

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill creates an additional reporting requirement.

Maintain Public Security -The list of potential shelters created by this legislation may allow counties and municipalities to better know what buildings may be used as shelters in an emergency.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Pursuant to the “Capital Facilities Planning and Budgeting Act” in ss. 216.015-216.016, F.S., the Department of Management Services (DMS) is required to take inventory of current facilities owned, leased, rented, or otherwise occupied by any agency of the state or judicial branch.¹ To fully comply with this requirement, DMS produces an annual report, which is available online.² Facilities not incorporated in this report include those of the State Board of Administration, Board of Regents, the Community College System, Water Management Districts, local school districts, private correctional facilities and any facilities with less than three thousand square feet in gross area.³

There are several components to the annual inventory. For example, the State Facility Inventory program includes facility ownership, management responsibility, date assessed, assessor, location, occupancy, size, and other general data. Another component, the Lease Inventory Program, consists of a recording of *all* state leases and a record of the ownership of the facilities, square footage, costs, beginning and ending dates, and other general data for these leases.

DMS, pursuant to s. 252.385(4) (b) and (c), F.S., is required to incorporate provisions into state agency lease agreements for the use of suitable leased public facilities as public hurricane evacuation shelters. DMS also is required to consult with local and state emergency management agencies to assess DMS facilities and identify the extent to which each facility has public hurricane evacuation shelter space.⁴

The Department of Community Affairs, Division of Emergency Management (“Division”), must prepare a state comprehensive emergency management plan that can be integrated into and coordinated with the emergency management plans and programs of the Federal Government as required in the “State Emergency Management Act” in ss. 252.31-252.60, F.S.⁵ The plan must include a shelter component with specific planning provisions and promote shelter activity coordination between the public, private, and nonprofit sectors. This component must include strategies to ensure the availability of adequate public shelter space in each region of the state; establish strategies for refuge-of-last-resort programs; assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel; provide for a post disaster communications system for public shelters; establish model shelter guidelines for operation, registration, inventory, power generation capability, information management, and staffing; and provide guidance for sheltering people with

¹ Section 216.015(3)(b), F.S.

² <http://fcn.state.fl.us/dms/dbc/mgt/inventory.html>

³ According to the Executive Summary of the 2005 Inventory Annual Report.

⁴ Suitable leased public facilities include leased public facilities that are solely occupied by state agencies and have at least 2,000 square feet of net floor area in a single room or, in a combination of rooms, having a minimum of 400 square feet in each room. [Section 252.385 (4)(b), F.S.]

⁵ Section 252.35 (2)(a), F.S.

special needs.⁶ The Division has integrated the State Comprehensive Emergency Management Plan (February 1, 2004 Edition) by citation into its rules. The plan includes, in Appendix VI, the coordination of activities involved with the emergency provision of temporary shelters.⁷

The Division currently manages a program for surveying existing public and private buildings, with written owner agreement, to identify which facilities are appropriately designed and located to serve as shelters.⁸ Public facilities, including schools, post-secondary education facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals or nursing homes, which are suitable for use as public hurricane evacuation shelters must be made available at the request of the local emergency management agencies.⁹

Proposed Changes

The bill requires DMS to compile a list of state-owned facilities that have unoccupied space which are available for use as emergency shelters during an emergency or other catastrophic event. The list must be organized by county and municipality and must be updated by May 31 of each year.

The bill defines emergency shelters as “suitable” for use as an emergency shelter if they meet the standards set by the American Red Cross, and defines “unoccupied” as “vacant due to suspended operation or nonuse.”

C. SECTION DIRECTORY:

Section 1 amends s. 252.385, F.S., to require DMS to maintain a list of state-owned facilities that have unoccupied space for use as emergency shelters during storms or other catastrophic events.

Section 2 provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not create, modify, amend, or eliminate a state revenue source.

2. Expenditures:

The bill does not create, modify, amend, or eliminate a state expenditure.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not create, modify, amend, or eliminate a local revenue source.

2. Expenditures:

The bill does not create, modify, amend, or eliminate a local expenditure.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

⁶ Section 252.35 (2)(a)2., F.S.

⁷ Rule 9G-2.002, F.A.C.

⁸ Section 252.385(2), F.S.

⁹ Section 252.385(4)(a), F.S.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 22, 2006 the Domestic Security committee adopted the amendment that requires DMS to compile and annually update a list of state-owned facilities that have unoccupied space suitable for use as emergency shelter. The amendment defines emergency shelters as "suitable" for use as an emergency shelter if they meet the standards set by the American Red Cross, and defines "unoccupied" as "vacant due to suspended operation or nonuse." The bill was reported favorably with committee substitute.