

Bill No. CS for SB 862

Barcode 592672

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development  
Appropriations (Fasano) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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1 Legislature in determining eligibility for funding.

2       (1)(a) The Legislature finds that county emergency  
3 operations centers should meet minimum criteria for structural  
4 survivability and sufficiency of operational space, as  
5 determined by assessments performed by the Department of  
6 Community Affairs using the structural requirements of  
7 American Red Cross Standard ARC 4496, "Guidelines for  
8 Hurricane Evacuation Shelter Selection," and based on guidance  
9 from the Federal Emergency Management Agency. Criteria for  
10 prioritizing and recommending the funding for county emergency  
11 operations centers include, but are not limited to, county  
12 population, hurricane evacuation clearance time for the  
13 vulnerable population of the county, structural survivability  
14 of the existing emergency operations center, and guidance of  
15 the Federal Emergency Management Agency for workspace  
16 requirements for the emergency operations center. First  
17 priority for funding recommendations shall be for county  
18 emergency operations centers where no survivable facility  
19 exists and where workspace deficits exist. Funding  
20 recommendations made pursuant to this paragraph may not  
21 include land acquisition; the purchase of equipment,  
22 furnishings, communications, or operational systems; or  
23 recurring expenditures. Funding recommendations must be  
24 limited to the construction or structural renovation of the  
25 county emergency operations center needed to meet the same  
26 structural requirements of American Red Cross Standard ARC  
27 4496, "Guidelines for Hurricane Evacuation Shelter Selection,"  
28 and national workspace recommendations. The Department of  
29 Community Affairs shall establish a statewide competitive  
30 grant application process for proposals to construct or  
31 improve county emergency operations centers such that those

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1 centers would, upon completion of the project, meet minimum  
 2 criteria as specified in this section. The application may  
 3 contain one or more independent proposals for:  
 4       1. A construction or improvement project requesting  
 5 state financial assistance or having received state financial  
 6 assistance which also includes facility hardening or  
 7 mitigation and which qualifies for funding under the federal  
 8 Hazard Mitigation Grant Program. These proposals must document  
 9 the commitment of all local funds needed and identify the  
 10 proposed state and federal funding needed, based on the  
 11 funding criteria specified in this paragraph, to complete the  
 12 project for a fully operational county emergency operations  
 13 center.

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

22       (b) The department shall prioritize all properly  
 23 submitted project applications based on minimum criteria as  
 24 specified in this section, local government participation, and  
 25 documented need. In reviewing proposals, the department must  
 26 take into consideration all state funds already provided for  
 27 the project which have not been expended but which will  
 28 decrease the project's fiscal need once expended. The amount  
 29 of a project's cost recommended for funding by the department  
 30 shall be limited to those costs considered reasonably  
 31 necessary to meet minimum criteria specified in this section.

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1 The release of any funds specifically appropriated to  
2 implement this subsection must be approved by the Legislative  
3 Budget Commission. Upon completion of the prioritization  
4 process, and no later than November 1, 2006, the department  
5 shall submit to the Legislative Budget Commission for approval  
6 a comprehensive funding proposal for the construction of and  
7 improvements to county emergency operations centers using  
8 appropriated funds. The proposal submitted to the Legislative  
9 Budget Commission must include a detailed identification of  
10 the project and the corresponding detailed local, state, and  
11 federal funding proposed for each project. In order to ensure  
12 the maximum use of federal funds that are available for the  
13 Hazard Mitigation Grant Program, any federal funds  
14 appropriated to implement this subsection which remain after  
15 fully allocating those funds to proposals under subparagraphs  
16 1. and 2. may be used to fund proposals for retrofitting  
17 hurricane evacuation shelters under subsection (3). Any  
18 federal funds appropriated to implement this paragraph which  
19 remain after fully allocating those funds for proposals under  
20 subparagraphs 1. and 2. and subsection (3) shall be  
21 appropriated for distribution pursuant to chapter 9G-22,  
22 Florida Administrative Code. The Executive Office of the  
23 Governor may submit a budget amendment to transfer those funds  
24 in accordance with chapter 216, Florida Statutes.

25 (2) The Legislature finds that by June 1, 2007, all  
26 designated public special-needs hurricane evacuation shelters  
27 should be equipped with permanent emergency power generating  
28 capacity in order to provide electrical power for necessary  
29 medical equipment for persons housed in the shelter and for  
30 heating, ventilating, and air-conditioning the facility. An  
31 appropriation for equipping a public special-needs hurricane

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1 evacuation shelter with permanent emergency power generating  
2 capacity may also be used in coordination with local  
3 communities in order to increase the number of special-needs  
4 shelter spaces that are available and to ensure that a  
5 sufficient number of public special-needs shelters are  
6 designated to meet the anticipated demand based on the best  
7 available data as determined jointly by the Department of  
8 Community Affairs and the Department of Health.

9       (3) The Legislature finds that retrofitting public  
10 hurricane evacuation shelters is an efficient and economical  
11 method of accelerating the state and local efforts to reduce  
12 the deficit in shelter space. Criteria for assessing and  
13 prioritizing the funding needs for retrofitting public  
14 hurricane evacuation shelters include, but are not limited to,  
15 the project's ability to meet the structural and siting  
16 requirements of American Red Cross Standard ARC 4496,  
17 "Guidelines for Hurricane Evacuation Shelter Selection," once  
18 completed; the shelter needs of the local government as well  
19 as the overall needs of the hurricane evacuation planning  
20 region; the cost-effectiveness of the project in terms of the  
21 number of public hurricane evacuation spaces; and the priority  
22 ranking of the proposed project in the applicable local  
23 mitigation strategy. The Department of Community Affairs shall  
24 establish a statewide competitive grant application process  
25 for retrofitting public hurricane evacuation shelters to meet  
26 the minimum criteria specified in this section. In reviewing  
27 proposals, the department shall consider all state funds  
28 already provided for the project which have not been expended  
29 but which will decrease the project's fiscal need once  
30 expended. The department shall prioritize all properly  
31 submitted project applications based on criteria specified in

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1 this section and documented need. The release of any funds  
2 specifically appropriated to implement this subsection must be  
3 approved by the Legislative Budget Commission. Upon completion  
4 of the prioritization process, and no later than November 1,  
5 2006, the department shall recommend funding for retrofitting  
6 public hurricane evacuation shelters to the Legislative Budget  
7 Commission for approval. In order to ensure maximum use of  
8 federal funds available for the Hazard Mitigation Grant  
9 Program, any federal funds appropriated to implement this  
10 subsection which are remaining after fully allocating those  
11 funds to proposals under this subsection shall be appropriated  
12 for distribution pursuant to chapter 9G-22, Florida  
13 Administrative Code. The Executive Office of the Governor may  
14 submit a budget amendment to transfer those funds in  
15 accordance with the provisions of chapter 216, Florida  
16 Statutes.

17 (4) The Legislature finds that improved logistical  
18 staging and warehouse capacity for commodities will help  
19 ensure that adequate supplies, equipment, and commodities are  
20 available and accessible for purposes of responding to  
21 disasters. Appropriated funds may be used for increasing  
22 storage capacity; improving technologies to manage  
23 commodities; and enhancing the state's ability to maintain in  
24 a safe and secure manner an inventory of supplies, equipment,  
25 and commodities that would be needed in the immediate  
26 aftermath of a disaster. The release of any funds specifically  
27 appropriated to implement this subsection must be approved by  
28 the Legislative Budget Commission. The department shall submit  
29 a funding plan for improved logistical staging and warehouse  
30 capacity to the Legislative Budget Commission for approval by  
31 September 1, 2006. Procurement of technologies to perform

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1 inventory tracking and commodities management must comply with  
2 the provisions of s. 287.057, Florida Statutes, requiring  
3 competitive bids.

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

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

23       Section 3. The sum of \$15 million in fixed capital  
24 outlay is appropriated from the U.S. Contributions Trust Fund  
25 to the Department of Community Affairs for the purpose of  
26 implementing the provisions of this act relating to  
27 retrofitting public hurricane evacuation shelters during the  
28 2006-2007 state fiscal year. The Department of Community  
29 Affairs may not use more than 5 percent of these funds to  
30 administer the funding provided.

31       Section 4. The sum of \$29 million is appropriated from

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

7       Section 5. The sum of \$2.1 million in recurring funds  
 8 is appropriated from the General Revenue Fund and the sum of  
 9 \$4.4 million is appropriated from the Emergency Management  
 10 Preparedness and Assistance Trust Fund to the Department of  
 11 Community Affairs for the 2006-2007 state fiscal year.  
 12 Notwithstanding s. 252.373, Florida Statutes, these funds may  
 13 be used to implement the provisions of this act relating to  
 14 improved logistical staging and warehouse capacity for  
 15 commodities.

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

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

31       Section 8. This act shall take effect upon becoming a



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1 law.

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

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

9 A bill to be entitled

10 An act relating to emergency management;

11 providing legislative findings with respect to

12 the need for improvements in the state's

13 infrastructure in response to the hurricane

14 seasons of 2004 and 2005; providing for the

15 Legislature to make funds available to local

16 and state agencies through appropriations to

17 the Department of Community Affairs; requiring

18 the department to establish a statewide grant

19 application process; providing criteria for an

20 appropriation to fund the construction or

21 renovation of county emergency operations

22 centers; providing limitations on the use of

23 such funds; requiring that the release of funds

24 be approved by the Legislative Budget

25 Commission; providing criteria for an

26 appropriation to fund equipping public

27 special-needs hurricane evacuation shelters

28 with the permanent capacity to generate

29 emergency power; providing criteria for an

30 appropriation for retrofitting public hurricane

31 evacuation shelters; requiring that the release

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1 of funds be approved by the Legislative Budget  
2 Commission; providing for funds to be  
3 appropriated to improve the logistical staging  
4 and warehouse capacity of commodities used  
5 following a disaster; providing for funds to be  
6 appropriated for the purpose of hurricane  
7 evacuation planning; providing appropriations;  
8 providing an effective date.

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