

By the Committees on Transportation and Economic Development  
Appropriations; Domestic Security; and Senators Diaz de la  
Portilla and Fasano

606-2280-06

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

1 Be It Enacted by the Legislature of the State of Florida:

2  
3           Section 1. The Legislature finds that there is a  
4 compelling need for improvements in infrastructure, as  
5 identified during the 2004 and 2005 hurricane seasons, in  
6 order to better protect the residents of this state. Based on  
7 the criteria specified in this section, the Legislature shall  
8 make funds available to local and state agencies through  
9 appropriations to the Department of Community Affairs for the  
10 purpose of enhancing public education and information,  
11 constructing or improving county emergency operations centers,  
12 providing emergency power for public special-needs hurricane  
13 evacuation shelters, retrofitting public hurricane evacuation  
14 shelters, improving logistical staging and warehouse capacity  
15 for commodities, and planning for hurricane evacuations. The  
16 criteria in this section shall be considered by the  
17 Legislature in determining eligibility for funding.

18           (1)(a) The Legislature finds that county emergency  
19 operations centers should meet minimum criteria for structural  
20 survivability and sufficiency of operational space, as  
21 determined by assessments performed by the Department of  
22 Community Affairs using the structural requirements of  
23 American Red Cross Standard ARC 4496, "Guidelines for  
24 Hurricane Evacuation Shelter Selection," and based on guidance  
25 from the Federal Emergency Management Agency. Criteria for  
26 prioritizing and recommending the funding for county emergency  
27 operations centers include, but are not limited to, county  
28 population, hurricane evacuation clearance time for the  
29 vulnerable population of the county, structural survivability  
30 of the existing emergency operations center, and guidance of  
31 the Federal Emergency Management Agency for workspace

1 requirements for the emergency operations center. First  
2 priority for funding recommendations shall be for county  
3 emergency operations centers where no survivable facility  
4 exists and where workspace deficits exist. Funding  
5 recommendations made pursuant to this paragraph may not  
6 include land acquisition; the purchase of equipment,  
7 furnishings, communications, or operational systems; or  
8 recurring expenditures. Funding recommendations must be  
9 limited to the construction or structural renovation of the  
10 county emergency operations center needed to meet the same  
11 structural requirements of American Red Cross Standard ARC  
12 4496, "Guidelines for Hurricane Evacuation Shelter Selection,"  
13 and national workspace recommendations. The Department of  
14 Community Affairs shall establish a statewide competitive  
15 grant application process for proposals to construct or  
16 improve county emergency operations centers such that those  
17 centers would, upon completion of the project, meet minimum  
18 criteria as specified in this section. The application may  
19 contain one or more independent proposals for:

20       1. A construction or improvement project requesting  
21 state financial assistance or having received state financial  
22 assistance which also includes facility hardening or  
23 mitigation and which qualifies for funding under the federal  
24 Hazard Mitigation Grant Program. These proposals must document  
25 the commitment of all local funds needed and identify the  
26 proposed state and federal funding needed, based on the  
27 funding criteria specified in this paragraph, to complete the  
28 project for a fully operational county emergency operations  
29 center.

30       2. A construction or improvement project to be funded  
31 with local or other nonstate funds which includes facility

1 hardening or mitigation and which qualifies for funding under  
2 the federal Hazard Mitigation Grant Program. These proposals  
3 must document the commitment of all local funds needed and  
4 identify the proposed federal funding needed, based on the  
5 funding criteria in this paragraph, to complete the project  
6 for a fully operational county emergency operations center.

7 (b) The department shall prioritize all properly  
8 submitted project applications based on minimum criteria as  
9 specified in this section, local government participation, and  
10 documented need. In reviewing proposals, the department must  
11 take into consideration all state funds already provided for  
12 the project which have not been expended but which will  
13 decrease the project's fiscal need once expended. The amount  
14 of a project's cost recommended for funding by the department  
15 shall be limited to those costs considered reasonably  
16 necessary to meet minimum criteria specified in this section.  
17 The release of any funds specifically appropriated to  
18 implement this subsection must be approved by the Legislative  
19 Budget Commission. Upon completion of the prioritization  
20 process, and no later than November 1, 2006, the department  
21 shall submit to the Legislative Budget Commission for approval  
22 a comprehensive funding proposal for the construction of and  
23 improvements to county emergency operations centers using  
24 appropriated funds. The proposal submitted to the Legislative  
25 Budget Commission must include a detailed identification of  
26 the project and the corresponding detailed local, state, and  
27 federal funding proposed for each project. In order to ensure  
28 the maximum use of federal funds that are available for the  
29 Hazard Mitigation Grant Program, any federal funds  
30 appropriated to implement this subsection which remain after  
31 fully allocating those funds to proposals under subparagraphs

1 1. and 2. may be used to fund proposals for retrofitting  
2 hurricane evacuation shelters under subsection (3). Any  
3 federal funds appropriated to implement this paragraph which  
4 remain after fully allocating those funds for proposals under  
5 subparagraphs 1. and 2. and subsection (3) shall be  
6 appropriated for distribution pursuant to chapter 9G-22,  
7 Florida Administrative Code. The Executive Office of the  
8 Governor may submit a budget amendment to transfer those funds  
9 in accordance with chapter 216, Florida Statutes.

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

25 (3) The Legislature finds that retrofitting public  
26 hurricane evacuation shelters is an efficient and economical  
27 method of accelerating the state and local efforts to reduce  
28 the deficit in shelter space. Criteria for assessing and  
29 prioritizing the funding needs for retrofitting public  
30 hurricane evacuation shelters include, but are not limited to,  
31 the project's ability to meet the structural and siting

1 requirements of American Red Cross Standard ARC 4496,  
2 "Guidelines for Hurricane Evacuation Shelter Selection," once  
3 completed; the shelter needs of the local government as well  
4 as the overall needs of the hurricane evacuation planning  
5 region; the cost-effectiveness of the project in terms of the  
6 number of public hurricane evacuation spaces; and the priority  
7 ranking of the proposed project in the applicable local  
8 mitigation strategy. The Department of Community Affairs shall  
9 establish a statewide competitive grant application process  
10 for retrofitting public hurricane evacuation shelters to meet  
11 the minimum criteria specified in this section. In reviewing  
12 proposals, the department shall consider all state funds  
13 already provided for the project which have not been expended  
14 but which will decrease the project's fiscal need once  
15 expended. The department shall prioritize all properly  
16 submitted project applications based on criteria specified in  
17 this section and documented need. The release of any funds  
18 specifically appropriated to implement this subsection must be  
19 approved by the Legislative Budget Commission. Upon completion  
20 of the prioritization process, and no later than November 1,  
21 2006, the department shall recommend funding for retrofitting  
22 public hurricane evacuation shelters to the Legislative Budget  
23 Commission for approval. In order to ensure maximum use of  
24 federal funds available for the Hazard Mitigation Grant  
25 Program, any federal funds appropriated to implement this  
26 subsection which are remaining after fully allocating those  
27 funds to proposals under this subsection shall be appropriated  
28 for distribution pursuant to chapter 9G-22, Florida  
29 Administrative Code. The Executive Office of the Governor may  
30 submit a budget amendment to transfer those funds in  
31

1 accordance with the provisions of chapter 216, Florida  
2 Statutes.

3 (4) The Legislature finds that improved logistical  
4 staging and warehouse capacity for commodities will help  
5 ensure that adequate supplies, equipment, and commodities are  
6 available and accessible for purposes of responding to  
7 disasters. Appropriated funds may be used for increasing  
8 storage capacity; improving technologies to manage  
9 commodities; and enhancing the state's ability to maintain in  
10 a safe and secure manner an inventory of supplies, equipment,  
11 and commodities that would be needed in the immediate  
12 aftermath of a disaster. The release of any funds specifically  
13 appropriated to implement this subsection must be approved by  
14 the Legislative Budget Commission. The department shall submit  
15 a funding plan for improved logistical staging and warehouse  
16 capacity to the Legislative Budget Commission for approval by  
17 September 1, 2006. Procurement of technologies to perform  
18 inventory tracking and commodities management must comply with  
19 the provisions of s. 287.057, Florida Statutes, requiring  
20 competitive bids.

21 (5) The Legislature finds that hurricane evacuation  
22 planning is a critical task that must be completed in the most  
23 effective and efficient manner possible. Appropriated funds  
24 may be used to update current regional evacuation plans and  
25 shall incorporate current transportation networks, behavioral  
26 studies, and vulnerability studies. In addition, funds may be  
27 used to perform computer-modeling analysis on the effects of  
28 storm-surge events. Procurement of technologies to perform the  
29 updates and computer modeling must comply with the provisions  
30 s. 287.057, Florida Statutes, requiring competitive bids.

31

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

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

18           Section 4. The sum of \$29 million is appropriated from  
19 the U.S. Contributions Trust Fund to the Department of  
20 Community Affairs for the purpose of implementing the  
21 provisions of this act relating to hurricane evacuation  
22 planning during the 2006-2007 state fiscal year. The  
23 Department of Community Affairs may not use more than 5  
24 percent of these funds to administer the funding provided.

25           Section 5. The sum of \$2.1 million in recurring funds  
26 is appropriated from the General Revenue Fund and the sum of  
27 \$4.4 million is appropriated from the Emergency Management  
28 Preparedness and Assistance Trust Fund to the Department of  
29 Community Affairs for the 2006-2007 state fiscal year.  
30 Notwithstanding s. 252.373, Florida Statutes, these funds may  
31 be used to implement the provisions of this act relating to



1 improved logistical staging and warehouse capacity for  
2 commodities.

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

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

18           Section 8. This act shall take effect upon becoming a  
19 law.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                    COMMITTEE SUBSTITUTE FOR  
3                                    CS/Senate Bill 862

4 The committee substitute differs from the previous bill in the  
5 following ways:

- 6 -- Authorizes appropriated funds to be used for enhancing  
7 public education and information;
- 8 -- Directs the Department of Community Affairs (department)  
9 to establish a statewide competitive grant application  
10 process for funding county emergency operations centers  
11 and for retrofitting public hurricane evacuation centers.  
12 Funds provided for these facilities must be prioritized  
13 by the department, using criteria specified in the bill,  
14 and submitted for approval, with specific detail  
15 identifying each project recommended, to the Legislative  
16 Budget Commission no later than November 1, 2006;
- 17 -- Provides that release of funds for improved logistical  
18 staging and warehousing of commodities needed to respond  
19 to a disaster must be approved by the Legislative Budget  
20 Commission. The department must submit a funding plan  
21 for these efforts to the Legislative Budget Commission no  
22 later than September 1, 2006;
- 23 -- Authorizes funds to update current regional evacuation  
24 plans, and to purchase technologies to perform the  
25 updates and to perform computer modeling of storm-surge  
26 events. The purchase of technologies with these funds  
27 must comply with the provisions of s. 287.057, F.S.,  
28 requiring competitive bids; and
- 29 -- Deletes legislative findings relating to the  
30 establishment of a regional hurricane evacuation shelter  
31 pilot program, and deletes the criteria for an  
32 appropriation for regional hurricane evacuation shelters.

33 The committee substitute makes the following appropriations  
34 totaling \$151.7 million to the Department of Community Affairs  
35 for the 2006-2007 fiscal year:

- 36 -- \$52.8 million for emergency power generators in public  
37 special-needs hurricane evacuation shelters;
- 38 -- \$15 million for retrofitting public hurricane evacuation  
39 shelters;
- 40 -- \$29 million for hurricane evacuation planning ;
- 41 -- \$6.5 million for improved logistical staging and  
42 warehouse capacity for emergency commodities;
- 43 -- \$45 million for construction or hardening of county  
44 emergency operations centers; and
- 45 -- \$3.4 million for enhanced public education and  
46 information on hurricane preparedness.

1 The committee substitute provides that federal funds  
2 appropriated for emergency operations centers that are  
3 remaining after Legislative Budget Commission approval may be  
4 reallocated to retrofiting public hurricane evacuation  
5 shelters, and that any federal funds for shelters remaining  
6 after Legislative Budget Commission approval may then be  
7 requested by the Governor to be transferred through a budget  
8 amendment to the hazard mitigation grant program for  
9 distribution pursuant to chapter 9G-22, Florida Administrative  
10 Code.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31