of  
31 Community Affairs for a study on the feasibility of



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1 incorporating nongovernment agencies and private entities into  
2 the logistical supply and distribution system for essential  
3 commodities. This section takes effect July 1, 2006.

4       Section 15. If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 invalidity does not affect other provisions or applications of  
7 the act which can be given effect without the invalid  
8 provision or application, and to this end the provisions of  
9 this act are severable.

10       Section 16. Effective July 1, 2006, section 252.355,  
11 Florida Statutes, is amended to read:

12       252.355 Registry of persons with special needs;  
13 notice.--

14       (1) In order to meet the special needs of persons who  
15 would need assistance during evacuations and sheltering  
16 because of physical, mental, cognitive impairment, or sensory  
17 disabilities, each local emergency management agency in the  
18 state shall maintain a registry of persons with special needs  
19 located within the jurisdiction of the local agency. The  
20 registration shall identify those persons in need of  
21 assistance and plan for resource allocation to meet those  
22 identified needs. To assist the local emergency management  
23 agency in identifying such persons, home health agencies,  
24 hospices, nurse registries, home medical equipment providers,  
25 the Department of Children and Family Services, Department of  
26 Health, Agency for Health Care Administration, Department of  
27 Education, Agency for Persons with Disabilities, ~~Labor and~~  
28 ~~Employment Security~~, and Department of Elderly Affairs shall  
29 provide registration information to all of their special needs  
30 clients and to all persons with special needs who receive  
31 services ~~incoming clients as a part of the intake process.~~ The

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1 registry shall be updated annually. The registration program  
2 shall give persons with special needs the option of  
3 preauthorizing emergency response personnel to enter their  
4 homes during search and rescue operations if necessary to  
5 assure their safety and welfare following disasters.

6 (2) The Department of Community Affairs shall be the  
7 designated lead agency responsible for community education and  
8 outreach to the public, including special needs clients,  
9 regarding registration and special needs shelters and general  
10 information regarding shelter stays.

11 (3) A person with special needs must be allowed to  
12 bring his or her service animal into a special needs shelter  
13 in accordance with s. 413.08.

14 (4)(a)(2) On or before May 31~~May 1~~ of each year each  
15 electric utility in the state shall annually notify  
16 residential customers in its service area of the availability  
17 of the registration program available through their local  
18 emergency management agency by:-

19 1. An initial notification upon the activation of new  
20 residential service with the electric utility, followed by one  
21 annual notification between January 1 and May 31; or

22 2. Two separate annual notifications between January 1  
23 and May 31.

24 (b) The notification may be made by any available  
25 means, including, but not limited to, written, electronic, or  
26 verbal notification, and may be made concurrently with any  
27 other notification to residential customers required by law or  
28 rule.

29 (5)(3) All records, data, information, correspondence,  
30 and communications relating to the registration of persons  
31 with special needs as provided in subsection (1) are

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1 confidential and exempt from the provisions of s. 119.07(1),  
 2 except that such information shall be available to other  
 3 emergency response agencies, as determined by the local  
 4 emergency management director. Local law enforcement agencies  
 5 shall be given complete shelter roster information upon  
 6 request.

7       ~~(6)(4)~~ All appropriate agencies and community-based  
 8 service providers, including home health care providers,  
 9 hospices, nurse registries, and home medical equipment  
 10 providers, shall assist emergency management agencies by  
 11 collecting registration information for persons with special  
 12 needs as part of program intake processes, establishing  
 13 programs to increase the awareness of the registration  
 14 process, and educating clients about the procedures that may  
 15 be necessary for their safety during disasters. Clients of  
 16 state or federally funded service programs with physical,  
 17 mental, cognitive impairment, or sensory disabilities who need  
 18 assistance in evacuating, or when in shelters, must register  
 19 as persons with special needs.

20           Section 17. Effective July 1, 2006, section 252.3568,  
 21 Florida Statutes, is created to read:

22           252.3568 Emergency sheltering of persons with  
 23 pets.--In accordance with s. 252.35, the division shall  
 24 address strategies for the evacuation of persons with pets in  
 25 the shelter component of the state comprehensive emergency  
 26 management plan and shall include the requirement for similar  
 27 strategies in its standards and requirements for local  
 28 comprehensive emergency management plans. The Department of  
 29 Agriculture and Consumer Services shall assist the division in  
 30 determining strategies regarding this activity.

31           Section 18. Effective July 1, 2006, section 252.357,

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1 Florida Statutes, is created to read:

2           252.357 Monitoring of nursing homes and assisted  
3 living facilities during disaster.--The Florida Comprehensive  
4 Emergency Management Plan shall permit the Agency for Health  
5 Care Administration, working from the agency's offices or in  
6 the Emergency Operations Center, ESF-8, to make initial  
7 contact with each nursing home and assisted living facility in  
8 the disaster area. The agency, by July 15, 2006, and annually  
9 thereafter, shall publish on the Internet an emergency  
10 telephone number that may be used by nursing homes and  
11 assisted living facilities to contact the agency on a schedule  
12 established by the agency to report requests for assistance.  
13 The agency may also provide the telephone number to each  
14 facility when it makes the initial facility call.

15           Section 19. Effective July 1, 2006, subsections (2)  
16 and (4) of section 252.385, Florida Statutes, are amended to  
17 read:

18           252.385 Public shelter space.--

19           (2)(a) The division shall administer a program to  
20 survey existing schools, universities, community colleges, and  
21 other state-owned, municipally owned, and county-owned public  
22 buildings and any private facility that the owner, in writing,  
23 agrees to provide for use as a public hurricane evacuation  
24 shelter to identify those that are appropriately designed and  
25 located to serve as such shelters. The owners of the  
26 facilities must be given the opportunity to participate in the  
27 surveys. The state university boards of trustees ~~Board of~~  
28 ~~Regents~~, district school boards, community college boards of  
29 trustees, and the Department of Education are responsible for  
30 coordinating and implementing the survey of public schools,  
31 universities, and community colleges with the division or the

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1 local emergency management agency.

2       (b) By January 31 of each even-numbered year, the  
3 division shall prepare and submit a statewide emergency  
4 shelter plan to the Governor and Cabinet for approval, subject  
5 to the requirements for approval in s. 1013.37(2). The plan  
6 shall identify the general location and square footage of  
7 special needs shelters, by regional planning council region,  
8 during the next 5 years. The plan shall also include  
9 information on the availability of shelters that accept pets.  
10 The Department of Health shall assist the division in  
11 determining the estimated need for special needs shelter  
12 space and the adequacy of facilities to meet the needs of  
13 persons with special needs based on information from the  
14 registries of persons with special needs and other  
15 information.

16       (4)(a) Public facilities, including schools,  
17 postsecondary education facilities, and other facilities owned  
18 or leased by the state or local governments, but excluding  
19 hospitals, hospice care facilities, assisted living  
20 facilities, and ~~or~~ nursing homes, which are suitable for use  
21 as public hurricane evacuation shelters shall be made  
22 available at the request of the local emergency management  
23 agencies. The local emergency management agency shall  
24 coordinate with these entities to ensure that designated  
25 facilities are ready to activate prior to a specific hurricane  
26 or disaster. Such agencies shall coordinate with the  
27 appropriate school board, university, community college, or  
28 local governing board when requesting the use of such  
29 facilities as public hurricane evacuation shelters.

30       (b) The Department of Management Services shall  
31 incorporate provisions for the use of suitable leased public

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1 facilities as public hurricane evacuation shelters into lease  
 2 agreements for state agencies. Suitable leased public  
 3 facilities include leased public facilities that are solely  
 4 occupied by state agencies and have at least 2,000 square feet  
 5 of net floor area in a single room or in a combination of  
 6 rooms having a minimum of 400 square feet in each room. The  
 7 net square footage of floor area shall ~~must~~ be determined by  
 8 subtracting from the gross square footage the square footage  
 9 of spaces such as mechanical and electrical rooms, storage  
 10 rooms, open corridors, restrooms, kitchens, science or  
 11 computer laboratories, shop or mechanical areas,  
 12 administrative offices, records vaults, and crawl spaces.

13 (c) The Department of Management Services shall, in  
 14 consultation with local and state emergency management  
 15 agencies, assess Department of Management Services facilities  
 16 to identify the extent to which each facility has public  
 17 hurricane evacuation shelter space. The Department of  
 18 Management Services shall submit proposed facility retrofit  
 19 projects that incorporate hurricane protection enhancements to  
 20 the department for assessment and inclusion in the annual  
 21 report prepared in accordance with subsection (3).

22 Section 20. Effective July 1, 2006, section 381.0303,  
 23 Florida Statutes, is amended to read:

24 (Substantial rewording of section. See  
 25 s. 381.0303, F.S., for present text.)

26 381.0303 Special needs shelters.--

27 (1) PURPOSE.--The purpose of this section is to  
 28 provide for the operation and closure of special needs  
 29 shelters and to designate the Department of Health, through  
 30 its county health departments, as the lead agency for  
 31 coordination of the recruitment of health care practitioners,

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1 as defined in s. 456.001(4), to staff special needs shelters  
 2 in times of emergency or disaster and to provide resources to  
 3 the department to carry out this responsibility. However,  
 4 nothing in this section prohibits a county health department  
 5 from entering into an agreement with a local emergency  
 6 management agency to assume the lead responsibility for  
 7 recruiting health care practitioners.

8 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY  
 9 ASSISTANCE.--If funds have been appropriated to support  
 10 disaster coordinator positions in county health departments:

11 (a) The department shall assume lead responsibility  
 12 for the coordination of local medical and health care  
 13 providers, the American Red Cross, and other interested  
 14 parties in developing a plan for the staffing and medical  
 15 management of special needs shelters. The local Children's  
 16 Medical Services offices shall assume lead responsibility for  
 17 the coordination of local medical and health care providers,  
 18 the American Red Cross, and other interested parties in  
 19 developing a plan for the staffing and medical management of  
 20 pediatric special needs shelters. Plans must conform to the  
 21 local comprehensive emergency management plan.

22 (b) County health departments shall, in conjunction  
 23 with the local emergency management agencies, have the lead  
 24 responsibility for coordination of the recruitment of health  
 25 care practitioners to staff local special needs shelters.  
 26 County health departments shall assign their employees to work  
 27 in special needs shelters when those employees are needed to  
 28 protect the health and safety of persons with special needs.  
 29 County governments shall assist the department with nonmedical  
 30 staffing and the operation of special needs shelters. The  
 31 local health department and emergency management agency shall

1 coordinate these efforts to ensure appropriate staffing in  
2 special needs shelters.

3 (c) The appropriate county health department,  
4 Children's Medical Services office, and local emergency  
5 management agency shall jointly decide who has responsibility  
6 for medical supervision in each special needs shelter.

7 (d) Local emergency management agencies shall be  
8 responsible for the designation and operation of special needs  
9 shelters during times of emergency or disaster and the closure  
10 of the facilities following an emergency or disaster. The  
11 local health department and emergency management agency shall  
12 coordinate these efforts to ensure the appropriate designation  
13 and operation of special needs shelters. County health  
14 departments shall assist the local emergency management agency  
15 with regard to the management of medical services in special  
16 needs shelters.

17 (e) The Secretary of Elderly Affairs, or his or her  
18 designee, shall convene, at any time that he or she deems  
19 appropriate and necessary, a multiagency special needs shelter  
20 discharge planning team to assist local areas that are  
21 severely impacted by a natural or manmade disaster that  
22 requires the use of special needs shelters. Multiagency  
23 special needs shelter discharge planning teams shall provide  
24 assistance to local emergency management agencies with the  
25 continued operation or closure of the shelters, as well as  
26 with the discharge of special needs clients to alternate  
27 facilities if necessary. Local emergency management agencies  
28 may request the assistance of a multiagency special needs  
29 shelter discharge planning team by alerting statewide  
30 emergency management officials of the necessity for additional  
31 assistance in their area. The Secretary of Elderly Affairs is



1 encouraged to proactively work with other state agencies prior  
 2 to any natural disasters for which warnings are provided to  
 3 ensure that multiagency special needs shelter discharge  
 4 planning teams are ready to assemble and deploy rapidly upon a  
 5 determination by state emergency management officials that a  
 6 disaster area requires additional assistance. The Secretary of  
 7 Elderly Affairs may call upon any state agency or office to  
 8 provide staff to assist a multiagency special needs shelter  
 9 discharge planning team. Unless the secretary determines that  
 10 the nature or circumstances surrounding the disaster do not  
 11 warrant participation from a particular agency's staff, each  
 12 multiagency special needs shelter discharge planning team  
 13 shall include at least one representative from each of the  
 14 following state agencies:

- 15       1. Department of Elderly Affairs.
- 16       2. Department of Health.
- 17       3. Department of Children and Family Services.
- 18       4. Department of Veterans' Affairs.
- 19       5. Department of Community Affairs.
- 20       6. Agency for Health Care Administration.
- 21       7. Agency for Persons with Disabilities.

22       (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND  
 23 FACILITIES.--

24       (a) The department shall, upon request, reimburse in  
 25 accordance with paragraph (b):

- 26       1. Health care practitioners, as defined in s.  
 27 456.001, provided the practitioner is not providing care to a  
 28 patient under an existing contract, and emergency medical  
 29 technicians and paramedics licensed under chapter 401 for  
 30 medical care provided at the request of the department in  
 31 special needs shelters or at other locations during times of

1 emergency or a declared disaster. Reimbursement for health  
 2 care practitioners, except for physicians licensed under  
 3 chapter 458 or chapter 459, shall be based on the average  
 4 hourly rate that such practitioners were paid according to the  
 5 most recent survey of Florida hospitals conducted by the  
 6 Florida Hospital Association or other nationally recognized or  
 7 state-recognized data source.

8 2. Health care facilities, such as hospitals, nursing  
 9 homes, assisted living facilities, and community residential  
 10 homes, if, upon closure of a special needs shelter, a  
 11 multiagency special needs shelter discharge planning team  
 12 determines that it is necessary to discharge persons with  
 13 special needs to other health care facilities. The receiving  
 14 facilities are eligible for reimbursement for services  
 15 provided to the individuals for up to 90 days. A facility must  
 16 show proof of a written request from a representative of an  
 17 agency serving on the multiagency special needs shelter  
 18 discharge planning team that the individual for whom the  
 19 facility is seeking reimbursement for services rendered was  
 20 referred to that facility from a special needs shelter. The  
 21 department shall specify by rule which expenses are  
 22 reimbursable and the rate of reimbursement for each service.

23 (b) Reimbursement is subject to the availability of  
 24 federal funds and shall be requested on forms prepared by the  
 25 department. If a Presidential Disaster Declaration has been  
 26 issued, the department shall request federal reimbursement of  
 27 eligible expenditures. The department may not provide  
 28 reimbursement to facilities under this subsection for services  
 29 provided to a person with special needs if, during the period  
 30 of time in which the services were provided, the individual  
 31 was enrolled in another state-funded program, such as Medicaid

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1 or another similar program, was covered under a policy of  
 2 health insurance as defined in s. 624.603, or was a member of  
 3 a health maintenance organization or prepaid health clinic as  
 4 defined in chapter 641, which would otherwise pay for the same  
 5 services. Travel expense and per diem costs shall be  
 6 reimbursed pursuant to s. 112.061.

7 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department  
 8 may use the registries established in ss. 401.273 and 456.38  
 9 when health care practitioners are needed to staff special  
 10 needs shelters or to assist with other disaster-related  
 11 activities.

12 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The  
 13 Secretary of Health may establish a special needs shelter  
 14 interagency committee and serve as, or appoint a designee to  
 15 serve as, the committee's chair. The department shall provide  
 16 any necessary staff and resources to support the committee in  
 17 the performance of its duties. The committee shall address and  
 18 resolve problems related to special needs shelters not  
 19 addressed in the state comprehensive emergency medical plan  
 20 and shall consult on the planning and operation of special  
 21 needs shelters.

22 (a) The committee shall:

23 1. Develop, negotiate, and regularly review any  
 24 necessary interagency agreements.

25 2. Undertake other such activities as the department  
 26 deems necessary to facilitate the implementation of this  
 27 section.

28 3. Submit recommendations to the Legislature as  
 29 necessary.

30 (b) The special needs shelter interagency committee  
 31 shall be composed of representatives of emergency management,

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1 health, medical, and social services organizations. Membership  
 2 shall include, but shall not be limited to, representatives of  
 3 the Departments of Health, Community Affairs, Children and  
 4 Family Services, Elderly Affairs, and Education; the Agency  
 5 for Health Care Administration; the Florida Medical  
 6 Association; the Florida Osteopathic Medical Association;  
 7 Associated Home Health Industries of Florida, Inc.; the  
 8 Florida Nurses Association; the Florida Health Care  
 9 Association; the Florida Assisted Living Affiliation; the  
 10 Florida Hospital Association; the Florida Statutory Teaching  
 11 Hospital Council; the Florida Association of Homes for the  
 12 Aging; the Florida Emergency Preparedness Association; the  
 13 American Red Cross; Florida Hospices and Palliative Care,  
 14 Inc.; the Association of Community Hospitals and Health  
 15 Systems; the Florida Association of Health Maintenance  
 16 Organizations; the Florida League of Health Systems; the  
 17 Private Care Association; the Salvation Army; the Florida  
 18 Association of Aging Services Providers; the AARP; and the  
 19 Florida Renal Coalition.

20 (c) Meetings of the committee shall be held in  
 21 Tallahassee, and members of the committee shall serve at the  
 22 expense of the agencies or organizations they represent. The  
 23 committee shall make every effort to use teleconference or  
 24 video conference capabilities in order to ensure statewide  
 25 input and participation.

26 (6) RULES.--The department has the authority to adopt  
 27 rules necessary to implement this section. Rules shall  
 28 include:

29 (a) The definition of a "person with special needs,"  
 30 including eligibility criteria for individuals with physical,  
 31 mental, cognitive impairment, or sensory disabilities and the

1 services a person with special needs can expect to receive in  
2 a special needs shelter.

3 (b) The process for special needs shelter health care  
4 practitioners and facility reimbursement for services provided  
5 in a disaster.

6 (c) Guidelines for special needs shelter staffing  
7 levels to provide services.

8 (d) The definition of and standards for special needs  
9 shelter supplies and equipment, including durable medical  
10 equipment.

11 (e) Standards for the special needs shelter  
12 registration process, including guidelines for addressing the  
13 needs of unregistered persons in need of a special needs  
14 shelter.

15 (f) Standards for addressing the needs of families  
16 where only one dependent is eligible for admission to a  
17 special needs shelter and the needs of adults with special  
18 needs who are caregivers for individuals without special  
19 needs.

20 (g) The requirement of the county health departments  
21 to seek the participation of hospitals, nursing homes,  
22 assisted living facilities, home health agencies, hospice  
23 providers, nurse registries, home medical equipment providers,  
24 dialysis centers, and other health and medical emergency  
25 preparedness stakeholders in pre-event planning activities.

26 (7) EMERGENCY MANAGEMENT PLANS.--The submission of  
27 emergency management plans to county health departments by  
28 home health agencies, nurse registries, hospice programs, and  
29 home medical equipment providers is conditional upon receipt  
30 of an appropriation by the department to establish disaster  
31 coordinator positions in county health departments unless the

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1 secretary of the department and a local county commission  
 2 jointly determine to require that such plans be submitted  
 3 based on a determination that there is a special need to  
 4 protect public health in the local area during an emergency.

5 Section 21. Effective July 1, 2006, section 400.492,  
 6 Florida Statutes, is amended to read:

7 400.492 Provision of services during an  
 8 emergency.--Each home health agency shall prepare and maintain  
 9 a comprehensive emergency management plan that is consistent  
 10 with the standards adopted by national or state accreditation  
 11 organizations and consistent with the local special needs  
 12 plan. The plan shall be updated annually and shall provide for  
 13 continuing home health services during an emergency that  
 14 interrupts patient care or services in the patient's home. The  
 15 plan shall include the means by which the home health agency  
 16 will continue to provide staff to perform the same type and  
 17 quantity of services to their patients who evacuate to special  
 18 needs shelters that were being provided to those patients  
 19 prior to evacuation. The plan shall describe how the home  
 20 health agency establishes and maintains an effective response  
 21 to emergencies and disasters, including: notifying staff when  
 22 emergency response measures are initiated; providing for  
 23 communication between staff members, county health  
 24 departments, and local emergency management agencies,  
 25 including a backup system; identifying resources necessary to  
 26 continue essential care or services or referrals to other  
 27 organizations subject to written agreement; and prioritizing  
 28 and contacting patients who need continued care or services.

29 (1) Each patient record for patients who are listed in  
 30 the registry established pursuant to s. 252.355 shall include  
 31 a description of how care or services will be continued in the

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1 event of an emergency or disaster. The home health agency  
 2 shall discuss the emergency provisions with the patient and  
 3 the patient's caregivers, including where and how the patient  
 4 is to evacuate, procedures for notifying the home health  
 5 agency in the event that the patient evacuates to a location  
 6 other than the shelter identified in the patient record, and a  
 7 list of medications and equipment which must either accompany  
 8 the patient or will be needed by the patient in the event of  
 9 an evacuation.

10 (2) Each home health agency shall maintain a current  
 11 prioritized list of patients who need continued services  
 12 during an emergency. The list shall indicate how services  
 13 shall be continued in the event of an emergency or disaster  
 14 for each patient and if the patient is to be transported to a  
 15 special needs shelter, and shall indicate if the patient is  
 16 receiving skilled nursing services and the patient's  
 17 medication and equipment needs. The list shall be furnished to  
 18 county health departments and to local emergency management  
 19 agencies, upon request.

20 (3) Home health agencies shall not be required to  
 21 continue to provide care to patients in emergency situations  
 22 that are beyond their control and that make it impossible to  
 23 provide services, such as when roads are impassable or when  
 24 patients do not go to the location specified in their patient  
 25 records. Home health agencies may establish links to local  
 26 emergency operations centers to determine a mechanism by which  
 27 to approach specific areas within a disaster area in order for  
 28 the agency to reach its clients. Home health agencies shall  
 29 demonstrate a good faith effort to comply with the  
 30 requirements of this subsection by documenting attempts of  
 31 staff to follow procedures outlined in the home health

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1 agency's comprehensive emergency management plan, and by the  
 2 patient's record, which support a finding that the provision  
 3 of continuing care has been attempted for those patients who  
 4 have been identified as needing care by the home health agency  
 5 and registered under s. 252.355, in the event of an emergency  
 6 or disaster under subsection (1).

7           (4) Notwithstanding the provisions of s. 400.464(2) or  
 8 any other provision of law to the contrary, a home health  
 9 agency may provide services in a special needs shelter located  
 10 in any county.

11           Section 22. Effective July 1, 2006, subsection (8) of  
 12 section 400.497, Florida Statutes, is amended to read:

13           400.497 Rules establishing minimum standards.--The  
 14 agency shall adopt, publish, and enforce rules to implement  
 15 this part, including, as applicable, ss. 400.506 and 400.509,  
 16 which must provide reasonable and fair minimum standards  
 17 relating to:

18           (8) Preparation of a comprehensive emergency  
 19 management plan pursuant to s. 400.492.

20           (a) The Agency for Health Care Administration shall  
 21 adopt rules establishing minimum criteria for the plan and  
 22 plan updates, with the concurrence of the Department of Health  
 23 and in consultation with the Department of Community Affairs.

24           (b) The rules must address the requirements in s.  
 25 400.492. In addition, the rules shall provide for the  
 26 maintenance of patient-specific medication lists that can  
 27 accompany patients who are transported from their homes.

28           (c) The plan is subject to review and approval by the  
 29 county health department. During its review, the county health  
 30 department shall contact state and local health and medical  
 31 stakeholder when necessary. ~~ensure that the following~~



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1 ~~agencies, at a minimum, are given the opportunity to review~~  
2 ~~the plan:~~

- 3 ~~1. The local emergency management agency.~~
- 4 ~~2. The Agency for Health Care Administration.~~
- 5 ~~3. The local chapter of the American Red Cross or~~  
6 ~~other lead sheltering agency.~~
- 7 ~~4. The district office of the Department of Children~~  
8 ~~and Family Services.~~

9

10 The county health department shall complete its review to  
 11 ensure that the plan is in accordance with the criteria in the  
 12 Agency for Health Care Administration rules within 90 60 days  
 13 after receipt of the plan and shall either approve the plan or  
 14 advise the home health agency of necessary revisions. If the  
 15 home health agency fails to submit a plan or fails to submit  
 16 the requested information or revisions to the county health  
 17 department within 30 days after written notification from the  
 18 county health department, the county health department shall  
 19 notify the Agency for Health Care Administration. The agency  
 20 shall notify the home health agency that its failure  
 21 constitutes a deficiency, subject to a fine of \$5,000 per  
 22 occurrence. If the plan is not submitted, information is not  
 23 provided, or revisions are not made as requested, the agency  
 24 may impose the fine.

25 (d) For any home health agency that operates in more  
 26 than one county, the Department of Health shall review the  
 27 plan, after consulting with state and local health and medical  
 28 stakeholders when necessary ~~all of the county health~~  
 29 ~~departments, the agency, and all the local chapters of the~~  
 30 ~~American Red Cross or other lead sheltering agencies in the~~  
 31 ~~areas of operation for that particular home health agency. The~~

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1 department ~~of Health~~ shall complete its review within 90 days  
 2 after receipt of the plan and shall ~~either~~ approve the plan or  
 3 advise the home health agency of necessary revisions. The  
 4 department ~~of Health~~ shall make every effort to avoid imposing  
 5 differing requirements on a home health agency that operates  
 6 in more than one county as a result of differing or  
 7 conflicting comprehensive plan requirements of the ~~based on~~  
 8 ~~differences between counties~~ in which ~~on~~ the home health  
 9 agency operates.

10 (e) The requirements in this subsection do not apply  
 11 to:

12 1. A facility that is certified under chapter 651 and  
 13 has a licensed home health agency used exclusively by  
 14 residents of the facility; or

15 2. A retirement community that consists of residential  
 16 units for independent living and either a licensed nursing  
 17 home or an assisted living facility, and has a licensed home  
 18 health agency used exclusively by the residents of the  
 19 retirement community, provided the comprehensive emergency  
 20 management plan for the facility or retirement community  
 21 provides for continuous care of all residents with special  
 22 needs during an emergency.

23 Section 23. Effective July 1, 2006, subsection (16) of  
 24 section 400.506, Florida Statutes, is amended to read:

25 400.506 Licensure of nurse registries; requirements;  
 26 penalties.--

27 (16) Each nurse registry shall prepare and maintain a  
 28 comprehensive emergency management plan that is consistent  
 29 with the criteria in this subsection and with the local  
 30 special needs plan. The plan shall be updated annually. The  
 31 plan shall include the means by which the nurse registry will

1 continue to provide the same type and quantity of services to  
 2 its patients who evacuate to special needs shelters which were  
 3 being provided to those patients prior to evacuation. The plan  
 4 shall specify how the nurse registry shall facilitate the  
 5 provision of continuous care by persons referred for contract  
 6 to persons who are registered pursuant to s. 252.355 during an  
 7 emergency that interrupts the provision of care or services in  
 8 private residencies. Nurse registries may establish links to  
 9 local emergency operations centers to determine a mechanism by  
 10 which to approach specific areas within a disaster area in  
 11 order for a provider to reach its clients. Nurse registries  
 12 shall demonstrate a good-faith effort to comply with the  
 13 requirements of this subsection by documenting attempts of  
 14 staff to follow procedures outlined in the nurse registry's  
 15 comprehensive emergency management plan which support a  
 16 finding that the provision of continuing care has been  
 17 attempted for patients identified as needing care by the nurse  
 18 registry and registered under s. 252.355 in the event of an  
 19 emergency under s. 400.506(1).

20 (a) All persons referred for contract who care for  
 21 persons registered pursuant to s. 252.355 must include in the  
 22 patient record a description of how care will be continued  
 23 during a disaster or emergency that interrupts the provision  
 24 of care in the patient's home. It shall be the responsibility  
 25 of the person referred for contract to ensure that continuous  
 26 care is provided.

27 (b) Each nurse registry shall maintain a current  
 28 prioritized list of patients in private residences who are  
 29 registered pursuant to s. 252.355 and are under the care of  
 30 persons referred for contract and who need continued services  
 31 during an emergency. This list shall indicate, for each

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1 patient, if the client is to be transported to a special needs  
 2 shelter and if the patient is receiving skilled nursing  
 3 services. Nurse registries shall make this list available to  
 4 county health departments and to local emergency management  
 5 agencies upon request.

6 (c) Each person referred for contract who is caring  
 7 for a patient who is registered pursuant to s. 252.355 shall  
 8 provide a list of the patient's medication and equipment needs  
 9 to the nurse registry. Each person referred for contract shall  
 10 make this information available to county health departments  
 11 and to local emergency management agencies upon request.

12 (d) Each person referred for contract shall not be  
 13 required to continue to provide care to patients in emergency  
 14 situations that are beyond the person's control and that make  
 15 it impossible to provide services, such as when roads are  
 16 impassable or when patients do not go to the location  
 17 specified in their patient records.

18 (e) The comprehensive emergency management plan  
 19 required by this subsection is subject to review and approval  
 20 by the county health department. During its review, the county  
 21 health department shall contact state and local health and  
 22 medical stakeholders when necessary ~~ensure that, at a minimum,~~  
 23 ~~the local emergency management agency, the Agency for Health~~  
 24 ~~Care Administration, and the local chapter of the American Red~~  
 25 ~~Cross or other lead sheltering agency are given the~~  
 26 ~~opportunity to review the plan.~~ The county health department  
 27 shall complete its review to ensure that the plan complies  
 28 with the criteria in the Agency for Health Care Administration  
 29 rules within 90 ~~60~~ days after receipt of the plan and shall  
 30 either approve the plan or advise the nurse registry of  
 31 necessary revisions. If a nurse registry fails to submit a

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1 plan or fails to submit requested information or revisions to  
 2 the county health department within 30 days after written  
 3 notification from the county health department, the county  
 4 health department shall notify the Agency for Health Care  
 5 Administration. The agency shall notify the nurse registry  
 6 that its failure constitutes a deficiency, subject to a fine  
 7 of \$5,000 per occurrence. If the plan is not submitted,  
 8 information is not provided, or revisions are not made as  
 9 requested, the agency may impose the fine.

10 (f) The Agency for Health Care Administration shall  
 11 adopt rules establishing minimum criteria for the  
 12 comprehensive emergency management plan and plan updates  
 13 required by this subsection, with the concurrence of the  
 14 Department of Health and in consultation with the Department  
 15 of Community Affairs.

16 Section 24. Effective July 1, 2006, subsection (1) of  
 17 section 400.610, Florida Statutes, is amended to read:

18 400.610 Administration and management of a hospice.--

19 (1) A hospice shall have a clearly defined organized  
 20 governing body, consisting of a minimum of seven persons who  
 21 are representative of the general population of the community  
 22 served. The governing body shall have autonomous authority and  
 23 responsibility for the operation of the hospice and shall meet  
 24 at least quarterly. The governing body shall:

25 (a) Adopt an annual plan for the operation of the  
 26 hospice, which shall include a plan for providing for  
 27 uncompensated care and philanthropic community activities.

28 (b)1. Prepare and maintain a comprehensive emergency  
 29 management plan that provides for continuing hospice services  
 30 in the event of an emergency that is consistent with local  
 31 special needs plans. The plan shall include provisions for

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1 ensuring continuing care to hospice patients who go to special  
2 needs shelters. The plan shall include the means by which the  
3 hospice provider will continue to provide staff to provide the  
4 same type and quantity of services to their patients who  
5 evacuate to special needs shelters which were being provided  
6 to those patients prior to evacuation. The plan is subject to  
7 review and approval by the county health department, except as  
8 provided in subparagraph 2. During its review, the county  
9 health department shall contact state and local health and  
10 medical stakeholders when necessary ~~ensure that the~~  
11 ~~department, the agency, and the local chapter of the American~~  
12 ~~Red Cross or other lead sheltering agency have an opportunity~~  
13 ~~to review and comment on the plan.~~ The county health  
14 department shall complete its review to ensure that the plan  
15 complies with criteria in rules of the Department of Elderly  
16 Affairs within 90 60 days after receipt of the plan and shall  
17 either approve the plan or advise the hospice of necessary  
18 revisions. Hospice providers may establish links to local  
19 emergency operations centers to determine a mechanism by which  
20 to approach specific areas within a disaster area in order for  
21 the provider to reach its clients. A hospice shall demonstrate  
22 a good-faith effort to comply with the requirements of this  
23 paragraph by documenting attempts of staff to follow  
24 procedures as outlined in the hospice's comprehensive  
25 emergency management plan and to provide continuing care for  
26 those hospice clients who have been identified as needing  
27 alternative caregiver services in the event of an emergency.

28           2. For any hospice that operates in more than one  
29 county, the Department of Health during its review shall  
30 contact state and local health and medical stakeholders when  
31 necessary ~~review the plan, after consulting with all of the~~

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1 ~~county health departments, the agency, and all the local~~  
 2 ~~chapters of the American Red Cross or other lead sheltering~~  
 3 ~~agency in the areas of operation for that particular hospice.~~  
 4 The Department of Health shall complete its review to ensure  
 5 that the plan complies with criteria in rules of the  
 6 Department of Elderly Affairs within 90 days after receipt of  
 7 the plan and shall ~~either~~ approve the plan or advise the  
 8 hospice of necessary revisions. The Department of Health shall  
 9 make every effort to avoid imposing ~~on the hospice~~ differing  
 10 requirements on a hospice that operates in more than one  
 11 county as a result of differing or conflicting comprehensive  
 12 plan requirements of the ~~based on differences between~~ counties  
 13 in which the hospice operates.

14 (c) Adopt an annual budget.

15 (d) Appoint a director who shall be responsible for  
 16 the day-to-day management and operation of the hospice and who  
 17 shall serve as the liaison between the governing body and the  
 18 hospice staff.

19 (e) Undertake such additional activities as necessary  
 20 to ensure that the hospice is complying with the requirements  
 21 for hospice services as set forth in this part.

22 Section 25. Effective July 1, 2006, present  
 23 subsections (13) through (16) of section 400.925, Florida  
 24 Statutes, are redesignated as subsections (14) through (17)  
 25 respectively, and a new subsection (13) is added to that  
 26 section, to read:

27 400.925 Definitions.--As used in this part, the term:

28 (13) "Life-supporting or life-sustaining equipment"  
 29 means a device that is essential to, or that yields  
 30 information that is essential to, the restoration or  
 31 continuation of a bodily function important to the

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1 continuation of human life. Life-supporting or life-sustaining  
 2 equipment includes apnea monitors, enteral feeding pumps,  
 3 infusion pumps, portable home dialysis equipment, and  
 4 ventilator equipment and supplies for all related equipment,  
 5 including oxygen equipment and related respiratory equipment.

6 Section 26. Effective July 1, 2006, subsections (20),  
 7 (21), and (22) are added to section 400.934, Florida Statutes,  
 8 to read:

9 400.934 Minimum standards.--As a requirement of  
 10 licensure, home medical equipment providers shall:

11 (20)(a) Prepare and maintain a comprehensive emergency  
 12 management plan that meets minimum criteria established by  
 13 agency rule under s. 400.935. The plan shall be updated  
 14 annually and shall provide for continuing home medical  
 15 equipment services for life-supporting or life-sustaining  
 16 equipment, as defined in s. 400.925, during an emergency that  
 17 interrupts home medical equipment services in a patient's  
 18 home. The plan shall include:

19 1. The means by which the home medical equipment  
 20 provider will continue to provide equipment to perform the  
 21 same type and quantity of services to its patients who  
 22 evacuate to special needs shelters which were being provided  
 23 to those patients prior to evacuation.

24 2. The means by which the home medical equipment  
 25 provider establishes and maintains an effective response to  
 26 emergencies and disasters, including plans for:

27 a. Notification of staff when emergency response  
 28 measures are initiated.

29 b. Communication between staff members, county health  
 30 departments, and local emergency management agencies, which  
 31 includes provisions for a backup communications system.



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1           c. Identification of resources necessary to continue  
2 essential care or services or referrals to other organizations  
3 subject to written agreement.

4           d. Contacting and prioritizing patients in need of  
5 continued medical equipment services and supplies.

6           (b) The plan is subject to review and approval by the  
7 county health department. During its review, the county health  
8 department shall contact state and local health and medical  
9 stakeholders when necessary. The county health department  
10 shall complete its review to ensure that the plan is in  
11 accordance with the criteria in the Agency for Health Care  
12 Administration rules within 90 days after receipt of the plan.  
13 If a home medical equipment provider fails to submit a plan or  
14 fails to submit requested information or revisions to the  
15 county health department within 30 days after written  
16 notification from the county health department, the county  
17 health department shall notify the Agency for Health Care  
18 Administration. The agency shall notify the home medical  
19 equipment provider that such failure constitutes a deficiency,  
20 subject to a fine of \$5,000 per occurrence. If the plan is not  
21 submitted, information is not provided, or revisions are not  
22 made as requested, the agency may impose the fine.

23           (21) Each home medical equipment provider shall  
24 maintain a current prioritized list of patients who need  
25 continued services during an emergency. The list shall  
26 indicate the means by which services shall be continued for  
27 each patient in the event of an emergency or disaster, whether  
28 the patient is to be transported to a special needs shelter,  
29 and whether the patient has life-supporting or life-sustaining  
30 equipment, including the specific type of equipment and  
31 related supplies. The list shall be furnished to county health

1 departments and local emergency management agencies upon  
2 request.

3 (22) Home medical equipment providers may establish  
4 links to local emergency operations centers to determine a  
5 mechanism by which to approach specific areas within a  
6 disaster area in order for the provider to reach its patients.

7 Section 27. Effective July 1, 2006, subsection (11) is  
8 added to section 400.935, Florida Statutes, to read:

9 400.935 Rules establishing minimum standards.--The  
10 agency shall adopt, publish, and enforce rules to implement  
11 this part, which must provide reasonable and fair minimum  
12 standards relating to:

13 (11) Preparation of the comprehensive emergency  
14 management plan under s. 400.934 and the establishment of  
15 minimum criteria for the plan, including the maintenance of  
16 patient equipment and supply lists that can accompany patients  
17 who are transported from their homes. Such rules shall be  
18 formulated in consultation with the Department of Health and  
19 the Department of Community Affairs.

20 Section 28. Effective July 1, 2006, section 408.831,  
21 Florida Statutes, is amended to read:

22 408.831 Denial, suspension, or revocation of a  
23 license, registration, certificate, or application.--

24 (1) In addition to any other remedies provided by law,  
25 the agency may deny each application or suspend or revoke each  
26 license, registration, or certificate of entities regulated or  
27 licensed by it:

28 (a) If the applicant, licensee, registrant, or  
29 certificateholder, or, in the case of a corporation,  
30 partnership, or other business entity, if any officer,  
31 director, agent, or managing employee of that business entity

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1 or any affiliated person, partner, or shareholder having an  
 2 ownership interest equal to 5 percent or greater in that  
 3 business entity, has failed to pay all outstanding fines,  
 4 liens, or overpayments assessed by final order of the agency  
 5 or final order of the Centers for Medicare and Medicaid  
 6 Services, not subject to further appeal, unless a repayment  
 7 plan is approved by the agency; or

8 (b) For failure to comply with any repayment plan.

9 (2) In reviewing any application requesting a change  
 10 of ownership or change of the licensee, registrant, or  
 11 certificateholder, the transferor shall, prior to agency  
 12 approval of the change, repay or make arrangements to repay  
 13 any amounts owed to the agency. Should the transferor fail to  
 14 repay or make arrangements to repay the amounts owed to the  
 15 agency, the issuance of a license, registration, or  
 16 certificate to the transferee shall be delayed until repayment  
 17 or until arrangements for repayment are made.

18 (3) An entity subject to this section may exceed its  
 19 licensed capacity to act as a receiving facility in accordance  
 20 with an emergency operations plan for clients of evacuating  
 21 providers from a geographic area where an evacuation order has  
 22 been issued by a local authority having jurisdiction. While in  
 23 an overcapacity status, each provider must furnish or arrange  
 24 for appropriate care and services to all clients. In addition,  
 25 the agency may approve requests for overcapacity beyond 15  
 26 days, which approvals may be based upon satisfactory  
 27 justification and need as provided by the receiving and  
 28 sending facilities.

29 (4)(a) An inactive license may be issued to a licensee  
 30 subject to this section when the provider is located in a  
 31 geographic area where a state of emergency was declared by the

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1 Governor if the provider:

2       1. Suffered damage to its operation during that state  
3 of emergency.

4       2. Is currently licensed.

5       3. Does not have a provisional license.

6       4. Will be temporarily unable to provide services but  
7 is reasonably expected to resume services within 12 months.

8       (b) An inactive license may be issued for a period not  
9 to exceed 12 months but may be renewed by the agency for up to  
10 12 additional months upon demonstration to the agency of  
11 progress toward reopening. A request by a licensee for an  
12 inactive license or to extend the previously approved inactive  
13 period must be submitted in writing to the agency, accompanied  
14 by written justification for the inactive license, which  
15 states the beginning and ending dates of inactivity and  
16 includes a plan for the transfer of any clients to other  
17 providers and appropriate licensure fees. Upon agency  
18 approval, the licensee shall notify clients of any necessary  
19 discharge or transfer as required by authorizing statutes or  
20 applicable rules. The beginning of the inactive licensure  
21 period shall be the date the provider ceases operations. The  
22 end of the inactive period shall become the licensee  
23 expiration date, and all licensure fees must be current, paid  
24 in full, and may be prorated. Reactivation of an inactive  
25 license requires the prior approval by the agency of a renewal  
26 application, including payment of licensure fees and agency  
27 inspections indicating compliance with all requirements of  
28 this part and applicable rules and statutes.

29       ~~(5)(3)~~ This section provides standards of enforcement  
30 applicable to all entities licensed or regulated by the Agency  
31 for Health Care Administration. This section controls over any

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1 conflicting provisions of chapters 39, 381, 383, 390, 391,  
2 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted  
3 pursuant to those chapters.

4 Section 29. Emergency-preparedness prescription  
5 medication refills.--All health insurers, managed care  
6 organizations, and other entities that are licensed by the  
7 Office of Insurance Regulation and provide prescription  
8 medication coverage as part of a policy or contract shall  
9 waive time restrictions on prescription medication refills,  
10 which includes suspension of electronic "refill too soon"  
11 edits to pharmacies, to enable insureds or subscribers to  
12 refill prescriptions in advance, if there are authorized  
13 refills remaining, and shall authorize payment to pharmacies  
14 for at least a thirty day supply of any prescription  
15 medication, regardless of the date upon which the prescription  
16 had most recently been filled by a pharmacist, when the  
17 following conditions occur:

18 (1) The person seeking the prescription medication  
19 refill resides in a county that:

20 (a) Is under a hurricane warning issued by the  
21 National Weather Service;

22 (b) Is declared to be under a state of emergency in an  
23 executive order issued by the Governor; or

24 (c) Has activated its emergency operations center and  
25 its emergency management plan.

26 (2) The prescription medication refill is requested  
27 within 30 days after the origination date of the conditions  
28 stated in this section or until such conditions are terminated  
29 by the issuing authority or no longer exists. The time period  
30 for the waiver of prescription medication refills may be  
31 extended in 15- or 30-day increments by emergency orders

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1 issued by the Office of Insurance Regulation.

2

3 This section does not excuse or exempt an insured or  
4 subscriber from compliance with all other terms of the policy  
5 or contract providing prescription medication coverage. This  
6 section takes effect July 1, 2006.

7 Section 30. Except as otherwise expressly provided in  
8 this act, this act shall take effect upon becoming a law.

9

10

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete everything before the enacting clause

14

15 and insert:

16

A bill to be entitled

17

An act relating to emergency management;

18

providing legislative findings with respect to

19

the need for improvements in the state's

20

infrastructure in response to the hurricane

21

seasons of 2004 and 2005; providing for the

22

Legislature to make funds available to local

23

and state agencies through appropriations to

24

the Department of Community Affairs; requiring

25

the department to establish a statewide grant

26

application process; providing criteria for an

27

appropriation to fund the construction or

28

renovation of county emergency operations

29

centers and designated alternate state

30

emergency operations centers; providing

31

limitations on the use of such funds; requiring

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1 that the release of funds be approved by the  
2 Legislative Budget Commission; providing  
3 criteria for an appropriation to fund equipping  
4 public special-needs hurricane evacuation  
5 shelters with the permanent capacity to  
6 generate emergency power; providing criteria  
7 for an appropriation for retrofitting public  
8 hurricane evacuation shelters; requiring that  
9 the release of funds be approved by the  
10 Legislative Budget Commission; providing for  
11 funds to be appropriated to improve the  
12 logistical staging and warehouse capacity of  
13 commodities used following a disaster;  
14 providing for funds to be appropriated for the  
15 purpose of hurricane evacuation planning;  
16 providing appropriations; directing the  
17 Division of Emergency Management to conduct a  
18 feasibility study relating to the supply and  
19 distribution of essential commodities by  
20 nongovernment and private entities; creating s.  
21 526.143, F.S.; providing that each motor fuel  
22 terminal facility and wholesaler that sells  
23 motor fuel in the state must be capable of  
24 operating its distribution loading racks using  
25 an alternate power source for a specified  
26 period by a certain date; providing  
27 requirements with respect to the operation of  
28 such equipment following a major disaster;  
29 providing requirements with respect to  
30 inspection of such equipment; requiring newly  
31 constructed or substantially renovated motor

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1 fuel retail outlets to be capable of operation  
2 using an alternate power source; defining  
3 "substantially renovated"; requiring certain  
4 motor fuel retail outlets located within a  
5 specified distance from an interstate highway  
6 or state or federally designated evacuation  
7 route to be capable of operation using an  
8 alternate power source by a specified date;  
9 providing inspection and recordkeeping  
10 requirements; providing applicability; creating  
11 s. 526.144, F.S.; creating the Florida Disaster  
12 Motor Fuel Supplier Program within the  
13 Department of Community Affairs; providing  
14 requirements for participation in the program;  
15 providing that participation in the program  
16 shall be at the option of each county;  
17 providing for administration of the program;  
18 providing requirements of businesses certified  
19 as State Emergency Response Team members;  
20 providing for preemption to the state of the  
21 regulation of and requirements for siting and  
22 placement of an alternate power source and any  
23 related equipment at motor fuel terminal  
24 facilities, wholesalers, and retail sales  
25 outlets; providing for preemption to the state  
26 of the regulation of certain retail  
27 establishments; providing for review of the  
28 program; providing a report; amending s.  
29 501.160, F.S., providing limiting price gouge  
30 prohibition periods; providing prohibition  
31 period renewal; amending s. 553.509, F.S.,



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1 relating to requirements with respect to  
2 vertical accessibility under part II of ch.  
3 553, F.S., the "Florida Americans With  
4 Disabilities Accessibility Implementation Act";  
5 requiring specified existing and newly  
6 constructed residential multifamily dwellings  
7 to have at least one public elevator that is  
8 capable of operating on an alternate power  
9 source for emergency purposes; providing  
10 requirements with respect to the alternate  
11 power source; providing for verification of  
12 compliance by specified dates; providing  
13 requirements with respect to emergency  
14 operations plans and inspection records;  
15 requiring any person, firm, or corporation that  
16 owns, manages or operates specified multistory  
17 affordable residential dwellings to attempt to  
18 obtain grant funding to comply with the act;  
19 requiring an owner, manager or operator of such  
20 a dwelling to develop an evacuation plan in the  
21 absence of compliance with the act; providing  
22 additional inspection requirements under ch.  
23 399, F.S., the "Elevator Safety Act"; amending  
24 s. 252.35, F.S.; expanding the duty of the  
25 Division of Emergency Management to conduct a  
26 public educational campaign on emergency  
27 preparedness issues; expanding the duty of the  
28 Division of Emergency Management to create and  
29 maintain lists of emergency generators;  
30 providing an additional duty of the division  
31 with respect to educational outreach concerning

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1 disaster preparedness; providing an  
2 appropriation to the Department of Community  
3 Affairs to conduct a feasibility study;  
4 providing severability; amending s. 252.355,  
5 F.S.; specifying additional entities and  
6 agencies that are required to provide  
7 registration information to persons with  
8 disabilities or special needs for purposes of  
9 inclusion within the registry of persons with  
10 special needs maintained by local emergency  
11 management agencies; providing that the  
12 Department of Community Affairs is the  
13 designated lead agency responsible for  
14 community education and outreach to the general  
15 public, including persons with special needs,  
16 regarding registration as a person with special  
17 needs, special needs shelters, and general  
18 information regarding shelter stays; providing  
19 that special needs shelters must allow persons  
20 with special needs to bring service animals  
21 into special needs shelters; revising  
22 provisions with respect to the required  
23 notification of residential utility customers  
24 of the availability of the special needs  
25 registration program; providing that specified  
26 confidential and exempt information relating to  
27 the roster of persons with special needs in  
28 special needs shelters be provided to local law  
29 enforcement; creating s. 252.3568, F.S.;  
30 requiring the Division of Emergency Management  
31 to address strategies for the evacuation of

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1 persons with pets in the shelter component of  
2 the state comprehensive emergency management  
3 plan; creating s. 252.357, F.S.; requiring the  
4 Florida Comprehensive Emergency Management Plan  
5 to permit the Agency for Health Care  
6 Administration to make initial contact with  
7 each nursing home and assisted living facility  
8 in a disaster area; requiring the agency to  
9 annually publish an emergency telephone number  
10 that may be used by nursing homes and assisted  
11 living facilities to contact the agency;  
12 amending s. 252.385, F.S., relating to public  
13 shelter space; requiring the Division of  
14 Emergency Management of the Department of  
15 Community Affairs to biennially prepare and  
16 submit a statewide emergency shelter plan to  
17 the Governor and the Cabinet for approval;  
18 providing plan requirements; requiring the  
19 Department of Health to provide specified  
20 assistance to the division; revising the list  
21 of those facilities that are excluded as being  
22 suitable for use as public hurricane evacuation  
23 shelters; requiring local emergency management  
24 agencies to coordinate with public facilities  
25 to determine readiness prior to activation;  
26 amending s. 381.0303, F.S.; providing for the  
27 operation of special needs shelters; providing  
28 that local Children's Medical Services offices  
29 shall assume lead responsibility for specified  
30 coordination with respect to the development of  
31 a plan for the staffing and medical management

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1 of pediatric special needs shelters; requiring  
2 that such plans conform to the local  
3 comprehensive emergency management plan;  
4 requiring county governments to assist the  
5 Department of Health with nonmedical staffing  
6 and operation of special needs shelters;  
7 requiring county health departments and  
8 emergency management agencies to coordinate  
9 such efforts to ensure appropriate staffing;  
10 providing that the appropriate county health  
11 department, Children's Medical Services office,  
12 and local emergency management agency shall  
13 jointly determine the responsibility for  
14 medical supervision in a special needs shelter;  
15 providing notification requirements; requiring  
16 the emergency management agency and the local  
17 health department to coordinate efforts to  
18 ensure appropriate designation, operation, and  
19 closure of special needs shelters; requiring  
20 the Secretary of Elderly Affairs to convene  
21 multiagency special needs shelter discharge  
22 planning teams to assist local areas that are  
23 severely impacted by a natural or manmade  
24 disaster that requires the use of special needs  
25 shelters; providing duties and responsibilities  
26 of such discharge planning teams; providing for  
27 the inclusion of specified state agency  
28 representatives on each discharge planning  
29 team; revising provisions relating to  
30 reimbursement of health care practitioners;  
31 providing for eligibility of specified health

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1 care facilities for reimbursement when a  
2 multiagency special needs shelter discharge  
3 planning team discharges persons with special  
4 needs to such receiving facilities; providing  
5 procedures and requirements with respect to  
6 such reimbursement; requiring the department to  
7 specify by rule expenses that are reimbursable  
8 and the rate of reimbursement for services;  
9 revising provisions that prescribe means of and  
10 procedures for reimbursement; disallowing  
11 specified reimbursements; revising provisions  
12 with respect to the organization, role, duties,  
13 and composition of the special needs shelter  
14 interagency committee; requiring the department  
15 to adopt specified rules with respect to  
16 special needs shelters; amending ss. 400.492,  
17 400.497, 400.506, 400.610, and 400.934, F.S.;  
18 revising requirements with respect to the  
19 comprehensive emergency management plans of  
20 home health agencies, nurse registries, and  
21 hospices, and providing requirements with  
22 respect to home medical equipment providers, to  
23 include the means by which continuing services  
24 will be provided to patients who evacuate to  
25 special needs shelters; authorizing the  
26 establishment of links to local emergency  
27 operations centers for specified purposes;  
28 revising requirements of a county health  
29 department with respect to review of a  
30 comprehensive emergency management plan  
31 submitted by a home health agency, nurse

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1 registry, or hospice; providing requirements  
2 upon failure to submit a plan or requested  
3 information to the department; providing for  
4 imposition of a fine; revising requirements of  
5 the Department of Health with respect to review  
6 of the plan of a home health agency or hospice  
7 that operates in more than one county;  
8 providing that the preparation and maintenance  
9 of a comprehensive emergency management plan by  
10 a home medical equipment provider is a  
11 requirement for licensure and must meet minimum  
12 criteria established by the Agency for Health  
13 Care Administration; providing plan  
14 requirements; providing that the plan is  
15 subject to review and approval by the county  
16 health department; requiring each home medical  
17 equipment provider to maintain a current  
18 prioritized list of patients who need continued  
19 services during an emergency; amending s.  
20 400.925, F.S.; defining "life-supporting or  
21 life-sustaining equipment" for purposes of part  
22 X of ch. 400, F.S., relating to home medical  
23 equipment providers; amending s. 400.935, F.S.;  
24 requiring the Agency for Health Care  
25 Administration to adopt rules with respect to  
26 the comprehensive emergency management plan  
27 prepared by a home medical equipment services  
28 provider; amending s. 408.831, F.S.; providing  
29 that entities regulated or licensed by the  
30 Agency for Health Care Administration may  
31 exceed their licensed capacity to act as

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1 receiving facilities under specified  
2 circumstances; providing requirements while  
3 such entities are in an overcapacity status;  
4 providing for issuance of an inactive license  
5 to such licensees under specified conditions;  
6 providing requirements and procedures with  
7 respect to the issuance and reactivation of an  
8 inactive license; providing fees; requiring  
9 certain health insurance companies to waive  
10 restrictions on filling prescriptions during a  
11 declared State of Emergency; providing  
12 effective dates.

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