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1 A bill to be entitled
2 An act relating to emergency management; providing
3 legislative findings with respect to the need for
4 improvements in the state's infrastructure in response to
5 the hurricane seasons of 2004 and 2005; providing for the
6 Legislature to make funds available to local and state
7 agencies through appropriations to the Department of
8 Community Affairs; requiring the department to establish a
9 statewide grant application process; providing criteria
10 for an appropriation to fund the construction or
11 renovation of county emergency operations centers and
12 designated alternate state emergency operations centers;
13 providing limitations on the use of such funds; requiring
14 that the release of funds be approved by the Legislative
15 Budget Commission; providing criteria for an appropriation
16 to fund equipping public special-needs hurricane
17 evacuation shelters with the permanent capacity to
18 generate emergency power; providing criteria for an
19 appropriation for retrofitting public hurricane evacuation
20 shelters; requiring that the release of funds be approved
21 by the Legislative Budget Commission; providing for funds
22 to be appropriated to improve the logistical staging and
23 warehouse capacity of commodities used following a
24 disaster; providing for funds to be appropriated for the
25 purpose of hurricane evacuation planning; providing
26 appropriations; directing the Division of Emergency
27 Management to conduct a feasibility study relating to the

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28 supply and distribution of essential commodities by
29 nongovernment and private entities; creating s. 526.143,
30 F.S.; providing that each motor fuel terminal facility and
31 wholesaler that sells motor fuel in the state must be
32 capable of operating its distribution loading racks using
33 an alternate power source for a specified period by a
34 certain date; providing requirements with respect to the
35 operation of such equipment following a major disaster;
36 providing requirements with respect to inspection of such
37 equipment; requiring newly constructed or substantially
38 renovated motor fuel retail outlets to be capable of
39 operation using an alternate power source; defining
40 "substantially renovated"; requiring certain motor fuel
41 retail outlets located within a specified distance from an
42 interstate highway or state or federally designated
43 evacuation route to be capable of operation using an
44 alternate power source by a specified date; providing
45 inspection and recordkeeping requirements; providing
46 applicability; creating s. 526.144, F.S.; creating the
47 Florida Disaster Motor Fuel Supplier Program within the
48 Department of Community Affairs; providing requirements
49 for participation in the program; providing that
50 participation in the program shall be at the option of
51 each county; providing for administration of the program;
52 providing requirements of businesses certified as State
53 Emergency Response Team members; providing for preemption
54 to the state of the regulation of and requirements for

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55 | siting and placement of an alternate power source and any
56 | related equipment at motor fuel terminal facilities,
57 | wholesalers, and retail sales outlets; providing for
58 | preemption to the state of the regulation of certain
59 | retail establishments; providing for review of the
60 | program; providing a report; amending s. 501.160, F.S.,
61 | providing limiting price gouge prohibition periods;
62 | providing prohibition period renewal; amending s. 553.509,
63 | F.S., relating to requirements with respect to vertical
64 | accessibility under part II of ch. 553, F.S., the "Florida
65 | Americans With Disabilities Accessibility Implementation
66 | Act"; requiring specified existing and newly constructed
67 | residential multifamily dwellings to have at least one
68 | public elevator that is capable of operating on an
69 | alternate power source for emergency purposes; providing
70 | requirements with respect to the alternate power source;
71 | providing for verification of compliance by specified
72 | dates; providing requirements with respect to emergency
73 | operations plans and inspection records; requiring any
74 | person, firm, or corporation that owns, manages or
75 | operates specified multistory affordable residential
76 | dwellings to attempt to obtain grant funding to comply
77 | with the act; requiring an owner, manager or operator of
78 | such a dwelling to develop an evacuation plan in the
79 | absence of compliance with the act; providing additional
80 | inspection requirements under ch. 399, F.S., the "Elevator
81 | Safety Act"; amending s. 252.35, F.S.; expanding the duty

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82 | of the Division of Emergency Management to conduct a
83 | public educational campaign on emergency preparedness
84 | issues; expanding the duty of the Division of Emergency
85 | Management to create and maintain lists of emergency
86 | generators; providing an additional duty of the division
87 | with respect to educational outreach concerning disaster
88 | preparedness; providing an appropriation to the Department
89 | of Community Affairs to conduct a feasibility study;
90 | providing severability; amending s. 252.355, F.S.;
91 | specifying additional entities and agencies that are
92 | required to provide registration information to persons
93 | with disabilities or special needs for purposes of
94 | inclusion within the registry of persons with special
95 | needs maintained by local emergency management agencies;
96 | providing that the Department of Community Affairs is the
97 | designated lead agency responsible for community education
98 | and outreach to the general public, including persons with
99 | special needs, regarding registration as a person with
100 | special needs, special needs shelters, and general
101 | information regarding shelter stays; providing that
102 | special needs shelters must allow persons with special
103 | needs to bring service animals into special needs
104 | shelters; revising provisions with respect to the required
105 | notification of residential utility customers of the
106 | availability of the special needs registration program;
107 | providing that specified confidential and exempt
108 | information relating to the roster of persons with special

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109 | needs in special needs shelters be provided to local law
110 | enforcement; creating s. 252.3568, F.S.; requiring the
111 | Division of Emergency Management to address strategies for
112 | the evacuation of persons with pets in the shelter
113 | component of the state comprehensive emergency management
114 | plan; creating s. 252.357, F.S.; requiring the Florida
115 | Comprehensive Emergency Management Plan to permit the
116 | Agency for Health Care Administration to make initial
117 | contact with each nursing home and assisted living
118 | facility in a disaster area; requiring the agency to
119 | annually publish an emergency telephone number that may be
120 | used by nursing homes and assisted living facilities to
121 | contact the agency; amending s. 252.385, F.S., relating to
122 | public shelter space; requiring the Division of Emergency
123 | Management of the Department of Community Affairs to
124 | biennially prepare and submit a statewide emergency
125 | shelter plan to the Governor and the Cabinet for approval;
126 | providing plan requirements; requiring the Department of
127 | Health to provide specified assistance to the division;
128 | revising the list of those facilities that are excluded as
129 | being suitable for use as public hurricane evacuation
130 | shelters; requiring local emergency management agencies to
131 | coordinate with public facilities to determine readiness
132 | prior to activation; amending s. 381.0303, F.S.; providing
133 | for the operation of special needs shelters; providing
134 | that local Children's Medical Services offices shall
135 | assume lead responsibility for specified coordination with

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136 | respect to the development of a plan for the staffing and
137 | medical management of pediatric special needs shelters;
138 | requiring that such plans conform to the local
139 | comprehensive emergency management plan; requiring county
140 | governments to assist the Department of Health with
141 | nonmedical staffing and operation of special needs
142 | shelters; requiring county health departments and
143 | emergency management agencies to coordinate such efforts
144 | to ensure appropriate staffing; providing that the
145 | appropriate county health department, Children's Medical
146 | Services office, and local emergency management agency
147 | shall jointly determine the responsibility for medical
148 | supervision in a special needs shelter; providing
149 | notification requirements; requiring the emergency
150 | management agency and the local health department to
151 | coordinate efforts to ensure appropriate designation,
152 | operation, and closure of special needs shelters;
153 | requiring the Secretary of Elderly Affairs to convene
154 | multiagency special needs shelter discharge planning teams
155 | to assist local areas that are severely impacted by a
156 | natural or manmade disaster that requires the use of
157 | special needs shelters; providing duties and
158 | responsibilities of such discharge planning teams;
159 | providing for the inclusion of specified state agency
160 | representatives on each discharge planning team; revising
161 | provisions relating to reimbursement of health care
162 | practitioners; providing for eligibility of specified

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163 health care facilities for reimbursement when a
164 multiagency special needs shelter discharge planning team
165 discharges persons with special needs to such receiving
166 facilities; providing procedures and requirements with
167 respect to such reimbursement; requiring the department to
168 specify by rule expenses that are reimbursable and the
169 rate of reimbursement for services; revising provisions
170 that prescribe means of and procedures for reimbursement;
171 disallowing specified reimbursements; revising provisions
172 with respect to the organization, role, duties, and
173 composition of the special needs shelter interagency
174 committee; requiring the department to adopt specified
175 rules with respect to special needs shelters; amending ss.
176 400.492, 400.497, 400.506, 400.610, and 400.934, F.S.;
177 revising requirements with respect to the comprehensive
178 emergency management plans of home health agencies, nurse
179 registries, and hospices, and providing requirements with
180 respect to home medical equipment providers, to include
181 the means by which continuing services will be provided to
182 patients who evacuate to special needs shelters;
183 authorizing the establishment of links to local emergency
184 operations centers for specified purposes; revising
185 requirements of a county health department with respect to
186 review of a comprehensive emergency management plan
187 submitted by a home health agency, nurse registry, or
188 hospice; providing requirements upon failure to submit a
189 plan or requested information to the department; providing

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190 for imposition of a fine; revising requirements of the
191 Department of Health with respect to review of the plan of
192 a home health agency or hospice that operates in more than
193 one county; providing that the preparation and maintenance
194 of a comprehensive emergency management plan by a home
195 medical equipment provider is a requirement for licensure
196 and must meet minimum criteria established by the Agency
197 for Health Care Administration; providing plan
198 requirements; providing that the plan is subject to review
199 and approval by the county health department; requiring
200 each home medical equipment provider to maintain a current
201 prioritized list of patients who need continued services
202 during an emergency; amending s. 400.925, F.S.; defining
203 "life-supporting or life-sustaining equipment" for
204 purposes of part X of ch. 400, F.S., relating to home
205 medical equipment providers; amending s. 400.935, F.S.;
206 requiring the Agency for Health Care Administration to
207 adopt rules with respect to the comprehensive emergency
208 management plan prepared by a home medical equipment
209 services provider; amending s. 408.831, F.S.; providing
210 that entities regulated or licensed by the Agency for
211 Health Care Administration may exceed their licensed
212 capacity to act as receiving facilities under specified
213 circumstances; providing requirements while such entities
214 are in an overcapacity status; providing for issuance of
215 an inactive license to such licensees under specified
216 conditions; providing requirements and procedures with

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217 | respect to the issuance and reactivation of an inactive
 218 | license; providing fees; requiring certain health
 219 | insurance companies to waive restrictions on filling
 220 | prescriptions during a declared State of Emergency;
 221 | providing effective dates.

222 |

223 | Be It Enacted by the Legislature of the State of Florida:

224 |

225 | Section 1. The Legislature finds that there is a
 226 | compelling need for improvements in infrastructure, as
 227 | identified during the 2004 and 2005 hurricane seasons, in order
 228 | to better protect the residents of this state. Based on the
 229 | criteria specified in this section, the Legislature shall make
 230 | funds available to local and state agencies through
 231 | appropriations to the Department of Community Affairs for the
 232 | purpose of enhancing public education and information,
 233 | constructing or improving county emergency operations centers
 234 | and designated alternate state emergency operations centers,
 235 | providing emergency power for public special-needs hurricane
 236 | evacuation shelters, retrofitting public hurricane evacuation
 237 | shelters, improving logistical staging and warehouse capacity
 238 | for commodities, and planning for hurricane evacuations. The
 239 | criteria in this section shall be considered by the Legislature
 240 | in determining eligibility for funding.

241 | (1) (a) The Legislature finds that county emergency
 242 | operations centers and designated alternate state emergency
 243 | operations centers should meet minimum criteria for structural

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244 survivability and sufficiency of operational space, as
245 determined by assessments performed by the Department of
246 Community Affairs using the structural requirements of American
247 Red Cross Standard ARC 4496, "Guidelines for Hurricane
248 Evacuation Shelter Selection," and based on guidance from the
249 Federal Emergency Management Agency. Criteria for prioritizing
250 and recommending the funding for county emergency operations
251 centers and designated alternate state emergency operations
252 centers include, but are not limited to, county population,
253 hurricane evacuation clearance time for the vulnerable
254 population of the county, structural survivability of the
255 existing emergency operations center, and guidance of the
256 Federal Emergency Management Agency for workspace requirements
257 for the emergency operations center. First priority for funding
258 recommendations shall be for county emergency operations centers
259 or designated alternate state emergency operations centers where
260 no survivable facility exists and where workspace deficits
261 exist. Funding recommendations made pursuant to this paragraph
262 may not include land acquisition; the purchase of equipment,
263 furnishings, communications, or operational systems; or
264 recurring expenditures. Funding recommendations must be limited
265 to the construction or structural renovation of the county
266 emergency operations center or designated alternate state
267 emergency operations centers needed to meet the same structural
268 requirements of American Red Cross Standard ARC 4496,
269 "Guidelines for Hurricane Evacuation Shelter Selection," and
270 national workspace recommendations. The Department of Community

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271 Affairs shall establish a statewide competitive grant
 272 application process for proposals to construct or improve county
 273 emergency operations centers such that those centers would, upon
 274 completion of the project, meet minimum criteria as specified in
 275 this section. The application may contain one or more
 276 independent proposals for:

277 1. A construction or improvement project requesting state
 278 financial assistance or having received state financial
 279 assistance which also includes facility hardening or mitigation
 280 and which qualifies for funding under the federal Hazard
 281 Mitigation Grant Program. These proposals must document the
 282 commitment of all local funds needed and identify the proposed
 283 state and federal funding needed, based on the funding criteria
 284 specified in this paragraph, to complete the project for a fully
 285 operational county emergency operations center or designated
 286 alternate state emergency operations center.

287 2. A construction or improvement project to be funded with
 288 local or other nonstate funds which includes facility hardening
 289 or mitigation and which qualifies for funding under the federal
 290 Hazard Mitigation Grant Program. These proposals must document
 291 the commitment of all local funds needed and identify the
 292 proposed federal funding needed, based on the funding criteria
 293 in this paragraph, to complete the project for a fully
 294 operational county emergency operations center or a designated
 295 alternate state emergency operations center.

296 (b) The department shall prioritize all properly submitted
 297 project applications based on minimum criteria as specified in

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298 this section, local government participation, and documented
299 need. In reviewing proposals, the department must take into
300 consideration all state funds already provided for the project
301 which have not been expended but which will decrease the
302 project's fiscal need once expended. The amount of a project's
303 cost recommended for funding by the department shall be limited
304 to those costs considered reasonably necessary to meet minimum
305 criteria specified in this section. The release of any funds
306 specifically appropriated to implement this subsection must be
307 approved by the Legislative Budget Commission. Upon completion
308 of the prioritization process, and no later than November 1,
309 2006, the department shall submit to the Legislative Budget
310 Commission for approval a comprehensive funding proposal for the
311 construction of and improvements to county emergency operations
312 centers and designated alternate state emergency operations
313 centers using appropriated funds. The proposal submitted to the
314 Legislative Budget Commission must include a detailed
315 identification of the project and the corresponding detailed
316 local, state, and federal funding proposed for each project. In
317 order to ensure the maximum use of federal funds that are
318 available for the Hazard Mitigation Grant Program, any federal
319 funds appropriated to implement this subsection which remain
320 after fully allocating those funds to proposals under
321 subparagraphs 1. and 2. may be used to fund proposals for
322 retrofitting hurricane evacuation shelters under subsection (3).
323 Any federal funds appropriated to implement this paragraph which
324 remain after fully allocating those funds for proposals under

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325 subparagraphs 1. and 2. and subsection (3) shall be appropriated
326 for distribution pursuant to chapter 9G-22, Florida
327 Administrative Code. The Executive Office of the Governor may
328 submit a budget amendment to transfer those funds in accordance
329 with chapter 216, Florida Statutes.

330 (2) The Legislature finds that by June 1, 2007, all
331 designated public special-needs hurricane evacuation shelters
332 should be equipped with permanent emergency power generating
333 capacity in order to provide electrical power for necessary
334 medical equipment for persons housed in the shelter and for
335 heating, ventilating, and air-conditioning the facility. An
336 appropriation for equipping a public special-needs hurricane
337 evacuation shelter with permanent emergency power generating
338 capacity may also be used in coordination with local communities
339 in order to increase the number of special-needs shelter spaces
340 that are available and to ensure that a sufficient number of
341 public special-needs shelters are designated to meet the
342 anticipated demand based on the best available data as
343 determined jointly by the Department of Community Affairs and
344 the Department of Health.

345 (3) The Legislature finds that retrofitting public
346 hurricane evacuation shelters is an efficient and economical
347 method of accelerating the state and local efforts to reduce the
348 deficit in shelter space. Criteria for assessing and
349 prioritizing the funding needs for retrofitting public hurricane
350 evacuation shelters include, but are not limited to, the
351 project's ability to meet the structural and siting requirements

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352 of American Red Cross Standard ARC 4496, "Guidelines for
353 Hurricane Evacuation Shelter Selection," once completed; the
354 shelter needs of the local government as well as the overall
355 needs of the hurricane evacuation planning region; the cost-
356 effectiveness of the project in terms of the number of public
357 hurricane evacuation spaces; and the priority ranking of the
358 proposed project in the applicable local mitigation strategy.
359 The Department of Community Affairs shall establish a statewide
360 competitive grant application process for retrofitting public
361 hurricane evacuation shelters to meet the minimum criteria
362 specified in this section. In reviewing proposals, the
363 department shall consider all state funds already provided for
364 the project which have not been expended but which will decrease
365 the project's fiscal need once expended. The department shall
366 prioritize all properly submitted project applications based on
367 criteria specified in this section and documented need. The
368 release of any funds specifically appropriated to implement this
369 subsection must be approved by the Legislative Budget
370 Commission. Upon completion of the prioritization process, and
371 no later than November 1, 2006, the department shall recommend
372 funding for retrofitting public hurricane evacuation shelters to
373 the Legislative Budget Commission for approval. In order to
374 ensure maximum use of federal funds available for the Hazard
375 Mitigation Grant Program, any federal funds appropriated to
376 implement this subsection which are remaining after fully
377 allocating those funds to proposals under this subsection shall
378 be appropriated for distribution pursuant to chapter 9G-22,

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379 Florida Administrative Code. The Executive Office of the
380 Governor may submit a budget amendment to transfer those funds
381 in accordance with the provisions of chapter 216, Florida
382 Statutes.

383 (4) The Legislature finds that improved logistical staging
384 and warehouse capacity for commodities will help ensure that
385 adequate supplies, equipment, and commodities are available and
386 accessible for purposes of responding to disasters. Appropriated
387 funds may be used for increasing storage capacity; improving
388 technologies to manage commodities; and enhancing the state's
389 ability to maintain in a safe and secure manner an inventory of
390 supplies, equipment, and commodities that would be needed in the
391 immediate aftermath of a disaster. The release of any funds
392 specifically appropriated to implement this subsection must be
393 approved by the Legislative Budget Commission. The department
394 shall submit a funding plan for improved logistical staging and
395 warehouse capacity to the Legislative Budget Commission for
396 approval by September 1, 2006. Procurement of technologies to
397 perform inventory tracking and commodities management must
398 comply with the provisions of s. 287.057, Florida Statutes,
399 requiring competitive bids.

400 (5) The Legislature finds that hurricane evacuation
401 planning is a critical task that must be completed in the most
402 effective and efficient manner possible. Appropriated funds may
403 be used to update current regional evacuation plans and shall
404 incorporate current transportation networks, behavioral studies,
405 and vulnerability studies. In addition, funds may be used to

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406 perform computer-modeling analysis on the effects of storm-surge
407 events. Procurement of technologies to perform the updates and
408 computer modeling must comply with the provisions s. 287.057,
409 Florida Statutes, requiring competitive bids.

410 Section 2. The sum of \$13.2 million in fixed capital
411 outlay is appropriated from the General Revenue Fund and the sum
412 of \$39.6 million is appropriated from the U.S. Contributions
413 Trust Fund to the Department of Community Affairs for the
414 purpose of implementing the provisions of this act relating to
415 providing emergency power generators in special-needs shelters
416 during the 2006-2007 state fiscal year. The Department of
417 Community Affairs may not use more than 5 percent of these funds
418 to administer the funding provided.

419 Section 3. The sum of \$15 million in fixed capital outlay
420 is appropriated from the U.S. Contributions Trust Fund to the
421 Department of Community Affairs for the purpose of implementing
422 the provisions of this act relating to retrofitting public
423 hurricane evacuation shelters during the 2006-2007 state fiscal
424 year. The Department of Community Affairs may not use more than
425 5 percent of these funds to administer the funding provided.

426 Section 4. The sum of \$29 million is appropriated from the
427 U.S. Contributions Trust Fund to the Department of Community
428 Affairs for the purpose of implementing the provisions of this
429 act relating to hurricane evacuation planning during the 2006-
430 2007 state fiscal year. The Department of Community Affairs may
431 not use more than 5 percent of these funds to administer the
432 funding provided.

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433 Section 5. The sum of \$2.1 million in recurring funds is
434 appropriated from the General Revenue Fund and the sum of \$4.4
435 million is appropriated from the Emergency Management
436 Preparedness and Assistance Trust Fund to the Department of
437 Community Affairs for the 2006-2007 state fiscal year.
438 Notwithstanding s. 252.373, Florida Statutes, these funds may be
439 used to implement the provisions of this act relating to
440 improved logistical staging and warehouse capacity for
441 commodities.

442 Section 6. The sum of \$20 million in fixed capital outlay
443 is appropriated from the General Revenue Fund and the sum of \$25
444 million is appropriated from the U.S. Contributions Trust Fund
445 to the Department of Community Affairs for the purpose of
446 implementing the provisions of this act relating to county
447 emergency operations centers and designated alternate state
448 emergency operations centers during the 2006-2007 state fiscal
449 year. The Department of Community Affairs may not use more than
450 5 percent of these funds to administer the funding provided.

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

456 Section 8. The Legislature finds that there is a
457 compelling need to better coordinate emergency response
458 capabilities among local, state, federal, nongovernment, and
459 private sector partners to provide the best and most effective

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460 postdisaster services to the people of the State of Florida. In
461 order to encourage the rapid recovery of economies in disaster
462 affected areas, the Legislature finds that programs to restore
463 normal commerce in communities should be a part of the State
464 Comprehensive Emergency Management Plan. The Legislature
465 recognizes nongovernment agencies and the private sector as key
466 partners in disaster preparedness, response, and recovery.
467 Further, the Legislature recognizes the demonstrated abilities
468 and contributions of these entities in successfully providing
469 logistical support and commodities through well-proven
470 distribution systems. In order to enhance the State
471 Comprehensive Plan, the Division of Emergency Management within
472 the Department of Community Affairs is directed to conduct a
473 feasibility study on incorporating into the state's emergency
474 management plan the logistical supply and distribution of
475 essential commodities by nongovernment agencies and private
476 entities. In conducting the study, the division shall consult
477 with the Florida Retail Federation, the Florida Petroleum
478 Council, the Florida Petroleum Marketers and Convenience Store
479 Association, the Florida Emergency Preparedness Association, the
480 American Red Cross, Volunteer Florida, and other entities as
481 appropriate. As part of the study, the division shall create a
482 set of operational standards that may be adopted by retail
483 establishments to qualify for preemption from local government
484 regulations in response to a disaster. No later than February 1,
485 2007, the division shall make recommendations based on the study
486 to the Governor, the President of the Senate, and the Speaker of

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487 the House of Representatives, and shall provide a set of
488 operational standards for retail establishments which are
489 recognized as part of the state emergency management plan. These
490 standards must be met in order for retail establishments to
491 participate in the state emergency response to a disaster and to
492 qualify for preemption of regulation of such businesses to the
493 state during such a response.

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

496 526.143 Alternate generated power capacity for motor fuel
497 dispensing facilities.--

498 (1) By June 1, 2007, each motor fuel terminal facility, as
499 defined in s. 526.303(16), and each wholesaler, as defined in s.
500 526.303(17), which sells motor fuel in this state must be
501 capable of operating its distribution loading racks using an
502 alternate generated power source for a minimum of 72 hours.
503 Pending a postdisaster examination of the equipment by the
504 operator to determine any extenuating damage that would render
505 it unsafe to use, the facility must have such alternate
506 generated power source available for operation no later than 36
507 hours after a major disaster as defined in s. 252.34.
508 Installation of appropriate wiring, including a transfer switch,
509 shall be performed by a certified electrical contractor. Each
510 business that is subject to this subsection must keep a copy of
511 the documentation of such installation on site or at its
512 corporate headquarters. In addition, each business must keep a
513 written statement attesting to the periodic testing and ensured

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514 operational capacity of the equipment. The required documents
515 must be made available, upon request, to the Division of
516 Emergency Management and the director of the county emergency
517 management agency.

518 (2) Each newly constructed or substantially renovated
519 motor fuel retail outlet, as defined in s. 526.303(14), for
520 which a certificate of occupancy is issued on or after July 1,
521 2006, shall be prewired with an appropriate transfer switch, and
522 capable of operating all fuel pumps, dispensing equipment, life-
523 safety systems, and payment-acceptance equipment using an
524 alternate generated power source. As used in this subsection,
525 the term "substantially renovated" means a renovation that
526 results in an increase of greater than 50 percent in the
527 assessed value of the motor fuel retail outlet. Local building
528 inspectors shall include this equipment and operations check in
529 the normal inspection process before issuing a certificate of
530 occupancy. Each retail outlet that is subject to this subsection
531 must keep a copy of the certificate of occupancy on site or at
532 its corporate headquarters. In addition, each retail outlet must
533 keep a written statement attesting to the periodic testing of
534 and ensured operational capability of the equipment. The
535 required documents must be made available, upon request, to the
536 Division of Emergency Management and the director of the county
537 emergency management agency.

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

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541 to an interstate highway or state or federally designated
542 evacuation route must be prewired with an appropriate transfer
543 switch and be capable of operating all fuel pumps, dispensing
544 equipment, life-safety systems, and payment-acceptance equipment
545 using an alternate generated power source:

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

549 2. A motor fuel retail outlet located in a county having a
550 population of 100,000 or more, but fewer than 300,000, which has
551 12 or more fueling positions.

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

555 (b) Installation of appropriate wiring and transfer
556 switches must be performed by a certified electrical contractor.
557 Each retail outlet that is subject to this subsection must keep
558 a copy of the documentation of such installation on site or at
559 its corporate headquarters. In addition, each retail outlet must
560 keep a written statement attesting to the periodic testing of
561 and ensured operational capacity of the equipment. The required
562 documents must be made available, upon request, to the Division
563 of Emergency Management and the director of the county emergency
564 management agency.

565 (4) (a) Subsections (2) and (3) apply to any self-service,
566 full-service, or combination self-service and full-service motor
567 fuel retail outlet regardless of whether the retail outlet is

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568 located on the grounds of, or is owned by, another retail
569 business establishment that does not engage in the business of
570 selling motor fuel.

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

572 1. An automobile dealer;

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

574 3. A person who sells motor fuel exclusively to a fleet of
575 motor vehicles; or

576 4. A motor fuel retail outlet that has a written agreement
577 with a public hospital, in a form approved by the Division of
578 Emergency Management, wherein the public hospital agrees to
579 provide the motor fuel retail outlet with an alternative means
580 of power generation onsite so that the outlet's fuel pumps may
581 be operated in the event of a power outage.

582 (5) (a) Each corporation or other entity that owns 10 or
583 more motor fuel retail outlets located within a single county
584 shall maintain at least one portable generator that is capable
585 of providing an alternate generated power source as required
586 under subsection (2) for every 10 outlets. If an entity owns
587 more than 10 outlets or a multiple of 10 outlets plus an
588 additional six outlets, the entity must provide one additional
589 generator to accommodate such additional outlets. Each portable
590 generator must be stored within this state, or may be stored in
591 another state if located within 250 miles of this state, and
592 must be available for use in an affected location within 24
593 hours after a disaster.

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594 (b) Each corporation or other entity that owns 10 or more
595 motor fuel retail outlets located within a single domestic
596 security region, as determined pursuant to s. 943.0312(1), and
597 that does not own additional outlets located outside the
598 domestic security region shall maintain a written document of
599 agreement with one or more similarly equipped entities for the
600 use of portable generators that may be used to meet the
601 requirements of paragraph (a) and that are located within this
602 state but outside the affected domestic security region. The
603 agreement may be reciprocal, may allow for payment for services
604 rendered by the providing entity, and must guarantee the
605 availability of the portable generators to an affected location
606 within 24 hours after a disaster.

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

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

614 526.144 Florida Disaster Motor Fuel Supplier Program.--

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

617 (b) Participation in the program shall be at the option of
618 each county governing body. In counties choosing to participate
619 in the program, the local emergency management agency shall be
620 primarily responsible for administering the program within those

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621 counties. Nothing in this section requires participation in the
622 program.

623 (c) In participating counties, the Florida Disaster Motor
624 Fuel Supplier Program shall allow any retail motor fuel outlet
625 doing business in those counties to participate in a network of
626 emergency responders to provide fuel supplies and services to
627 government agencies, medical institutions and facilities,
628 critical infrastructure, and other responders, as well as the
629 general public, during a declared disaster as described in s.
630 252.36(2).

631 (d) Retail motor fuel outlets doing business in
632 participating counties that choose to become members of the
633 Florida Disaster Motor Fuel Supplier Program must be able to
634 demonstrate the capability to provide onsite fuel dispensing
635 services to other members of the State Emergency Response Team
636 within 24 hours after a major disaster has occurred and agree to
637 make such service available as needed. Local emergency
638 management agencies may determine appropriate measures for
639 determining such readiness, including acceptance of a written
640 attestation from the retail motor fuel outlet, a copy of an
641 executed contract for services, or other documents or activities
642 that demonstrate readiness. Participating retail motor fuel
643 outlets may choose to sell motor fuel through a pre-existing
644 contract with local, state, or federal response agencies or may
645 provide point-of-sale service to such agencies. In addition,
646 participating retail motor fuel outlets may choose to sell motor
647 fuel to the general public upon compliance with requirements to

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648 provide service under ss. 252.35 and 252.38 as directed by
649 county or state emergency management officials. This section
650 does not preclude any retail motor fuel outlet from selling fuel
651 during lawful operating hours. Nonparticipating motor fuel
652 retail outlets may not operate during declared curfew hours. If
653 requested, appropriate law enforcement or security personnel may
654 be provided through emergency management protocol to the
655 participating business for the purpose of maintaining civil
656 order during operating hours.

657 (e) Motor fuel outlets that choose to participate in the
658 Florida Disaster Motor Fuel Supplier Program pursuant to
659 paragraph (d) may be issued a State Emergency Response Team logo
660 by the participating county emergency management agency for
661 public display to alert emergency responders and the public that
662 the business is capable of assisting in an emergency.

663 (f) Counties that choose to participate in the Florida
664 Disaster Motor Fuel Supplier Program may charge a fee to cover
665 the actual costs of accepting a retail motor fuel outlet into
666 the program, including the cost of performing any required
667 review, filing of necessary forms, and producing logo decals for
668 public display. Additional charges may not be imposed for
669 processing individual documents associated with the program.
670 Funds collected shall be deposited into an appropriate county
671 operating account.

672 (3) Persons who are designated as members of the State
673 Emergency Response Team and who can produce appropriate
674 identification, as determined by state or county emergency

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675 management officials, shall be given priority for purchasing
676 fuel at businesses designated as members of the State Emergency
677 Response Team. A business may be directed by county or state
678 emergency management officials to remain open during a declared
679 curfew in order to provide service for emergency personnel.
680 Under such direction, the business is not in violation of the
681 curfew and may not be penalized for such operation and the
682 emergency personnel are not in violation of the curfew. A person
683 traveling during a curfew must be able to produce valid official
684 documentation of his or her position with the State Emergency
685 Response Team or the local emergency management agency. Such
686 documentation may include, but need not be limited to, a current
687 SERT identification badge, current law enforcement or other
688 response agency identification or shield, current health care
689 employee identification card, or current government services
690 identification card indicating a critical services position.

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

697 (5) (a) Notwithstanding any other law or local ordinance
698 and for the purpose of ensuring an appropriate emergency
699 management response following major disasters in this state, the
700 regulation, siting, and placement of alternate power source
701 capabilities and equipment at motor fuel terminal facilities,

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702 motor fuel wholesalers, and motor fuel retail sales outlets are
703 preempted to the state.

704 (b) Notwithstanding any other law or other ordinance and
705 for the purpose of ensuring an appropriate emergency management
706 response following major disasters in this state, the regulation
707 of all other retail establishments participating in such
708 response shall be as follows:

709 1. Regulation of retail establishments that meet the
710 standards created by the Division of Emergency Management in the
711 report required in section 8 of this act by July 1, 2007, is
712 preempted to the state and until such standards are adopted, the
713 regulation of these retail establishments is preempted to the
714 state;

715 2. The division shall provide written certification of
716 such preemption to retail establishments that qualify and shall
717 provide such information to local governments upon request; and

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

721 (6) The Energy Office of the Department of Environmental
722 Protection shall review situational progress in post-disaster
723 motor fuel supply distribution and provide a report to the
724 Legislature by March 1, 2007. The report must include
725 information concerning statewide compliance with s. 526.143,
726 Florida Statutes, and an identification of all motor fuel retail
727 outlets that are participating in the Florida Disaster Motor
728 Fuel Supplier Program.

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

731 501.160 Rental or sale of essential commodities during a
 732 declared state of emergency; prohibition against unconscionable
 733 prices.--

734 (2) Upon a declaration of a state of emergency by the
 735 Governor, it is unlawful and a violation of s. 501.204 for a
 736 person or her or his agent or employee to rent or sell or offer
 737 to rent or sell at an unconscionable price within the area for
 738 which the state of emergency is declared, any essential
 739 commodity including, but not limited to, supplies, services,
 740 provisions, or equipment that is necessary for consumption or
 741 use as a direct result of the emergency. This prohibition is
 742 effective not to exceed 60 days under the initial declared state
 743 of emergency as defined in s. 252.36(2) and shall be renewed by
 744 statement in any subsequent renewals of the declared state of
 745 emergency by the Governor ~~remains in effect until the~~
 746 ~~declaration expires or is terminated.~~

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

749 553.509 Vertical accessibility.--

750 (1) Nothing in sections 553.501-553.513 or the guidelines
 751 shall be construed to relieve the owner of any building,
 752 structure, or facility governed by those sections from the duty
 753 to provide vertical accessibility to all levels above and below
 754 the occupiable grade level, regardless of whether the guidelines

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755 | require an elevator to be installed in such building, structure,
 756 | or facility, except for:

757 | ~~(a)~~ Elevator pits, elevator penthouses, mechanical
 758 | rooms, piping or equipment catwalks, and automobile lubrication
 759 | and maintenance pits and platforms;

760 | ~~(b)~~ Unoccupiable spaces, such as rooms, enclosed
 761 | spaces, and storage spaces that are not designed for human
 762 | occupancy, for public accommodations, or for work areas; and

763 | ~~(c)~~ Occupiable spaces and rooms that are not open to
 764 | the public and that house no more than five persons, including,
 765 | but not limited to, equipment control rooms and projection
 766 | booths.

767 | (2) (a) Any person, firm, or corporation that owns,
 768 | manages, or operates a residential multifamily dwelling,
 769 | including a condominium, that is at least 75 feet high and
 770 | contains a public elevator, as described in s. 399.035(2) and
 771 | (3) and rules adopted by the Florida Building Commission, shall
 772 | have at least one public elevator that is capable of operating
 773 | on an alternate power source for emergency purposes. Alternate
 774 | power shall be available for the purpose of allowing all
 775 | residents access for a specified number of hours each day over a
 776 | 5-day period following a natural disaster, manmade disaster,
 777 | emergency, or other civil disturbance that disrupts the normal
 778 | supply of electricity. The alternate power source that controls
 779 | elevator operations must also be capable of powering any
 780 | connected fire alarm system in the building.

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781 (b) At a minimum, the elevator must be appropriately pre-
782 wired and prepared to accept an alternate power source and must
783 have a connection on the line side of the main disconnect,
784 pursuant to National Electric Code Handbook, Article 700. In
785 addition to the required power source for the elevator and
786 connected fire alarm system in the building, the alternate power
787 supply must be sufficient to provide emergency lighting to the
788 interior lobbies, hallways, and other portions of the building
789 used by the public. Residential multifamily dwellings must have
790 an available generator and fuel source on the property or have
791 proof of a current contract posted in the elevator machine room
792 or other place conspicuous to the elevator inspector affirming a
793 current guaranteed service contract for such equipment and fuel
794 source to operate the elevator on an on-call basis within 24
795 hours after a request. By December 31, 2006, any person, firm or
796 corporation that owns, manages or operates a residential
797 multifamily dwelling as defined in paragraph (2)(a) must provide
798 to the local building inspection agency verification of
799 engineering plans for residential multifamily dwellings that
800 provide for the capability to generate power by alternate means.
801 Compliance with installation requirements and operational
802 capability requirements must be verified by local building
803 inspectors and reported to the county emergency management
804 agency by December 31, 2007.

805 (c) Each newly constructed residential multifamily
806 dwelling, including a condominium, that is at least 75 feet high
807 and contains a public elevator, as described in s. 399.035(2)

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808 and (3) and rules adopted by the Florida Building Commission,
809 must have at least one public elevator that is capable of
810 operating on an alternate power source for the purpose of
811 allowing all residents access for a specified number of hours
812 each day over a 5-day period following a natural disaster,
813 manmade disaster, emergency, or other civil disturbance that
814 disrupts the normal supply of electricity. The alternate power
815 source that controls elevator operations must be capable of
816 powering any connected fire alarm system in the building. In
817 addition to the required power source for the elevator and
818 connected fire alarm system, the alternate power supply must be
819 sufficient to provide emergency lighting to the interior
820 lobbies, hallways, and other portions of the building used by
821 the public. Engineering plans and verification of operational
822 capability must be provided by the local building inspector to
823 the county emergency management agency before occupancy of the
824 newly constructed building.

825 (d) Each person, firm, or corporation that is required to
826 maintain an alternate power source under this subsection shall
827 maintain a written emergency operations plan that details the
828 sequence of operations before, during, and after a natural or
829 manmade disaster or other emergency situation. The plan must
830 include, at a minimum, a life safety plan for evacuation,
831 maintenance of the electrical and lighting supply, and
832 provisions for the health, safety, and welfare of the residents.
833 In addition, the owner, manager, or operator of the residential
834 multifamily dwelling must keep written records of any contracts

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835 for alternative power generation equipment. Also, quarterly
836 inspection records of life safety equipment and alternate power
837 generation equipment must be posted in the elevator machine room
838 or other place conspicuous to the elevator inspector, which
839 confirm that such equipment is properly maintained and in good
840 working condition, and copies of contracts for alternate power
841 generation equipment shall be maintained on site for
842 verification. The written emergency operations plan and
843 inspection records shall also be open for periodic inspection by
844 local and state government agencies as deemed necessary. The
845 owner or operator must keep a generator key in a lockbox posted
846 at or near any installed generator unit.

847 (e) Multistory affordable residential dwellings for
848 persons age 62 and older that are financed or insured by the
849 United States Department of Housing and Urban Development must
850 make every effort to obtain grant funding from the Federal
851 Government or the Florida Housing Finance Corporation to comply
852 with this subsection. If an owner of such a residential dwelling
853 cannot comply with the requirements of this subsection, the
854 owner must develop a plan with the local emergency management
855 agency to ensure that residents are evacuated to a place of
856 safety in the event of a power outage resulting from a natural
857 or manmade disaster or other emergency situation that disrupts
858 the normal supply of electricity for an extended period of time.
859 A place of safety may include, but is not limited to, relocation
860 to an alternative site within the building or evacuation to a
861 local shelter.

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862 (f) As a part of the annual elevator inspection required
863 under s. 399.061, certified elevator inspectors shall confirm
864 that all installed generators required by this chapter are in
865 working order, have current inspection records posted in the
866 elevator machine room or other place conspicuous to the elevator
867 inspector, and that the required generator key is present in the
868 lockbox posted at or near the installed generator. If a building
869 does not have an installed generator, the inspector shall
870 confirm that the appropriate pre-wiring and switching
871 capabilities are present and that a statement is posted in the
872 elevator machine room or other place conspicuous to the elevator
873 inspector affirming a current guaranteed contract exists for
874 contingent services for alternate power is current for the
875 operating period.

876
877 However, buildings, structures, and facilities must, as a
878 minimum, comply with the requirements in the Americans with
879 Disabilities Act Accessibility Guidelines.

880 Section 13. Effective July 1, 2006, paragraph (i) of
881 subsection (2) of section 252.35, Florida Statutes, is amended,
882 present paragraphs (j) through (q) of that subsection are
883 redesignated as paragraphs (k) through (r), respectively,
884 present paragraphs (r) through (v) of that subsection are
885 redesignated as paragraphs (u) through (y), respectively, and
886 new paragraphs (j), (s), and (t) are added to that subsection to
887 read:

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888 252.35 Emergency management powers; Division of Emergency
 889 Management.--

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

893 (i) Institute statewide public awareness programs. This
 894 shall include an intensive public educational campaign on
 895 emergency preparedness issues, including, but not limited to,
 896 the personal responsibility of individual citizens to be self-
 897 sufficient for up to 72 hours following a natural or manmade
 898 disaster. The public educational campaign shall include relevant
 899 information on statewide disaster plans, evacuation routes, fuel
 900 suppliers, and shelters. All educational materials must be
 901 available in alternative formats and mediums to ensure that they
 902 are available to persons with disabilities.

903 (j) The Division of Emergency Management and the
 904 Department of Education shall coordinate with the Agency For
 905 Persons with Disabilities to provide an educational outreach
 906 program on disaster preparedness and readiness to individuals
 907 who have limited English skills and identify persons who are in
 908 need of assistance but are not defined under special-needs
 909 criteria.

910 (s) By January 1, 2007, the Division of Emergency
 911 Management shall complete an inventory of portable generators
 912 owned by the state and local governments which are capable of
 913 operating during a major disaster. The inventory must identify,
 914 at a minimum, the location of each generator, the number of

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915 generators stored at each specific location, the agency to which
916 each the generator belongs, the primary use of the generator by
917 the owner agency, and the names, addresses, and telephone
918 numbers of persons having the authority to loan the stored
919 generators as authorized by the Division of Emergency Management
920 during a declared emergency.

921 (t) The division shall maintain an inventory list of
922 generators owned by the state and local governments. In
923 addition, the division may keep a list of private entities,
924 along with appropriate contact information, which offer
925 generators for sale or lease. The list of private entities shall
926 be available to the public for inspection in written and
927 electronic formats.

928 Section 14. There is appropriated \$76,150 in nonrecurring
929 general revenue funds to the Department of Community Affairs for
930 a study on the feasibility of incorporating nongovernment
931 agencies and private entities into the logistical supply and
932 distribution system for essential commodities. This section
933 takes effect July 1, 2006.

934 Section 15. If any provision of this act or its
935 application to any person or circumstance is held invalid, the
936 invalidity does not affect other provisions or applications of
937 the act which can be given effect without the invalid provision
938 or application, and to this end the provisions of this act are
939 severable.

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

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942 252.355 Registry of persons with special needs; notice.--
 943 (1) In order to meet the special needs of persons who
 944 would need assistance during evacuations and sheltering because
 945 of physical, mental, cognitive impairment, or sensory
 946 disabilities, each local emergency management agency in the
 947 state shall maintain a registry of persons with special needs
 948 located within the jurisdiction of the local agency. The
 949 registration shall identify those persons in need of assistance
 950 and plan for resource allocation to meet those identified needs.
 951 To assist the local emergency management agency in identifying
 952 such persons, home health agencies, hospices, nurse registries,
 953 home medical equipment providers, the Department of Children and
 954 Family Services, Department of Health, Agency for Health Care
 955 Administration, Department of Education, Agency for Persons with
 956 Disabilities, Labor and Employment Security, and Department of
 957 Elderly Affairs shall provide registration information to all of
 958 their special needs clients and to all persons with special
 959 needs who receive services ~~incoming clients as a part of the~~
 960 ~~intake process~~. The registry shall be updated annually. The
 961 registration program shall give persons with special needs the
 962 option of preauthorizing emergency response personnel to enter
 963 their homes during search and rescue operations if necessary to
 964 assure their safety and welfare following disasters.
 965 (2) The Department of Community Affairs shall be the
 966 designated lead agency responsible for community education and
 967 outreach to the public, including special needs clients,

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968 regarding registration and special needs shelters and general
969 information regarding shelter stays.

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

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

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

981 2. Two separate annual notifications between January 1 and
982 May 31.

983 (b) The notification may be made by any available means,
984 including, but not limited to, written, electronic, or verbal
985 notification, and may be made concurrently with any other
986 notification to residential customers required by law or rule.

987 (5) ~~(3)~~ All records, data, information, correspondence, and
988 communications relating to the registration of persons with
989 special needs as provided in subsection (1) are confidential and
990 exempt from the provisions of s. 119.07(1), except that such
991 information shall be available to other emergency response
992 agencies, as determined by the local emergency management
993 director. Local law enforcement agencies shall be given complete
994 shelter roster information upon request.

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995 | ~~(6)-(4)~~ All appropriate agencies and community-based
 996 | service providers, including home health care providers,
 997 | hospices, nurse registries, and home medical equipment
 998 | providers, shall assist emergency management agencies by
 999 | collecting registration information for persons with special
 1000 | needs as part of program intake processes, establishing programs
 1001 | to increase the awareness of the registration process, and
 1002 | educating clients about the procedures that may be necessary for
 1003 | their safety during disasters. Clients of state or federally
 1004 | funded service programs with physical, mental, cognitive
 1005 | impairment, or sensory disabilities who need assistance in
 1006 | evacuating, or when in shelters, must register as persons with
 1007 | special needs.

1008 | Section 17. Effective July 1, 2006, section 252.3568,
 1009 | Florida Statutes, is created to read:

1010 | 252.3568 Emergency sheltering of persons with pets.--In
 1011 | accordance with s. 252.35, the division shall address strategies
 1012 | for the evacuation of persons with pets in the shelter component
 1013 | of the state comprehensive emergency management plan and shall
 1014 | include the requirement for similar strategies in its standards
 1015 | and requirements for local comprehensive emergency management
 1016 | plans. The Department of Agriculture and Consumer Services shall
 1017 | assist the division in determining strategies regarding this
 1018 | activity.

1019 | Section 18. Effective July 1, 2006, section 252.357,
 1020 | Florida Statutes, is created to read:

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1021 252.357 Monitoring of nursing homes and assisted living
 1022 facilities during disaster.--The Florida Comprehensive Emergency
 1023 Management Plan shall permit the Agency for Health Care
 1024 Administration, working from the agency's offices or in the
 1025 Emergency Operations Center, ESF-8, to make initial contact with
 1026 each nursing home and assisted living facility in the disaster
 1027 area. The agency, by July 15, 2006, and annually thereafter,
 1028 shall publish on the Internet an emergency telephone number that
 1029 may be used by nursing homes and assisted living facilities to
 1030 contact the agency on a schedule established by the agency to
 1031 report requests for assistance. The agency may also provide the
 1032 telephone number to each facility when it makes the initial
 1033 facility call.

1034 Section 19. Effective July 1, 2006, subsections (2) and
 1035 (4) of section 252.385, Florida Statutes, are amended to read:
 1036 252.385 Public shelter space.--

1037 (2) (a) The division shall administer a program to survey
 1038 existing schools, universities, community colleges, and other
 1039 state-owned, municipally owned, and county-owned public
 1040 buildings and any private facility that the owner, in writing,
 1041 agrees to provide for use as a public hurricane evacuation
 1042 shelter to identify those that are appropriately designed and
 1043 located to serve as such shelters. The owners of the facilities
 1044 must be given the opportunity to participate in the surveys. The
 1045 state university boards of trustees ~~Board of Regents~~, district
 1046 school boards, community college boards of trustees, and the
 1047 Department of Education are responsible for coordinating and

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1048 implementing the survey of public schools, universities, and
 1049 community colleges with the division or the local emergency
 1050 management agency.

1051 (b) By January 31 of each even-numbered year, the division
 1052 shall prepare and submit a statewide emergency shelter plan to
 1053 the Governor and Cabinet for approval, subject to the
 1054 requirements for approval in s. 1013.37(2). The plan shall
 1055 identify the general location and square footage of special
 1056 needs shelters, by regional planning council region, during the
 1057 next 5 years. The plan shall also include information on the
 1058 availability of shelters that accept pets. The Department of
 1059 Health shall assist the division in determining the estimated
 1060 need for special needs shelter space and the adequacy of
 1061 facilities to meet the needs of persons with special needs based
 1062 on information from the registries of persons with special needs
 1063 and other information.

1064 (4) (a) Public facilities, including schools, postsecondary
 1065 education facilities, and other facilities owned or leased by
 1066 the state or local governments, but excluding hospitals, hospice
 1067 care facilities, assisted living facilities, and ~~or~~ nursing
 1068 homes, which are suitable for use as public hurricane evacuation
 1069 shelters shall be made available at the request of the local
 1070 emergency management agencies. The local emergency management
 1071 agency shall coordinate with these entities to ensure that
 1072 designated facilities are ready to activate prior to a specific
 1073 hurricane or disaster. Such agencies shall coordinate with the
 1074 appropriate school board, university, community college, or

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1075 local governing board when requesting the use of such facilities
1076 as public hurricane evacuation shelters.

1077 (b) The Department of Management Services shall
1078 incorporate provisions for the use of suitable leased public
1079 facilities as public hurricane evacuation shelters into lease
1080 agreements for state agencies. Suitable leased public facilities
1081 include leased public facilities that are solely occupied by
1082 state agencies and have at least 2,000 square feet of net floor
1083 area in a single room or in a combination of rooms having a
1084 minimum of 400 square feet in each room. The net square footage
1085 of floor area shall ~~must~~ be determined by subtracting from the
1086 gross square footage the square footage of spaces such as
1087 mechanical and electrical rooms, storage rooms, open corridors,
1088 restrooms, kitchens, science or computer laboratories, shop or
1089 mechanical areas, administrative offices, records vaults, and
1090 crawl spaces.

1091 (c) The Department of Management Services shall, in
1092 consultation with local and state emergency management agencies,
1093 assess Department of Management Services facilities to identify
1094 the extent to which each facility has public hurricane
1095 evacuation shelter space. The Department of Management Services
1096 shall submit proposed facility retrofit projects that
1097 incorporate hurricane protection enhancements to the department
1098 for assessment and inclusion in the annual report prepared in
1099 accordance with subsection (3).

1100 Section 20. Effective July 1, 2006, section 381.0303,
1101 Florida Statutes, is amended to read:

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1102 (Substantial rewording of section. See
 1103 s. 381.0303, F.S., for present text.)
 1104 381.0303 Special needs shelters.--
 1105 (1) PURPOSE.--The purpose of this section is to provide
 1106 for the operation and closure of special needs shelters and to
 1107 designate the Department of Health, through its county health
 1108 departments, as the lead agency for coordination of the
 1109 recruitment of health care practitioners, as defined in s.
 1110 456.001(4), to staff special needs shelters in times of
 1111 emergency or disaster and to provide resources to the department
 1112 to carry out this responsibility. However, nothing in this
 1113 section prohibits a county health department from entering into
 1114 an agreement with a local emergency management agency to assume
 1115 the lead responsibility for recruiting health care
 1116 practitioners.
 1117 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
 1118 ASSISTANCE.--If funds have been appropriated to support disaster
 1119 coordinator positions in county health departments:
 1120 (a) The department shall assume lead responsibility for
 1121 the coordination of local medical and health care providers, the
 1122 American Red Cross, and other interested parties in developing a
 1123 plan for the staffing and medical management of special needs
 1124 shelters. The local Children's Medical Services offices shall
 1125 assume lead responsibility for the coordination of local medical
 1126 and health care providers, the American Red Cross, and other
 1127 interested parties in developing a plan for the staffing and
 1128 medical management of pediatric special needs shelters. Plans

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1129 must conform to the local comprehensive emergency management
 1130 plan.

1131 (b) County health departments shall, in conjunction with
 1132 the local emergency management agencies, have the lead
 1133 responsibility for coordination of the recruitment of health
 1134 care practitioners to staff local special needs shelters. County
 1135 health departments shall assign their employees to work in
 1136 special needs shelters when those employees are needed to
 1137 protect the health and safety of persons with special needs.
 1138 County governments shall assist the department with nonmedical
 1139 staffing and the operation of special needs shelters. The local
 1140 health department and emergency management agency shall
 1141 coordinate these efforts to ensure appropriate staffing in
 1142 special needs shelters.

1143 (c) The appropriate county health department, Children's
 1144 Medical Services office, and local emergency management agency
 1145 shall jointly decide who has responsibility for medical
 1146 supervision in each special needs shelter.

1147 (d) Local emergency management agencies shall be
 1148 responsible for the designation and operation of special needs
 1149 shelters during times of emergency or disaster and the closure
 1150 of the facilities following an emergency or disaster. The local
 1151 health department and emergency management agency shall
 1152 coordinate these efforts to ensure the appropriate designation
 1153 and operation of special needs shelters. County health
 1154 departments shall assist the local emergency management agency

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1155 | with regard to the management of medical services in special
1156 | needs shelters.

1157 | (e) The Secretary of Elderly Affairs, or his or her
1158 | designee, shall convene, at any time that he or she deems
1159 | appropriate and necessary, a multiagency special needs shelter
1160 | discharge planning team to assist local areas that are severely
1161 | impacted by a natural or manmade disaster that requires the use
1162 | of special needs shelters. Multiagency special needs shelter
1163 | discharge planning teams shall provide assistance to local
1164 | emergency management agencies with the continued operation or
1165 | closure of the shelters, as well as with the discharge of
1166 | special needs clients to alternate facilities if necessary.
1167 | Local emergency management agencies may request the assistance
1168 | of a multiagency special needs shelter discharge planning team
1169 | by alerting statewide emergency management officials of the
1170 | necessity for additional assistance in their area. The Secretary
1171 | of Elderly Affairs is encouraged to proactively work with other
1172 | state agencies prior to any natural disasters for which warnings
1173 | are provided to ensure that multiagency special needs shelter
1174 | discharge planning teams are ready to assemble and deploy
1175 | rapidly upon a determination by state emergency management
1176 | officials that a disaster area requires additional assistance.
1177 | The Secretary of Elderly Affairs may call upon any state agency
1178 | or office to provide staff to assist a multiagency special needs
1179 | shelter discharge planning team. Unless the secretary
1180 | determines that the nature or circumstances surrounding the
1181 | disaster do not warrant participation from a particular agency's

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1182 staff, each multiagency special needs shelter discharge planning
 1183 team shall include at least one representative from each of the
 1184 following state agencies:

- 1185 1. Department of Elderly Affairs.
- 1186 2. Department of Health.
- 1187 3. Department of Children and Family Services.
- 1188 4. Department of Veterans' Affairs.
- 1189 5. Department of Community Affairs.
- 1190 6. Agency for Health Care Administration.
- 1191 7. Agency for Persons with Disabilities.

1192 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND
 1193 FACILITIES.--

1194 (a) The department shall, upon request, reimburse in
 1195 accordance with paragraph (b):

- 1196 1. Health care practitioners, as defined in s. 456.001,
 1197 provided the practitioner is not providing care to a patient
 1198 under an existing contract, and emergency medical technicians
 1199 and paramedics licensed under chapter 401 for medical care
 1200 provided at the request of the department in special needs
 1201 shelters or at other locations during times of emergency or a
 1202 declared disaster. Reimbursement for health care practitioners,
 1203 except for physicians licensed under chapter 458 or chapter 459,
 1204 shall be based on the average hourly rate that such
 1205 practitioners were paid according to the most recent survey of
 1206 Florida hospitals conducted by the Florida Hospital Association
 1207 or other nationally recognized or state-recognized data source.

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1208 2. Health care facilities, such as hospitals, nursing
 1209 homes, assisted living facilities, and community residential
 1210 homes, if, upon closure of a special needs shelter, a
 1211 multiagency special needs shelter discharge planning team
 1212 determines that it is necessary to discharge persons with
 1213 special needs to other health care facilities. The receiving
 1214 facilities are eligible for reimbursement for services provided
 1215 to the individuals for up to 90 days. A facility must show proof
 1216 of a written request from a representative of an agency serving
 1217 on the multiagency special needs shelter discharge planning team
 1218 that the individual for whom the facility is seeking
 1219 reimbursement for services rendered was referred to that
 1220 facility from a special needs shelter. The department shall
 1221 specify by rule which expenses are reimbursable and the rate of
 1222 reimbursement for each service.

1223 (b) Reimbursement is subject to the availability of
 1224 federal funds and shall be requested on forms prepared by the
 1225 department. If a Presidential Disaster Declaration has been
 1226 issued, the department shall request federal reimbursement of
 1227 eligible expenditures. The department may not provide
 1228 reimbursement to facilities under this subsection for services
 1229 provided to a person with special needs if, during the period of
 1230 time in which the services were provided, the individual was
 1231 enrolled in another state-funded program, such as Medicaid or
 1232 another similar program, was covered under a policy of health
 1233 insurance as defined in s. 624.603, or was a member of a health
 1234 maintenance organization or prepaid health clinic as defined in

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1235 chapter 641, which would otherwise pay for the same services.
 1236 Travel expense and per diem costs shall be reimbursed pursuant
 1237 to s. 112.061.

1238 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department may
 1239 use the registries established in ss. 401.273 and 456.38 when
 1240 health care practitioners are needed to staff special needs
 1241 shelters or to assist with other disaster-related activities.

1242 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
 1243 Secretary of Health may establish a special needs shelter
 1244 interagency committee and serve as, or appoint a designee to
 1245 serve as, the committee's chair. The department shall provide
 1246 any necessary staff and resources to support the committee in
 1247 the performance of its duties. The committee shall address and
 1248 resolve problems related to special needs shelters not addressed
 1249 in the state comprehensive emergency medical plan and shall
 1250 consult on the planning and operation of special needs shelters.

1251 (a) The committee shall:

1252 1. Develop, negotiate, and regularly review any necessary
 1253 interagency agreements.

1254 2. Undertake other such activities as the department deems
 1255 necessary to facilitate the implementation of this section.

1256 3. Submit recommendations to the Legislature as necessary.

1257 (b) The special needs shelter interagency committee shall
 1258 be composed of representatives of emergency management, health,
 1259 medical, and social services organizations. Membership shall
 1260 include, but shall not be limited to, representatives of the
 1261 Departments of Health, Community Affairs, Children and Family

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1262 Services, Elderly Affairs, and Education; the Agency for Health
 1263 Care Administration; the Florida Medical Association; the
 1264 Florida Osteopathic Medical Association; Associated Home Health
 1265 Industries of Florida, Inc.; the Florida Nurses Association; the
 1266 Florida Health Care Association; the Florida Assisted Living
 1267 Affiliation; the Florida Hospital Association; the Florida
 1268 Statutory Teaching Hospital Council; the Florida Association of
 1269 Homes for the Aging; the Florida Emergency Preparedness
 1270 Association; the American Red Cross; Florida Hospices and
 1271 Palliative Care, Inc.; the Association of Community Hospitals
 1272 and Health Systems; the Florida Association of Health
 1273 Maintenance Organizations; the Florida League of Health Systems;
 1274 the Private Care Association; the Salvation Army; the Florida
 1275 Association of Aging Services Providers; the AARP; and the
 1276 Florida Renal Coalition.

1277 (c) Meetings of the committee shall be held in
 1278 Tallahassee, and members of the committee shall serve at the
 1279 expense of the agencies or organizations they represent. The
 1280 committee shall make every effort to use teleconference or video
 1281 conference capabilities in order to ensure statewide input and
 1282 participation.

1283 (6) RULES.--The department has the authority to adopt
 1284 rules necessary to implement this section. Rules shall include:

1285 (a) The definition of a "person with special needs,"
 1286 including eligibility criteria for individuals with physical,
 1287 mental, cognitive impairment, or sensory disabilities and the

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1288 services a person with special needs can expect to receive in a
 1289 special needs shelter.

1290 (b) The process for special needs shelter health care
 1291 practitioners and facility reimbursement for services provided
 1292 in a disaster.

1293 (c) Guidelines for special needs shelter staffing levels
 1294 to provide services.

1295 (d) The definition of and standards for special needs
 1296 shelter supplies and equipment, including durable medical
 1297 equipment.

1298 (e) Standards for the special needs shelter registration
 1299 process, including guidelines for addressing the needs of
 1300 unregistered persons in need of a special needs shelter.

1301 (f) Standards for addressing the needs of families where
 1302 only one dependent is eligible for admission to a special needs
 1303 shelter and the needs of adults with special needs who are
 1304 caregivers for individuals without special needs.

1305 (g) The requirement of the county health departments to
 1306 seek the participation of hospitals, nursing homes, assisted
 1307 living facilities, home health agencies, hospice providers,
 1308 nurse registries, home medical equipment providers, dialysis
 1309 centers, and other health and medical emergency preparedness
 1310 stakeholders in pre-event planning activities.

1311 (7) EMERGENCY MANAGEMENT PLANS.--The submission of
 1312 emergency management plans to county health departments by home
 1313 health agencies, nurse registries, hospice programs, and home
 1314 medical equipment providers is conditional upon receipt of an

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1315 appropriation by the department to establish disaster
 1316 coordinator positions in county health departments unless the
 1317 secretary of the department and a local county commission
 1318 jointly determine to require that such plans be submitted based
 1319 on a determination that there is a special need to protect
 1320 public health in the local area during an emergency.

1321 Section 21. Effective July 1, 2006, section 400.492,
 1322 Florida Statutes, is amended to read:

1323 400.492 Provision of services during an emergency.--Each
 1324 home health agency shall prepare and maintain a comprehensive
 1325 emergency management plan that is consistent with the standards
 1326 adopted by national or state accreditation organizations and
 1327 consistent with the local special needs plan. The plan shall be
 1328 updated annually and shall provide for continuing home health
 1329 services during an emergency that interrupts patient care or
 1330 services in the patient's home. The plan shall include the means
 1331 by which the home health agency will continue to provide staff
 1332 to perform the same type and quantity of services to their
 1333 patients who evacuate to special needs shelters that were being
 1334 provided to those patients prior to evacuation. The plan shall
 1335 describe how the home health agency establishes and maintains an
 1336 effective response to emergencies and disasters, including:
 1337 notifying staff when emergency response measures are initiated;
 1338 providing for communication between staff members, county health
 1339 departments, and local emergency management agencies, including
 1340 a backup system; identifying resources necessary to continue
 1341 essential care or services or referrals to other organizations

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1342 | subject to written agreement; and prioritizing and contacting
 1343 | patients who need continued care or services.

1344 | (1) Each patient record for patients who are listed in the
 1345 | registry established pursuant to s. 252.355 shall include a
 1346 | description of how care or services will be continued in the
 1347 | event of an emergency or disaster. The home health agency shall
 1348 | discuss the emergency provisions with the patient and the
 1349 | patient's caregivers, including where and how the patient is to
 1350 | evacuate, procedures for notifying the home health agency in the
 1351 | event that the patient evacuates to a location other than the
 1352 | shelter identified in the patient record, and a list of
 1353 | medications and equipment which must either accompany the
 1354 | patient or will be needed by the patient in the event of an
 1355 | evacuation.

1356 | (2) Each home health agency shall maintain a current
 1357 | prioritized list of patients who need continued services during
 1358 | an emergency. The list shall indicate how services shall be
 1359 | continued in the event of an emergency or disaster for each
 1360 | patient and if the patient is to be transported to a special
 1361 | needs shelter, and shall indicate if the patient is receiving
 1362 | skilled nursing services and the patient's medication and
 1363 | equipment needs. The list shall be furnished to county health
 1364 | departments and to local emergency management agencies, upon
 1365 | request.

1366 | (3) Home health agencies shall not be required to continue
 1367 | to provide care to patients in emergency situations that are
 1368 | beyond their control and that make it impossible to provide

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1369 services, such as when roads are impassable or when patients do
 1370 not go to the location specified in their patient records. Home
 1371 health agencies may establish links to local emergency
 1372 operations centers to determine a mechanism by which to approach
 1373 specific areas within a disaster area in order for the agency to
 1374 reach its clients. Home health agencies shall demonstrate a good
 1375 faith effort to comply with the requirements of this subsection
 1376 by documenting attempts of staff to follow procedures outlined
 1377 in the home health agency's comprehensive emergency management
 1378 plan, and by the patient's record, which support a finding that
 1379 the provision of continuing care has been attempted for those
 1380 patients who have been identified as needing care by the home
 1381 health agency and registered under s. 252.355, in the event of
 1382 an emergency or disaster under subsection (1).

1383 (4) Notwithstanding the provisions of s. 400.464(2) or any
 1384 other provision of law to the contrary, a home health agency may
 1385 provide services in a special needs shelter located in any
 1386 county.

1387 Section 22. Effective July 1, 2006, subsection (8) of
 1388 section 400.497, Florida Statutes, is amended to read:

1389 400.497 Rules establishing minimum standards.--The agency
 1390 shall adopt, publish, and enforce rules to implement this part,
 1391 including, as applicable, ss. 400.506 and 400.509, which must
 1392 provide reasonable and fair minimum standards relating to:

1393 (8) Preparation of a comprehensive emergency management
 1394 plan pursuant to s. 400.492.

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1395 (a) The Agency for Health Care Administration shall adopt
 1396 rules establishing minimum criteria for the plan and plan
 1397 updates, with the concurrence of the Department of Health and in
 1398 consultation with the Department of Community Affairs.

1399 (b) The rules must address the requirements in s. 400.492.
 1400 In addition, the rules shall provide for the maintenance of
 1401 patient-specific medication lists that can accompany patients
 1402 who are transported from their homes.

1403 (c) The plan is subject to review and approval by the
 1404 county health department. During its review, the county health
 1405 department shall contact state and local health and medical
 1406 stakeholder when necessary. ~~ensure that the following agencies,~~
 1407 ~~at a minimum, are given the opportunity to review the plan:~~

- 1408 ~~1. The local emergency management agency.~~
- 1409 ~~2. The Agency for Health Care Administration.~~
- 1410 ~~3. The local chapter of the American Red Cross or other~~
 1411 ~~lead sheltering agency.~~
- 1412 ~~4. The district office of the Department of Children and~~
 1413 ~~Family Services.~~

1414
 1415 The county health department shall complete its review to ensure
 1416 that the plan is in accordance with the criteria in the Agency
 1417 for Health Care Administration rules within 90 ~~60~~ days after
 1418 receipt of the plan and shall ~~either~~ approve the plan or advise
 1419 the home health agency of necessary revisions. If the home
 1420 health agency fails to submit a plan or fails to submit the
 1421 requested information or revisions to the county health

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1422 department within 30 days after written notification from the
 1423 county health department, the county health department shall
 1424 notify the Agency for Health Care Administration. The agency
 1425 shall notify the home health agency that its failure constitutes
 1426 a deficiency, subject to a fine of \$5,000 per occurrence. If the
 1427 plan is not submitted, information is not provided, or revisions
 1428 are not made as requested, the agency may impose the fine.

1429 (d) For any home health agency that operates in more than
 1430 one county, the Department of Health shall review the plan,
 1431 after consulting with state and local health and medical
 1432 stakeholders when necessary ~~all of the county health~~
 1433 ~~departments, the agency, and all the local chapters of the~~
 1434 ~~American Red Cross or other lead sheltering agencies in the~~
 1435 ~~areas of operation for that particular home health agency.~~ The
 1436 department of Health shall complete its review within 90 days
 1437 after receipt of the plan and shall either approve the plan or
 1438 advise the home health agency of necessary revisions. The
 1439 department of Health shall make every effort to avoid imposing
 1440 differing requirements on a home health agency that operates in
 1441 more than one county as a result of differing or conflicting
 1442 comprehensive plan requirements of the ~~based on differences~~
 1443 ~~between~~ counties in which ~~on~~ the home health agency operates.

1444 (e) The requirements in this subsection do not apply to:
 1445 1. A facility that is certified under chapter 651 and has
 1446 a licensed home health agency used exclusively by residents of
 1447 the facility; or

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1448 2. A retirement community that consists of residential
 1449 units for independent living and either a licensed nursing home
 1450 or an assisted living facility, and has a licensed home health
 1451 agency used exclusively by the residents of the retirement
 1452 community, provided the comprehensive emergency management plan
 1453 for the facility or retirement community provides for continuous
 1454 care of all residents with special needs during an emergency.

1455 Section 23. Effective July 1, 2006, subsection (16) of
 1456 section 400.506, Florida Statutes, is amended to read:

1457 400.506 Licensure of nurse registries; requirements;
 1458 penalties.--

1459 (16) Each nurse registry shall prepare and maintain a
 1460 comprehensive emergency management plan that is consistent with
 1461 the criteria in this subsection and with the local special needs
 1462 plan. The plan shall be updated annually. The plan shall include
 1463 the means by which the nurse registry will continue to provide
 1464 the same type and quantity of services to its patients who
 1465 evacuate to special needs shelters which were being provided to
 1466 those patients prior to evacuation. The plan shall specify how
 1467 the nurse registry shall facilitate the provision of continuous
 1468 care by persons referred for contract to persons who are
 1469 registered pursuant to s. 252.355 during an emergency that
 1470 interrupts the provision of care or services in private
 1471 residencies. Nurse registries may establish links to local
 1472 emergency operations centers to determine a mechanism by which
 1473 to approach specific areas within a disaster area in order for a
 1474 provider to reach its clients. Nurse registries shall

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1475 demonstrate a good-faith effort to comply with the requirements
1476 of this subsection by documenting attempts of staff to follow
1477 procedures outlined in the nurse registry's comprehensive
1478 emergency management plan which support a finding that the
1479 provision of continuing care has been attempted for patients
1480 identified as needing care by the nurse registry and registered
1481 under s. 252.355 in the event of an emergency under s.
1482 400.506(1).

1483 (a) All persons referred for contract who care for persons
1484 registered pursuant to s. 252.355 must include in the patient
1485 record a description of how care will be continued during a
1486 disaster or emergency that interrupts the provision of care in
1487 the patient's home. It shall be the responsibility of the person
1488 referred for contract to ensure that continuous care is
1489 provided.

1490 (b) Each nurse registry shall maintain a current
1491 prioritized list of patients in private residences who are
1492 registered pursuant to s. 252.355 and are under the care of
1493 persons referred for contract and who need continued services
1494 during an emergency. This list shall indicate, for each patient,
1495 if the client is to be transported to a special needs shelter
1496 and if the patient is receiving skilled nursing services. Nurse
1497 registries shall make this list available to county health
1498 departments and to local emergency management agencies upon
1499 request.

1500 (c) Each person referred for contract who is caring for a
1501 patient who is registered pursuant to s. 252.355 shall provide a

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1502 list of the patient's medication and equipment needs to the
1503 nurse registry. Each person referred for contract shall make
1504 this information available to county health departments and to
1505 local emergency management agencies upon request.

1506 (d) Each person referred for contract shall not be
1507 required to continue to provide care to patients in emergency
1508 situations that are beyond the person's control and that make it
1509 impossible to provide services, such as when roads are
1510 impassable or when patients do not go to the location specified
1511 in their patient records.

1512 (e) The comprehensive emergency management plan required
1513 by this subsection is subject to review and approval by the
1514 county health department. During its review, the county health
1515 department shall contact state and local health and medical
1516 stakeholders when necessary ~~ensure that, at a minimum, the local~~
1517 ~~emergency management agency, the Agency for Health Care~~
1518 ~~Administration, and the local chapter of the American Red Cross~~
1519 ~~or other lead sheltering agency are given the opportunity to~~
1520 ~~review the plan.~~ The county health department shall complete its
1521 review to ensure that the plan complies with the criteria in the
1522 Agency for Health Care Administration rules within 90 60 days
1523 after receipt of the plan and shall either approve the plan or
1524 advise the nurse registry of necessary revisions. If a nurse
1525 registry fails to submit a plan or fails to submit requested
1526 information or revisions to the county health department within
1527 30 days after written notification from the county health
1528 department, the county health department shall notify the Agency

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1529 | for Health Care Administration. The agency shall notify the
 1530 | nurse registry that its failure constitutes a deficiency,
 1531 | subject to a fine of \$5,000 per occurrence. If the plan is not
 1532 | submitted, information is not provided, or revisions are not
 1533 | made as requested, the agency may impose the fine.

1534 | (f) The Agency for Health Care Administration shall adopt
 1535 | rules establishing minimum criteria for the comprehensive
 1536 | emergency management plan and plan updates required by this
 1537 | subsection, with the concurrence of the Department of Health and
 1538 | in consultation with the Department of Community Affairs.

1539 | Section 24. Effective July 1, 2006, subsection (1) of
 1540 | section 400.610, Florida Statutes, is amended to read:

1541 | 400.610 Administration and management of a hospice.--

1542 | (1) A hospice shall have a clearly defined organized
 1543 | governing body, consisting of a minimum of seven persons who are
 1544 | representative of the general population of the community
 1545 | served. The governing body shall have autonomous authority and
 1546 | responsibility for the operation of the hospice and shall meet
 1547 | at least quarterly. The governing body shall:

1548 | (a) Adopt an annual plan for the operation of the hospice,
 1549 | which shall include a plan for providing for uncompensated care
 1550 | and philanthropic community activities.

1551 | (b)1. Prepare and maintain a comprehensive emergency
 1552 | management plan that provides for continuing hospice services in
 1553 | the event of an emergency that is consistent with local special
 1554 | needs plans. The plan shall include provisions for ensuring
 1555 | continuing care to hospice patients who go to special needs

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1556 | shelters. The plan shall include the means by which the hospice
 1557 | provider will continue to provide staff to provide the same type
 1558 | and quantity of services to their patients who evacuate to
 1559 | special needs shelters which were being provided to those
 1560 | patients prior to evacuation. The plan is subject to review and
 1561 | approval by the county health department, except as provided in
 1562 | subparagraph 2. During its review, the county health department
 1563 | shall contact state and local health and medical stakeholders
 1564 | when necessary ~~ensure that the department, the agency, and the~~
 1565 | ~~local chapter of the American Red Cross or other lead sheltering~~
 1566 | ~~agency have an opportunity to review and comment on the plan.~~
 1567 | The county health department shall complete its review to ensure
 1568 | that the plan complies with criteria in rules of the Department
 1569 | of Elderly Affairs within 90 ~~60~~ days after receipt of the plan
 1570 | and shall either approve the plan or advise the hospice of
 1571 | necessary revisions. Hospice providers may establish links to
 1572 | local emergency operations centers to determine a mechanism by
 1573 | which to approach specific areas within a disaster area in order
 1574 | for the provider to reach its clients. A hospice shall
 1575 | demonstrate a good-faith effort to comply with the requirements
 1576 | of this paragraph by documenting attempts of staff to follow
 1577 | procedures as outlined in the hospice's comprehensive emergency
 1578 | management plan and to provide continuing care for those hospice
 1579 | clients who have been identified as needing alternative
 1580 | caregiver services in the event of an emergency.

1581 | 2. For any hospice that operates in more than one county,
 1582 | the Department of Health during its review shall contact state

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1583 and local health and medical stakeholders when necessary ~~review~~
 1584 ~~the plan, after consulting with all of the county health~~
 1585 ~~departments, the agency, and all the local chapters of the~~
 1586 ~~American Red Cross or other lead sheltering agency in the areas~~
 1587 ~~of operation for that particular hospice.~~ The Department of
 1588 Health shall complete its review to ensure that the plan
 1589 complies with criteria in rules of the Department of Elderly
 1590 Affairs within 90 days after receipt of the plan and shall
 1591 ~~either~~ approve the plan or advise the hospice of necessary
 1592 revisions. The Department of Health shall make every effort to
 1593 avoid imposing ~~on the hospice~~ differing requirements on a
 1594 hospice that operates in more than one county as a result of
 1595 differing or conflicting comprehensive plan requirements of the
 1596 ~~based on differences between counties~~ in which the hospice
 1597 operates.

1598 (c) Adopt an annual budget.

1599 (d) Appoint a director who shall be responsible for the
 1600 day-to-day management and operation of the hospice and who shall
 1601 serve as the liaison between the governing body and the hospice
 1602 staff.

1603 (e) Undertake such additional activities as necessary to
 1604 ensure that the hospice is complying with the requirements for
 1605 hospice services as set forth in this part.

1606 Section 25. Effective July 1, 2006, present subsections
 1607 (13) through (16) of section 400.925, Florida Statutes, are
 1608 redesignated as subsections (14) through (17) respectively, and
 1609 a new subsection (13) is added to that section, to read:

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1610 400.925 Definitions.--As used in this part, the term:
1611 (13) "Life-supporting or life-sustaining equipment" means
1612 a device that is essential to, or that yields information that
1613 is essential to, the restoration or continuation of a bodily
1614 function important to the continuation of human life. Life-
1615 supporting or life-sustaining equipment includes apnea monitors,
1616 enteral feeding pumps, infusion pumps, portable home dialysis
1617 equipment, and ventilator equipment and supplies for all related
1618 equipment, including oxygen equipment and related respiratory
1619 equipment.

1620 Section 26. Effective July 1, 2006, subsections (20),
1621 (21), and (22) are added to section 400.934, Florida Statutes,
1622 to read:

1623 400.934 Minimum standards.--As a requirement of licensure,
1624 home medical equipment providers shall:

1625 (20) (a) Prepare and maintain a comprehensive emergency
1626 management plan that meets minimum criteria established by
1627 agency rule under s. 400.935. The plan shall be updated annually
1628 and shall provide for continuing home medical equipment services
1629 for life-supporting or life-sustaining equipment, as defined in
1630 s. 400.925, during an emergency that interrupts home medical
1631 equipment services in a patient's home. The plan shall include:

1632 1. The means by which the home medical equipment provider
1633 will continue to provide equipment to perform the same type and
1634 quantity of services to its patients who evacuate to special
1635 needs shelters which were being provided to those patients prior
1636 to evacuation.

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1637 2. The means by which the home medical equipment provider
1638 establishes and maintains an effective response to emergencies
1639 and disasters, including plans for:

1640 a. Notification of staff when emergency response measures
1641 are initiated.

1642 b. Communication between staff members, county health
1643 departments, and local emergency management agencies, which
1644 includes provisions for a backup communications system.

1645 c. Identification of resources necessary to continue
1646 essential care or services or referrals to other organizations
1647 subject to written agreement.

1648 d. Contacting and prioritizing patients in need of
1649 continued medical equipment services and supplies.

1650 (b) The plan is subject to review and approval by the
1651 county health department. During its review, the county health
1652 department shall contact state and local health and medical
1653 stakeholders when necessary. The county health department shall
1654 complete its review to ensure that the plan is in accordance
1655 with the criteria in the Agency for Health Care Administration
1656 rules within 90 days after receipt of the plan. If a home
1657 medical equipment provider fails to submit a plan or fails to
1658 submit requested information or revisions to the county health
1659 department within 30 days after written notification from the
1660 county health department, the county health department shall
1661 notify the Agency for Health Care Administration. The agency
1662 shall notify the home medical equipment provider that such
1663 failure constitutes a deficiency, subject to a fine of \$5,000

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1664 per occurrence. If the plan is not submitted, information is not
 1665 provided, or revisions are not made as requested, the agency may
 1666 impose the fine.

1667 (21) Each home medical equipment provider shall maintain a
 1668 current prioritized list of patients who need continued services
 1669 during an emergency. The list shall indicate the means by which
 1670 services shall be continued for each patient in the event of an
 1671 emergency or disaster, whether the patient is to be transported
 1672 to a special needs shelter, and whether the patient has life-
 1673 supporting or life-sustaining equipment, including the specific
 1674 type of equipment and related supplies. The list shall be
 1675 furnished to county health departments and local emergency
 1676 management agencies upon request.

1677 (22) Home medical equipment providers may establish links
 1678 to local emergency operations centers to determine a mechanism
 1679 by which to approach specific areas within a disaster area in
 1680 order for the provider to reach its patients.

1681 Section 27. Effective July 1, 2006, subsection (11) is
 1682 added to section 400.935, Florida Statutes, to read:

1683 400.935 Rules establishing minimum standards.--The agency
 1684 shall adopt, publish, and enforce rules to implement this part,
 1685 which must provide reasonable and fair minimum standards
 1686 relating to:

1687 (11) Preparation of the comprehensive emergency management
 1688 plan under s. 400.934 and the establishment of minimum criteria
 1689 for the plan, including the maintenance of patient equipment and
 1690 supply lists that can accompany patients who are transported

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1691 from their homes. Such rules shall be formulated in consultation
 1692 with the Department of Health and the Department of Community
 1693 Affairs.

1694 Section 28. Effective July 1, 2006, section 408.831,
 1695 Florida Statutes, is amended to read:

1696 408.831 Denial, suspension, or revocation of a license,
 1697 registration, certificate, or application.--

1698 (1) In addition to any other remedies provided by law, the
 1699 agency may deny each application or suspend or revoke each
 1700 license, registration, or certificate of entities regulated or
 1701 licensed by it:

1702 (a) If the applicant, licensee, registrant, or
 1703 certificateholder, or, in the case of a corporation,
 1704 partnership, or other business entity, if any officer, director,
 1705 agent, or managing employee of that business entity or any
 1706 affiliated person, partner, or shareholder having an ownership
 1707 interest equal to 5 percent or greater in that business entity,
 1708 has failed to pay all outstanding fines, liens, or overpayments
 1709 assessed by final order of the agency or final order of the
 1710 Centers for Medicare and Medicaid Services, not subject to
 1711 further appeal, unless a repayment plan is approved by the
 1712 agency; or

1713 (b) For failure to comply with any repayment plan.

1714 (2) In reviewing any application requesting a change of
 1715 ownership or change of the licensee, registrant, or
 1716 certificateholder, the transferor shall, prior to agency
 1717 approval of the change, repay or make arrangements to repay any

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1718 amounts owed to the agency. Should the transferor fail to repay
1719 or make arrangements to repay the amounts owed to the agency,
1720 the issuance of a license, registration, or certificate to the
1721 transferee shall be delayed until repayment or until
1722 arrangements for repayment are made.

1723 (3) An entity subject to this section may exceed its
1724 licensed capacity to act as a receiving facility in accordance
1725 with an emergency operations plan for clients of evacuating
1726 providers from a geographic area where an evacuation order has
1727 been issued by a local authority having jurisdiction. While in
1728 an overcapacity status, each provider must furnish or arrange
1729 for appropriate care and services to all clients. In addition,
1730 the agency may approve requests for overcapacity beyond 15 days,
1731 which approvals may be based upon satisfactory justification and
1732 need as provided by the receiving and sending facilities.

1733 (4) (a) An inactive license may be issued to a licensee
1734 subject to this section when the provider is located in a
1735 geographic area where a state of emergency was declared by the
1736 Governor if the provider:

1737 1. Suffered damage to its operation during that state of
1738 emergency.

1739 2. Is currently licensed.

1740 3. Does not have a provisional license.

1741 4. Will be temporarily unable to provide services but is
1742 reasonably expected to resume services within 12 months.

1743 (b) An inactive license may be issued for a period not to
1744 exceed 12 months but may be renewed by the agency for up to 12

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1745 additional months upon demonstration to the agency of progress
1746 toward reopening. A request by a licensee for an inactive
1747 license or to extend the previously approved inactive period
1748 must be submitted in writing to the agency, accompanied by
1749 written justification for the inactive license, which states the
1750 beginning and ending dates of inactivity and includes a plan for
1751 the transfer of any clients to other providers and appropriate
1752 licensure fees. Upon agency approval, the licensee shall notify
1753 clients of any necessary discharge or transfer as required by
1754 authorizing statutes or applicable rules. The beginning of the
1755 inactive licensure period shall be the date the provider ceases
1756 operations. The end of the inactive period shall become the
1757 licensee expiration date, and all licensure fees must be
1758 current, paid in full, and may be prorated. Reactivation of an
1759 inactive license requires the prior approval by the agency of a
1760 renewal application, including payment of licensure fees and
1761 agency inspections indicating compliance with all requirements
1762 of this part and applicable rules and statutes.

1763 (5)(3) This section provides standards of enforcement
1764 applicable to all entities licensed or regulated by the Agency
1765 for Health Care Administration. This section controls over any
1766 conflicting provisions of chapters 39, 381, 383, 390, 391, 393,
1767 394, 395, 400, 408, 468, 483, and 641 or rules adopted pursuant
1768 to those chapters.

1769 Section 29. Emergency-preparedness prescription medication
1770 refills.--All health insurers, managed care organizations, and
1771 other entities that are licensed by the Office of Insurance

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1772 Regulation and provide prescription medication coverage as part
 1773 of a policy or contract shall waive time restrictions on
 1774 prescription medication refills, which includes suspension of
 1775 electronic "refill too soon" edits to pharmacies, to enable
 1776 insureds or subscribers to refill prescriptions in advance, if
 1777 there are authorized refills remaining, and shall authorize
 1778 payment to pharmacies for at least a thirty day supply of any
 1779 prescription medication, regardless of the date upon which the
 1780 prescription had most recently been filled by a pharmacist, when
 1781 the following conditions occur:

1782 (1) The person seeking the prescription medication refill
 1783 resides in a county that:

1784 (a) Is under a hurricane warning issued by the National
 1785 Weather Service;

1786 (b) Is declared to be under a state of emergency in an
 1787 executive order issued by the Governor; or

1788 (c) Has activated its emergency operations center and its
 1789 emergency management plan.

1790 (2) The prescription medication refill is requested within
 1791 30 days after the origination date of the conditions stated in
 1792 this section or until such conditions are terminated by the
 1793 issuing authority or no longer exists. The time period for the
 1794 waiver of prescription medication refills may be extended in 15-
 1795 or 30-day increments by emergency orders issued by the Office of
 1796 Insurance Regulation.

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1798 | This section does not excuse or exempt an insured or subscriber
1799 | from compliance with all other terms of the policy or contract
1800 | providing prescription medication coverage. This section takes
1801 | effect July 1, 2006.

1802 | Section 30. Except as otherwise expressly provided in this
1803 | act, this act shall take effect upon becoming a law.