

29 renamed the Office of Emergency Management.

30 Section 2. Section 14.2016, Florida Statutes, is created
31 to read:

32 14.2016 Office of Emergency Management.—The Office of
33 Emergency Management is established within the Executive Office
34 of the Governor. The office shall be a separate budget entity,
35 as provided in the General Appropriations Act. The office shall
36 be responsible for all professional, technical, and
37 administrative support functions necessary to carry out its
38 responsibilities under part I of chapter 252. The director of
39 the office shall be appointed by and serve at the pleasure of
40 the Governor, and shall be the head of the office for all
41 purposes.

42 Section 3. Subsection (2) of section 20.18, Florida
43 Statutes, is amended to read:

44 20.18 Department of Community Affairs.—There is created a
45 Department of Community Affairs.

46 (2) The following units of the Department of Community
47 Affairs are established:

48 ~~(a) Division of Emergency Management. The division is a~~
49 ~~separate budget entity and is not subject to control,~~
50 ~~supervision, or direction by the Department of Community Affairs~~
51 ~~in any manner including, but not limited to, personnel,~~
52 ~~purchasing, transactions involving personal property, and~~
53 ~~budgetary matters. The division director shall be appointed by~~
54 ~~the Governor, shall serve at the pleasure of the Governor, and~~
55 ~~shall be the agency head of the division for all purposes. The~~
56 ~~division shall enter into a service agreement with the~~

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57 ~~department for professional, technological, and administrative~~
 58 ~~support services. The division shall collaborate and coordinate~~
 59 ~~with the department on nonemergency response matters, including,~~
 60 ~~but not limited to, disaster recovery programs, grant programs,~~
 61 ~~mitigation programs, and emergency matters related to~~
 62 ~~comprehensive plans.~~

63 (a) ~~(b)~~ Division of Housing and Community Development.

64 (b) ~~(e)~~ Division of Community Planning.

65 Section 4. Subsection (1) of section 125.01045, Florida
 66 Statutes, is amended to read:

67 125.01045 Prohibition of fees for first responder
 68 services.—

69 (1) A county may not impose a fee or seek reimbursement
 70 for any costs or expenses that may be incurred for services
 71 provided by a first responder, including costs or expenses
 72 related to personnel, supplies, motor vehicles, or equipment in
 73 response to a motor vehicle accident, except for costs to
 74 contain or clean up hazardous materials in quantities reportable
 75 to the Florida State Warning Point at the Office ~~Division~~ of
 76 Emergency Management, and costs for transportation and treatment
 77 provided by ambulance services licensed pursuant to s. 401.23(4)
 78 and (5).

79 Section 5. Section 215.559, Florida Statutes, is amended
 80 to read:

81 215.559 Hurricane Loss Mitigation Program.—

82 ~~(1) There is created~~ A Hurricane Loss Mitigation Program
 83 is established in the Office of Emergency Management.

84 (1) The Legislature shall annually appropriate \$10 million

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85 of the moneys authorized for appropriation under s.
 86 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
 87 office ~~Department of Community Affairs~~ for the purposes set
 88 forth in this section. Of that amount:

89 ~~(2)~~(a) Seven million dollars in funds ~~provided in~~
 90 ~~subsection (1)~~ shall be used for programs to improve the wind
 91 resistance of residences and mobile homes, including loans,
 92 subsidies, grants, demonstration projects, and direct
 93 assistance; educating persons concerning the Florida Building
 94 Code cooperative programs with local governments and the Federal
 95 Government; and other efforts to prevent or reduce losses or
 96 reduce the cost of rebuilding after a disaster.

97 (b) Three million dollars in funds ~~provided in subsection~~
 98 ~~(1)~~ shall be used to retrofit existing facilities used as public
 99 hurricane shelters. Each year the office shall ~~department must~~
 100 prioritize the use of these funds for projects included in the
 101 annual report of the September 1, 2000, ~~version of the Shelter~~
 102 ~~Retrofit Report prepared in accordance with s. 252.385(3), and~~
 103 ~~each annual report thereafter.~~ The office ~~department~~ must give
 104 funding priority to projects in regional planning council
 105 regions that have shelter deficits and to projects that maximize
 106 the use of state funds.

107 ~~(2)(3)~~(a) Forty percent of the total appropriation in
 108 paragraph (1)(a) ~~(2)(a)~~ shall be used to inspect and improve
 109 tie-downs for mobile homes.

110 (b)1. ~~There is created~~ The Manufactured Housing and Mobile
 111 Home Mitigation and Enhancement Program is established. The
 112 program shall require the mitigation of damage to or the

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113 enhancement of homes for the areas of concern raised by the
114 Department of Highway Safety and Motor Vehicles in the 2004-2005
115 Hurricane Reports on the effects of the 2004 and 2005 hurricanes
116 on manufactured and mobile homes in this state. The mitigation
117 or enhancement must include, but need not be limited to,
118 problems associated with weakened trusses, studs, and other
119 structural components caused by wood rot or termite damage;
120 site-built additions; or tie-down systems and may also address
121 any other issues deemed appropriate by Tallahassee Community
122 College, the Federation of Manufactured Home Owners of Florida,
123 Inc., the Florida Manufactured Housing Association, and the
124 Department of Highway Safety and Motor Vehicles. The program
125 shall include an education and outreach component to ensure that
126 owners of manufactured and mobile homes are aware of the
127 benefits of participation.

128 2. The program shall be a grant program that ensures that
129 entire manufactured home communities and mobile home parks may
130 be improved wherever practicable. The moneys appropriated for
131 this program shall be distributed directly to Tallahassee
132 Community College for the uses set forth under this subsection.

133 3. Upon evidence of completion of the program, the
134 Citizens Property Insurance Corporation shall grant, on a pro
135 rata basis, actuarially reasonable discounts, credits, or other
136 rate differentials or appropriate reductions in deductibles for
137 the properties of owners of manufactured homes or mobile homes
138 on which fixtures or construction techniques that have been
139 demonstrated to reduce the amount of loss in a windstorm have
140 been installed or implemented. The discount on the premium must

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141 | be applied to subsequent renewal premium amounts. Premiums of
 142 | the Citizens Property Insurance Corporation must reflect the
 143 | location of the home and the fact that the home has been
 144 | installed in compliance with building codes adopted after
 145 | Hurricane Andrew. Rates resulting from the completion of the
 146 | Manufactured Housing and Mobile Home Mitigation and Enhancement
 147 | Program are not considered competitive rates for the purposes of
 148 | s. 627.351(6)(d)1. and 2.

149 | 4. On or before January 1 of each year, Tallahassee
 150 | Community College shall provide a report of activities under
 151 | this subsection to the Governor, the President of the Senate,
 152 | and the Speaker of the House of Representatives. The report must
 153 | set forth the number of homes that have taken advantage of the
 154 | program, the types of enhancements and improvements made to the
 155 | manufactured or mobile homes and attachments to such homes, and
 156 | whether there has been an increase in availability of insurance
 157 | products to owners of manufactured or mobile homes.

158 |
 159 | Tallahassee Community College shall develop the programs set
 160 | forth in this subsection in consultation with the Federation of
 161 | Manufactured Home Owners of Florida, Inc., the Florida
 162 | Manufactured Housing Association, and the Department of Highway
 163 | Safety and Motor Vehicles. The moneys appropriated for the
 164 | programs set forth in this subsection shall be distributed
 165 | directly to Tallahassee Community College to be used as set
 166 | forth in this subsection.

167 | (3)~~(4)~~ Of moneys provided to the Department of Community
 168 | Affairs in paragraph (1)(a) ~~(2)(a)~~, 10 percent shall be

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169 allocated to the Florida International University center
 170 dedicated to hurricane research. The center shall develop a
 171 preliminary work plan approved by the advisory council set forth
 172 in subsection (4) ~~(5)~~ to eliminate the state and local barriers
 173 to upgrading existing mobile homes and communities, research and
 174 develop a program for the recycling of existing older mobile
 175 homes, and support programs of research and development relating
 176 to hurricane loss reduction devices and techniques for site-
 177 built residences. The State University System also shall consult
 178 with the Department of Community Affairs and assist the
 179 department with the report required under subsection (6) ~~(7)~~.

180 (4) ~~(5)~~ Except for the programs set forth in subsection (3)
 181 ~~(4)~~, The office ~~Department of Community Affairs~~ shall
 182 develop the programs set forth in this section in consultation
 183 with an advisory council consisting of a representative
 184 designated by the Chief Financial Officer, a representative
 185 designated by the Florida Home Builders Association, a
 186 representative designated by the Florida Insurance Council, a
 187 representative designated by the Federation of Manufactured Home
 188 Owners, a representative designated by the Florida Association
 189 of Counties, ~~and~~ a representative designated by the Florida
 190 Manufactured Housing Association, and a representative
 191 designated by the Florida Building Commission.

192 (5) ~~(6)~~ Moneys provided to the office ~~Department of~~
 193 ~~Community Affairs~~ under this section are intended to supplement,
 194 not supplant, the office's other funding sources of the
 195 ~~Department of Community Affairs and may not supplant other~~
 196 ~~funding sources of the Department of Community Affairs.~~

197 (6)~~(7)~~ On January 1st of each year, the office ~~Department~~
 198 ~~of Community Affairs~~ shall provide a full report and accounting
 199 of activities under this section and an evaluation of such
 200 activities to the Speaker of the House of Representatives, the
 201 President of the Senate, and the Majority and Minority Leaders
 202 of the House of Representatives and the Senate. Upon completion
 203 of the report, the office ~~Department of Community Affairs~~ shall
 204 deliver the report to the Office of Insurance Regulation. The
 205 Office of Insurance Regulation shall review the report and ~~shall~~
 206 make such recommendations available to the insurance industry as
 207 the Office of Insurance Regulation deems appropriate. These
 208 recommendations may be used by insurers for potential discounts
 209 or rebates pursuant to s. 627.0629. The Office of Insurance
 210 Regulation shall make such ~~the~~ recommendations within 1 year
 211 after receiving the report.

212 (7)~~(8)~~ (a) Notwithstanding any other provision of this
 213 section and for the 2010-2011 fiscal year only, the \$3 million
 214 appropriation provided ~~for~~ in paragraph (1) (b) ~~(2) (b)~~ may be
 215 used for hurricane shelters as identified in the General
 216 Appropriations Act.

217 (b) This subsection expires June 30, 2011.

218 (8)~~(9)~~ This section is repealed June 30, 2011.

219 Section 6. Paragraph (d) of subsection (2) of section
 220 163.3178, Florida Statutes, is amended to read:

221 163.3178 Coastal management.—

222 (2) Each coastal management element required by s.
 223 163.3177(6) (g) shall be based on studies, surveys, and data; be
 224 consistent with coastal resource plans prepared and adopted

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225 pursuant to general or special law; and contain:

226 (d) A component which outlines principles for hazard
227 mitigation and protection of human life against the effects of
228 natural disaster, including population evacuation, which take
229 into consideration the capability to safely evacuate the density
230 of coastal population proposed in the future land use plan
231 element in the event of an impending natural disaster. The
232 Office ~~Division~~ of Emergency Management shall manage the update
233 of the regional hurricane evacuation studies, ensure such
234 studies are done in a consistent manner, and ensure that the
235 methodology used for modeling storm surge is that used by the
236 National Hurricane Center.

237 Section 7. Subsection (1) of section 166.0446, Florida
238 Statutes, is amended to read:

239 166.0446 Prohibition of fees for first responder
240 services.—

241 (1) A municipality may not impose a fee or seek
242 reimbursement for any costs or expenses that may be incurred for
243 services provided by a first responder, including costs or
244 expenses related to personnel, supplies, motor vehicles, or
245 equipment in response to a motor vehicle accident, except for
246 costs to contain or clean up hazardous materials in quantities
247 reportable to the Florida State Warning Point at the Office
248 ~~Division~~ of Emergency Management, and costs for transportation
249 and treatment provided by ambulance services licensed pursuant
250 to s. 401.23(4) and (5).

251 Section 8. Paragraph (j) of subsection (4) of section
252 215.5586, Florida Statutes, is amended to read:

253 215.5586 My Safe Florida Home Program.—There is
 254 established within the Department of Financial Services the My
 255 Safe Florida Home Program. The department shall provide fiscal
 256 accountability, contract management, and strategic leadership
 257 for the program, consistent with this section. This section does
 258 not create an entitlement for property owners or obligate the
 259 state in any way to fund the inspection or retrofitting of
 260 residential property in this state. Implementation of this
 261 program is subject to annual legislative appropriations. It is
 262 the intent of the Legislature that the My Safe Florida Home
 263 Program provide trained and certified inspectors to perform
 264 inspections for owners of site-built, single-family, residential
 265 properties and grants to eligible applicants as funding allows.
 266 The program shall develop and implement a comprehensive and
 267 coordinated approach for hurricane damage mitigation that may
 268 include the following:

269 (4) ADVISORY COUNCIL.—There is created an advisory council
 270 to provide advice and assistance to the department regarding
 271 administration of the program. The advisory council shall
 272 consist of:

273 (j) The director of the Office ~~Florida Division~~ of
 274 Emergency Management.

275
 276 Members appointed under paragraphs (a)-(d) shall serve at the
 277 pleasure of the Financial Services Commission. Members appointed
 278 under paragraphs (e) and (f) shall serve at the pleasure of the
 279 appointing officer. All other members shall serve as voting ex
 280 officio members. Members of the advisory council shall serve

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281 without compensation but may receive reimbursement as provided
 282 in s. 112.061 for per diem and travel expenses incurred in the
 283 performance of their official duties.

284 Section 9. Paragraphs (a) and (b) of subsection (1) of
 285 section 252.32, Florida Statutes, are amended to read:

286 252.32 Policy and purpose.—

287 (1) Because of the existing and continuing possibility of
 288 the occurrence of emergencies and disasters resulting from
 289 natural, technological, or manmade causes; in order to ensure
 290 that preparations of this state will be adequate to deal with,
 291 reduce vulnerability to, and recover from such emergencies and
 292 disasters; to provide for the common defense and to protect the
 293 public peace, health, and safety; and to preserve the lives and
 294 property of the people of the state, it is hereby found and
 295 declared to be necessary:

296 (a) To create a state emergency management agency to be
 297 known as the "Office ~~Division~~ of Emergency Management," to
 298 authorize the creation of local organizations for emergency
 299 management in the political subdivisions of the state, and to
 300 authorize cooperation with the Federal Government and the
 301 governments of other states.

302 (b) To confer upon the Governor, the Office ~~Division~~ of
 303 Emergency Management, and the governing body of each political
 304 subdivision of the state the emergency powers provided herein.

305 Section 10. Section 252.34, Florida Statutes, is amended
 306 to read:

307 252.34 Definitions.—As used in this part ~~ss. 252.31-~~
 308 ~~252.60~~, the term:

309 (1) "Disaster" means any natural, technological, or civil
 310 emergency that causes damage of sufficient severity and
 311 magnitude to result in a declaration of a state of emergency by
 312 a county, the Governor, or the President of the United States.
 313 Disasters shall be identified by the severity of resulting
 314 damage, as follows:

315 (a) "Catastrophic disaster" means a disaster that will
 316 require massive state and federal assistance, including
 317 immediate military involvement.

318 (b) "Major disaster" means a disaster that will likely
 319 exceed local capabilities and require a broad range of state and
 320 federal assistance.

321 (c) "Minor disaster" means a disaster that is likely to be
 322 within the response capabilities of local government and to
 323 result in only a minimal need for state or federal assistance.

324 ~~(2) "Division" means the Division of Emergency Management~~
 325 ~~of the Department of Community Affairs, or the successor to that~~
 326 ~~division.~~

327 (2)~~(3)~~ "Emergency" means any occurrence, or threat
 328 thereof, whether natural, technological, or manmade, in war or
 329 in peace, which results or may result in substantial injury or
 330 harm to the population or substantial damage to or loss of
 331 property.

332 (3)~~(4)~~ "Emergency management" means the preparation for,
 333 the mitigation of, the response to, and the recovery from
 334 emergencies and disasters. Specific emergency management
 335 responsibilities include, but are not limited to:

336 (a) Reduction of vulnerability of people and communities

337 of this state to damage, injury, and loss of life and property
 338 resulting from natural, technological, or manmade emergencies or
 339 hostile military or paramilitary action.

340 (b) Preparation for prompt and efficient response and
 341 recovery to protect lives and property affected by emergencies.

342 (c) Response to emergencies using all systems, plans, and
 343 resources necessary to preserve adequately the health, safety,
 344 and welfare of persons or property affected by the emergency.

345 (d) Recovery from emergencies by providing for the rapid
 346 and orderly start of restoration and rehabilitation of persons
 347 and property affected by emergencies.

348 (e) Provision of an emergency management system embodying
 349 all aspects of preemergency preparedness and postemergency
 350 response, recovery, and mitigation.

351 (f) Assistance in anticipation, recognition, appraisal,
 352 prevention, and mitigation of emergencies which may be caused or
 353 aggravated by inadequate planning for, and regulation of, public
 354 and private facilities and land use.

355 (4)~~(5)~~ "Local emergency management agency" means an
 356 organization created in accordance with ~~the provisions of~~ ss.
 357 252.31-252.90 to discharge the emergency management
 358 responsibilities and functions of a political subdivision.

359 (5)~~(6)~~ "Manmade emergency" means an emergency caused by an
 360 action against persons or society, including, but not limited
 361 to, enemy attack, sabotage, terrorism, civil unrest, or other
 362 action impairing the orderly administration of government.

363 (6)~~(7)~~ "Natural emergency" means an emergency caused by a
 364 natural event, including, but not limited to, a hurricane, a

365 storm, a flood, severe wave action, a drought, or an earthquake.

366 (7) "Office" means the Office of Emergency Management
 367 within the Executive Office of the Governor, or the successor to
 368 that office.

369 (8) "Political subdivision" means any county or
 370 municipality created pursuant to law.

371 (9) "Technological emergency" means an emergency caused by
 372 a technological failure or accident, including, but not limited
 373 to, an explosion, transportation accident, radiological
 374 accident, or chemical or other hazardous material incident.

375 Section 11. Section 252.35, Florida Statutes, is amended
 376 to read:

377 252.35 Emergency management powers; ~~Division of Emergency~~
 378 ~~Management.~~—

379 (1) The office ~~division~~ is responsible for maintaining a
 380 comprehensive statewide program of emergency management and for
 381 coordinating the. ~~The division is responsible for coordination~~
 382 ~~with~~ efforts of the Federal Government with other departments
 383 and agencies of state government, with county and municipal
 384 governments and school boards, and with private agencies that
 385 have a role in emergency management.

386 (2) The office ~~division~~ is responsible for carrying out
 387 the provisions of ss. 252.31-252.90. In performing its duties
 388 ~~under ss. 252.31-252.90,~~ the office ~~division~~ shall:

389 (a) Prepare a state comprehensive emergency management
 390 plan, which shall be integrated into and coordinated with the
 391 emergency management plans and programs of the Federal
 392 Government. The office ~~division~~ must adopt the plan as a rule in

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393 accordance with chapter 120. The plan shall be implemented by a
394 continuous, integrated comprehensive emergency management
395 program. The plan must contain provisions to ensure that the
396 state is prepared for emergencies and minor, major, and
397 catastrophic disasters, and the office ~~division~~ shall work
398 closely with local governments and agencies and organizations
399 with emergency management responsibilities in preparing and
400 maintaining the plan. The state comprehensive emergency
401 management plan must ~~shall~~ be operations oriented and:

402 1. Include an evacuation component that includes specific
403 regional and interregional planning provisions and promotes
404 intergovernmental coordination of evacuation activities. This
405 component must, at a minimum: contain guidelines for lifting
406 tolls on state highways; ensure coordination pertaining to
407 evacuees crossing county lines; set forth procedures for
408 directing people caught on evacuation routes to safe shelter;
409 establish strategies for ensuring sufficient, reasonably priced
410 fueling locations along evacuation routes; and establish
411 policies and strategies for emergency medical evacuations.

412 2. Include a shelter component that includes specific
413 regional and interregional planning provisions and promotes
414 coordination of shelter activities between the public, private,
415 and nonprofit sectors. This component must, at a minimum:
416 contain strategies to ensure the availability of adequate public
417 shelter space in each region of the state; establish strategies
418 for refuge-of-last-resort programs; provide strategies to assist
419 local emergency management efforts to ensure that adequate
420 staffing plans exist for all shelters, including medical and

421 security personnel; provide for a postdisaster communications
422 system for public shelters; establish model shelter guidelines
423 for operations, registration, inventory, power generation
424 capability, information management, and staffing; and set forth
425 policy guidance for sheltering people with special needs.

426 3. Include a postdisaster response and recovery component
427 that includes specific regional and interregional planning
428 provisions and promotes intergovernmental coordination of
429 postdisaster response and recovery activities. This component
430 must provide for postdisaster response and recovery strategies
431 according to whether a disaster is minor, major, or
432 catastrophic. The postdisaster response and recovery component
433 must, at a minimum: establish the structure of the state's
434 postdisaster response and recovery organization; establish
435 procedures for activating the state's plan; set forth policies
436 used to guide postdisaster response and recovery activities;
437 describe the chain of command during the postdisaster response
438 and recovery period; describe initial and continuous
439 postdisaster response and recovery actions; identify the roles
440 and responsibilities of each involved agency and organization;
441 provide for a comprehensive communications plan; establish
442 procedures for monitoring mutual aid agreements; provide for
443 rapid impact assessment teams; ensure the availability of an
444 effective statewide urban search and rescue program coordinated
445 with the fire services; ensure the existence of a comprehensive
446 statewide medical care and relief plan administered by the
447 Department of Health; and establish systems for coordinating
448 volunteers and accepting and distributing donated funds and

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449 goods.

450 4. Include additional provisions addressing aspects of
451 preparedness, response, recovery, and mitigation as determined
452 necessary by the office ~~division~~.

453 5. Address the need for coordinated and expeditious
454 deployment of state resources, including the Florida National
455 Guard. In the case of an imminent major disaster, procedures
456 should address predeployment of the Florida National Guard, and,
457 in the case of an imminent catastrophic disaster, procedures
458 should address predeployment of the Florida National Guard and
459 the United States Armed Forces.

460 6. Establish a system of communications and warning to
461 ensure that the state's population and emergency management
462 agencies are warned of developing emergency situations and can
463 communicate emergency response decisions.

464 7. Establish guidelines and schedules for annual exercises
465 that evaluate the ability of the state and its political
466 subdivisions to respond to minor, major, and catastrophic
467 disasters and support local emergency management agencies. Such
468 exercises must ~~shall~~ be coordinated with local governments and,
469 to the extent possible, the Federal Government.

470 8. Assign lead and support responsibilities to state
471 agencies and personnel for emergency support functions and other
472 support activities.

473
474 The complete state comprehensive emergency management plan must
475 ~~shall~~ be submitted to the President of the Senate, the Speaker
476 of the House of Representatives, and the Governor on February 1

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477 of every even-numbered year.

478 (b) Adopt standards and requirements for county emergency
479 management plans. The standards and requirements must ensure
480 that county plans are coordinated and consistent with the state
481 comprehensive emergency management plan. If a municipality
482 elects to establish an emergency management program, it must
483 adopt a city emergency management plan that complies with all
484 standards and requirements applicable to county emergency
485 management plans.

486 (c) Assist political subdivisions in preparing and
487 maintaining emergency management plans.

488 (d) Review periodically political subdivision emergency
489 management plans for consistency with the state comprehensive
490 emergency management plan and standards and requirements adopted
491 under this section.

492 (e) Cooperate with the President, the heads of the Armed
493 Forces, the various federal emergency management agencies, and
494 the officers and agencies of other states in matters pertaining
495 to emergency management in the state and the nation and
496 incidents thereof and, in connection therewith, take any
497 measures that it deems proper to carry into effect any request
498 of the President and the appropriate federal officers and
499 agencies for any emergency management action, including the
500 direction or control of:

501 1. Emergency management drills, tests, or exercises of
502 whatever nature.

503 2. Warnings and signals for tests and drills, attacks, or
504 other imminent emergencies or threats thereof and the mechanical

505 devices to be used in connection with such warnings and signals.

506 (f) Make recommendations to the Legislature, building code
 507 organizations, and political subdivisions for zoning, building,
 508 and other land use controls; safety measures for securing mobile
 509 homes or other nonpermanent or semipermanent structures; and
 510 other preparedness, prevention, and mitigation measures designed
 511 to eliminate emergencies or reduce their impact.

512 (g) In accordance with the state comprehensive emergency
 513 management plan and program for emergency management, ascertain
 514 the requirements of the state and its political subdivisions for
 515 equipment and supplies of all kinds in the event of an
 516 emergency; plan for and ~~either~~ procure supplies, medicines,
 517 materials, and equipment or enter into memoranda of agreement or
 518 open purchase orders that will ensure their availability; and
 519 use and employ from time to time any of the property, services,
 520 and resources within the state in accordance with ss. 252.31-
 521 252.90.

522 (h) Anticipate trends and promote innovations that will
 523 enhance the emergency management system.

524 (i) Institute statewide public awareness programs. This
 525 shall include an intensive public educational campaign on
 526 emergency preparedness issues, including, but not limited to,
 527 the personal responsibility of individual citizens to be self-
 528 sufficient for up to 72 hours following a natural or manmade
 529 disaster. The public educational campaign must ~~shall~~ include
 530 relevant information on statewide disaster plans, evacuation
 531 routes, fuel suppliers, and shelters. All educational materials
 532 must be available in alternative formats and mediums to ensure

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533 that they are available to persons with disabilities.

534 (j) In cooperation with ~~The Division of Emergency~~
535 ~~Management and~~ the Department of Education, ~~shall~~ coordinate
536 with the Agency for Persons with Disabilities to provide an
537 educational outreach program on disaster preparedness and
538 readiness to individuals who have limited English skills and
539 identify persons who are in need of assistance but are not
540 defined under special-needs criteria.

541 (k) Prepare and distribute to appropriate state and local
542 officials catalogs of federal, state, and private assistance
543 programs.

544 (l) Coordinate federal, state, and local emergency
545 management activities and take all other steps, including the
546 partial or full mobilization of emergency management forces and
547 organizations in advance of an actual emergency, to ensure the
548 availability of adequately trained and equipped forces of
549 emergency management personnel before, during, and after
550 emergencies and disasters.

551 (m) Establish a schedule of fees that may be charged by
552 local emergency management agencies for review of emergency
553 management plans on behalf of external agencies and
554 institutions. In establishing such schedule, the office ~~division~~
555 shall consider facility size, review complexity, and other
556 factors.

557 (n) Implement training programs to improve the ability of
558 state and local emergency management personnel to prepare and
559 implement emergency management plans and programs. This includes
560 ~~shall include~~ a continuous training program for agencies and

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561 individuals that will be called on to perform key roles in state
562 and local postdisaster response and recovery efforts and for
563 local government personnel on federal and state postdisaster
564 response and recovery strategies and procedures.

565 (o) ~~Review~~ Periodically review emergency operating
566 procedures of state agencies and recommend revisions as needed
567 to ensure consistency with the state comprehensive emergency
568 management plan and program.

569 (p) Make such surveys of industries, resources, and
570 facilities within the state, both public and private, as are
571 necessary to carry out the purposes of ss. 252.31-252.90.

572 (q) Prepare, in advance if ~~whenever~~ possible, such
573 executive orders, proclamations, and rules for issuance by the
574 Governor as are necessary or appropriate for coping with
575 emergencies and disasters.

576 (r) Cooperate with the Federal Government and any public
577 or private agency or entity in achieving any purpose of ss.
578 252.31-252.90 and in implementing programs for mitigation,
579 preparation, response, and recovery.

580 (s) ~~By January 1, 2007, the Division of Emergency~~
581 ~~Management shall~~ Complete an inventory of portable generators
582 owned by the state and local governments which are capable of
583 operating during a major disaster. The inventory must identify,
584 at a minimum, the location of each generator, the number of
585 generators stored at each specific location, the agency to which
586 each generator belongs, the primary use of the generator by the
587 owner agency, and the names, addresses, and telephone numbers of
588 persons having the authority to loan the stored generators as

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589 authorized by the office ~~Division of Emergency Management~~ during
590 a declared emergency.

591 (t) ~~The division shall~~ Maintain an inventory list of
592 generators owned by the state and local governments. In
593 addition, the office ~~division~~ may keep a list of private
594 entities, along with appropriate contact information, which
595 offer generators for sale or lease. The list of private entities
596 shall be available to the public for inspection in written and
597 electronic formats.

598 (u) Assist political subdivisions with the creation and
599 training of urban search and rescue teams and promote the
600 development and maintenance of a state urban search and rescue
601 program.

602 (v) Delegate, as necessary and appropriate, authority
603 vested in it under ss. 252.31-252.90 and provide for the
604 subdelegation of such authority.

605 (w) Report biennially to the President of the Senate, the
606 Speaker of the House of Representatives, and the Governor, no
607 later than February 1 of every odd-numbered year, the status of
608 the emergency management capabilities of the state and its
609 political subdivisions.

610 (x) In accordance with chapter 120, create, implement,
611 administer, adopt, amend, and rescind rules, programs, and plans
612 needed to carry out the provisions of ss. 252.31-252.90 with due
613 consideration for, and in cooperating with, the plans and
614 programs of the Federal Government. In addition, the office
615 ~~division~~ may adopt rules in accordance with chapter 120 to
616 administer and distribute federal financial predisaster and

617 postdisaster assistance for prevention, mitigation,
 618 preparedness, response, and recovery.

619 (y) Do other things necessary, incidental, or appropriate
 620 for the implementation of ss. 252.31-252.90.

621 Section 12. Subsection (2) of section 252.355, Florida
 622 Statutes, is amended to read:

623 252.355 Registry of persons with special needs; notice.—

624 (2) The office ~~Department of Community Affairs~~ shall be
 625 the designated lead agency responsible for community education
 626 and outreach to the public, including special needs clients,
 627 regarding registration and special needs shelters and general
 628 information regarding shelter stays.

629 Section 13. Section 252.61, Florida Statutes, is amended
 630 to read:

631 252.61 List of persons for contact relating to release of
 632 toxic substances into atmosphere.—The Office of Emergency
 633 Management ~~Department of Community Affairs~~ shall maintain a list
 634 of contact persons ~~after the survey pursuant to s. 403.771 is~~
 635 ~~completed.~~

636 Section 14. Section 252.82, Florida Statutes, is amended
 637 to read:

638 252.82 Definitions.—As used in this part:

639 (1) "Commission" means the State Hazardous Materials
 640 Emergency Response Commission created pursuant to s. 301 of
 641 EPCRA.

642 (2) "Committee" means any local emergency planning
 643 committee established in the state pursuant to s. 301 of EPCRA.

644 ~~(3) "Department" means the Department of Community~~

645 ~~Affairs.~~

646 ~~(3)(4)~~ "Facility" means facility as defined in s. 329 of
 647 EPCRA. Vehicles placarded according to title 49 Code of Federal
 648 Regulations are ~~shall~~ not ~~be~~ considered a facility except for
 649 purposes of s. 304 of EPCRA.

650 ~~(4)(5)~~ "Hazardous material" means any hazardous chemical,
 651 toxic chemical, or extremely hazardous substance, as defined in
 652 s. 329 of EPCRA.

653 ~~(5)(6)~~ "EPCRA" means the Emergency Planning and Community
 654 Right-to-Know Act of 1986, title III of the Superfund Amendments
 655 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-
 656 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
 657 adopted thereunder.

658 (6) "Office" means the Office of Emergency Management
 659 within the Executive Office of the Governor.

660 (7) "Trust fund" means the Operating Trust Fund of the
 661 office ~~Department of Community Affairs.~~

662 Section 15. Subsections (3), (8), (9), and (19) of section
 663 252.936, Florida Statutes, are amended to read:

664 252.936 Definitions.—As used in this part, the term:

665 (3) "Audit" means a review of information at, ~~a stationary~~
 666 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary
 667 source subject to s. 112(r)(7), to determine whether that
 668 stationary source is in compliance with ~~the requirements of this~~
 669 part and rules adopted to administer ~~implement~~ this part. Audits
 670 must include a review of the adequacy of the stationary source's
 671 Risk Management Plan, may consist of reviews of information
 672 submitted to the office ~~department~~ or the United States

673 Environmental Protection Agency to determine whether the plan is
 674 complete or whether revisions to the plan are needed, and the
 675 reviews may be conducted at the stationary source to confirm
 676 that information onsite is consistent with reported information.

677 ~~(8) "Department" means the Department of Community~~
 678 ~~Affairs.~~

679 (8)(9) "Inspection" means a review of information at a
 680 stationary source subject to s. 112(r)(7), including
 681 documentation and operating practices and access to the source
 682 and to any area where an accidental release could occur, to
 683 determine whether the stationary source is in compliance with
 684 ~~the requirements of this part or rules adopted to~~ administer
 685 ~~implement~~ this part.

686 (9) "Office" means the Office of Emergency Management in
 687 the Executive Office of the Governor.

688 (19) "Trust fund" means the Operating Trust Fund of the
 689 office established in the department's Division of Emergency
 690 Management.

691 Section 16. Section 252.937, Florida Statutes, is amended
 692 to read:

693 252.937 Department powers and duties.—

694 (1) The office ~~department~~ has the power and duty to:

695 (a)1. Seek delegation from the United States Environmental
 696 Protection Agency to implement the Accidental Release Prevention
 697 Program under s. 112(r)(7) of the Clean Air Act and the federal
 698 implementing regulations for specified sources subject to s.
 699 112(r)(7) of the Clean Air Act. Implementation for all other
 700 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~

701 be performed by the United States Environmental Protection
 702 Agency; and

703 2. Ensure the timely submission of Risk Management Plans
 704 and any subsequent revisions of Risk Management Plans.

705 (b) Adopt, modify, and repeal rules, with the advice and
 706 consent of the commission, necessary to obtain delegation from
 707 the United States Environmental Protection Agency and to
 708 administer the s. 112(r)(7) Accidental Release Prevention
 709 Program in this state for the specified stationary sources with
 710 no expansion or addition of the regulatory program.

711 (c) Make and execute contracts and other agreements
 712 necessary or convenient to the administration ~~implementation~~ of
 713 this part.

714 (d) Coordinate its activities under this part with its
 715 other emergency management responsibilities, including its
 716 responsibilities and activities under parts I, II, and III of
 717 this chapter and with the related activities of other state and
 718 local agencies, keeping separate accounts for all activities
 719 conducted under this part which are supported or partially
 720 supported from the trust fund.

721 (e) Establish, with the advice and consent of the
 722 commission, a technical assistance and outreach program ~~on or~~
 723 ~~before January 31, 1999,~~ to assist owners and operators of
 724 specified stationary sources subject to s. 112(r)(7) in
 725 complying with the reporting and fee requirements of this part.
 726 This program is designed to facilitate and ensure timely
 727 submission of proper certifications or compliance schedules and
 728 timely submission and registration of Risk Management Plans and

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729 revised registrations and Risk Management Plans if ~~when~~ required
730 for these sources.

731 (f) Make a quarterly report to the State Emergency
732 Response Commission on income and expenses for the state's
733 Accidental Release Prevention Program under this part.

734 (2) To ensure that this program is self-supporting, the
735 office ~~department~~ shall provide administrative support,
736 including staff, facilities, materials, and services to
737 implement this part for specified stationary sources subject to
738 s. 252.939 and ~~shall~~ provide necessary funding to local
739 emergency planning committees and county emergency management
740 agencies for work performed to implement this part. Each state
741 agency with regulatory, inspection, or technical assistance
742 programs for specified stationary sources subject to this part
743 shall enter into a memorandum of understanding with the office
744 ~~department~~ which specifically outlines how each agency's staff,
745 facilities, materials, and services will be used ~~utilized~~ to
746 support implementation. ~~At a minimum, these agencies and~~
747 ~~programs include: the Department of Environmental Protection's~~
748 ~~Division of Air Resources Management and Division of Water~~
749 ~~Resource Management, and the Department of Labor and Employment~~
750 ~~Security's Division of Safety.~~ It is the Legislature's intent to
751 implement this part as efficiently and economically as possible,
752 using existing expertise and resources, if available and
753 appropriate.

754 (3) To prevent the duplication of investigative efforts
755 and resources, the office ~~department~~, on behalf of the
756 commission, shall coordinate with any federal agencies or agents

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757 thereof, including the federal Chemical Safety and Hazard
758 Investigation Board, or its successor, which are performing
759 accidental release investigations for specified stationary
760 sources, and may coordinate with any agencies of the state which
761 are performing accidental release investigations. This
762 accidental release investigation coordination is not intended to
763 limit or take the place of any individual agency accidental
764 release investigation under separate authority.

765 (4) To promote efficient administration of this program
766 and specified stationary sources, ~~the only the office agency~~
767 ~~which~~ may seek delegation from the United States Environmental
768 Protection Agency for this program ~~is the Florida Department of~~
769 ~~Community Affairs~~. Further, the office may ~~Florida Department of~~
770 ~~Community Affairs shall~~ not delegate this program to any local
771 environmental agency.

772 Section 17. Section 252.943, Florida Statutes, is amended
773 to read:

774 252.943 Public records.—

775 (1) The office ~~Department of Community Affairs~~ shall
776 protect records, reports, or information or particular parts
777 thereof, other than release or emissions data, contained in a
778 risk management plan from public disclosure pursuant to ss.
779 112(r) and 114(c) of the federal Clean Air Act and authorities
780 cited therein, based upon a showing satisfactory to the
781 Administrator of the United States Environmental Protection
782 Agency, by any owner or operator of a stationary source subject
783 to the Accidental Release Prevention Program, that public
784 release of such records, reports, or information would divulge

785 methods or processes entitled to protection as trade secrets as
 786 provided for in 40 C.F.R. part 2, subpart B. Such records,
 787 reports, or information held by the office ~~department~~ are
 788 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
 789 s. 24(a), Art. I of the State Constitution, unless a final
 790 determination has been made by the Administrator of the
 791 Environmental Protection Agency that such records, reports, or
 792 information are not entitled to trade secret protection, or
 793 pursuant to an order of court.

794 (2) The office ~~department~~ shall protect records, reports,
 795 or information or particular parts thereof, other than release
 796 or emissions data, obtained from an investigation, inspection,
 797 or audit from public disclosure pursuant to ss. 112(r) and
 798 114(c) of the federal Clean Air Act and authorities cited
 799 therein, based upon a showing satisfactory to the Administrator
 800 of the United States Environmental Protection Agency, by any
 801 owner or operator of a stationary source subject to the
 802 Accidental Release Prevention Program, that public release of
 803 such records, reports, or information would divulge methods or
 804 processes entitled to protection as trade secrets as provided
 805 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
 806 information held by the office ~~department~~ are confidential and
 807 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
 808 of the State Constitution, unless a final determination has been
 809 made by the Administrator of the Environmental Protection Agency
 810 that such records, reports, or information are not entitled to
 811 trade secret protection, or pursuant to a court ~~an order of~~
 812 ~~court~~.

813 Section 18. Section 252.946, Florida Statutes, is amended
 814 to read:

815 252.946 Public records.—With regard to information
 816 submitted to the United States Environmental Protection Agency
 817 under this part or s. 112(r)(7), the office ~~department of~~
 818 ~~Community Affairs~~, the State Hazardous Materials Emergency
 819 Response Commission, and any local emergency planning committee
 820 may assist persons in electronically accessing such information
 821 held by the United States Environmental Protection Agency in its
 822 centralized database. If requested, the office ~~department~~, the
 823 commission, or a committee may furnish copies of such United
 824 States Environmental Protection Agency records.

825 Section 19. Paragraph (a) of subsection (4) of section
 826 282.34, Florida Statutes, is amended to read:

827 282.34 Statewide e-mail service.—A state e-mail system
 828 that includes the delivery and support of e-mail, messaging, and
 829 calendaring capabilities is established as an enterprise
 830 information technology service as defined in s. 282.0041. The
 831 service shall be designed to meet the needs of all executive
 832 branch agencies. The primary goals of the service are to
 833 minimize the state investment required to establish, operate,
 834 and support the statewide service; reduce the cost of current e-
 835 mail operations and the number of duplicative e-mail systems;
 836 and eliminate the need for each state agency to maintain its own
 837 e-mail staff.

838 (4) All agencies must be completely migrated to the
 839 statewide e-mail service as soon as financially and
 840 operationally feasible, but no later than June 30, 2015.

841 (a) The following statewide e-mail service implementation
 842 schedule is established for state agencies:

843 1. Phase 1.—The following agencies must be completely
 844 migrated to the statewide e-mail system by June 30, 2012: the
 845 Agency for Enterprise Information Technology; the Department of
 846 Community Affairs, ~~including the Division of Emergency~~
 847 ~~Management~~; the Department of Corrections; the Department of
 848 Health; the Department of Highway Safety and Motor Vehicles; the
 849 Department of Management Services, including the Division of
 850 Administrative Hearings, the Division of Retirement, the
 851 Commission on Human Relations, and the Public Employees
 852 Relations Commission; the Southwood Shared Resource Center; and
 853 the Department of Revenue.

854 2. Phase 2.—The following agencies must be completely
 855 migrated to the statewide e-mail system by June 30, 2013: the
 856 Department of Business and Professional Regulation; the
 857 Department of Education, including the Board of Governors; the
 858 Department of Environmental Protection; the Department of
 859 Juvenile Justice; the Department of the Lottery; the Department
 860 of State; the Department of Law Enforcement; the Department of
 861 Veterans' Affairs; the Judicial Administration Commission; the
 862 Public Service Commission; and the Statewide Guardian Ad Litem
 863 Office.

864 3. Phase 3.—The following agencies must be completely
 865 migrated to the statewide e-mail system by June 30, 2014: the
 866 Agency for Health Care Administration; the Agency for Workforce
 867 Innovation; the Department of Financial Services, including the
 868 Office of Financial Regulation and the Office of Insurance

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869 Regulation; the Department of Agriculture and Consumer Services;
 870 the Executive Office of the Governor, including the Office of
 871 Emergency Management; the Department of Transportation; the Fish
 872 and Wildlife Conservation Commission; the Agency for Persons
 873 With Disabilities; the Northwood Shared Resource Center; and the
 874 State Board of Administration.

875 4. Phase 4.—The following agencies must be completely
 876 migrated to the statewide e-mail system by June 30, 2015: the
 877 Department of Children and Family Services; the Department of
 878 Citrus; the Department of Elderly Affairs; and the Department of
 879 Legal Affairs.

880 Section 20. Paragraphs (a) and (d) of subsection (1) and
 881 subsection (4) of section 282.709, Florida Statutes, are amended
 882 to read:

883 282.709 State agency law enforcement radio system and
 884 interoperability network.—

885 (1) The department may acquire and administer a statewide
 886 radio communications system to serve law enforcement units of
 887 state agencies, and to serve local law enforcement agencies
 888 through mutual aid channels.

889 (a) The department shall, in conjunction with the
 890 Department of Law Enforcement and the Office ~~Division~~ of
 891 Emergency Management ~~of the Department of Community Affairs~~,
 892 establish policies, procedures, and standards to be incorporated
 893 into a comprehensive management plan for the use and operation
 894 of the statewide radio communications system.

895 (d) The department shall exercise its powers and duties
 896 under this part to plan, manage, and administer the mutual aid

897 channels in the statewide radio communication system.

898 1. In implementing such powers and duties, the department
 899 shall consult and act in conjunction with the Department of Law
 900 Enforcement and the Office ~~Division~~ of Emergency Management ~~of~~
 901 ~~the Department of Community Affairs~~, and shall manage and
 902 administer the mutual aid channels in a manner that reasonably
 903 addresses the needs and concerns of the involved law enforcement
 904 agencies and emergency response agencies and entities.

905 2. The department may make the mutual aid channels
 906 available to federal agencies, state agencies, and agencies of
 907 the political subdivisions of the state for the purpose of
 908 public safety and domestic security.

909 (4) The department may create and administer an
 910 interoperability network to enable interoperability between
 911 various radio communications technologies and to serve federal
 912 agencies, state agencies, and agencies of political subdivisions
 913 of the state for the purpose of public safety and domestic
 914 security.

915 (a) The department shall, in conjunction with the
 916 Department of Law Enforcement and the Office ~~Division~~ of
 917 Emergency Management ~~of the Department of Community Affairs~~,
 918 exercise its powers and duties pursuant to this chapter to plan,
 919 manage, and administer the interoperability network. The office
 920 may:

921 1. Enter into mutual aid agreements among federal
 922 agencies, state agencies, and political subdivisions of the
 923 state for the use of the interoperability network.

924 2. Establish the cost of maintenance and operation of the

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925 interoperability network and charge subscribing federal and
926 local law enforcement agencies for access and use of the
927 network. The department may not charge state law enforcement
928 agencies identified in paragraph (2)(a) to use the network.

929 3. In consultation with the Department of Law Enforcement
930 and the Office ~~Division~~ of Emergency Management ~~of the~~
931 ~~Department of Community Affairs~~, amend and enhance the statewide
932 radio communications system as necessary to implement the
933 interoperability network.

934 (b) The department, in consultation with the Joint Task
935 Force on State Agency Law Enforcement Communications, and in
936 conjunction with the Department of Law Enforcement and the
937 Office ~~Division~~ of Emergency Management ~~of the Department of~~
938 ~~Community Affairs~~, shall establish policies, procedures, and
939 standards to incorporate into a comprehensive management plan
940 for the use and operation of the interoperability network.

941 Section 21. Paragraph (1) of subsection (1) of section
942 311.115, Florida Statutes, is amended to read:

943 311.115 Seaport Security Standards Advisory Council.—The
944 Seaport Security Standards Advisory Council is created under the
945 Office of Drug Control. The council shall serve as an advisory
946 council as provided in s. 20.03(7).

947 (1) The members of the council shall be appointed by the
948 Governor and consist of the following:

949 (1) The Director of the Office ~~Division~~ of Emergency
950 Management, or his or her designee.

951 Section 22. Subsections (1) and (2), paragraph (b) of
952 subsection (3), and paragraph (b) of subsection (4) of section

953 526.143, Florida Statutes, are amended to read:

954 526.143 Alternate generated power capacity for motor fuel
955 dispensing facilities.—

956 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
957 defined in s. 526.303(16), and each wholesaler, as defined in s.
958 526.303(17), which sells motor fuel in this state must be
959 capable of operating its distribution loading racks using an
960 alternate generated power source for a minimum of 72 hours.
961 Pending a postdisaster examination of the equipment by the
962 operator to determine any extenuating damage that would render
963 it unsafe to use, the facility must have such alternate
964 generated power source available for operation within ~~no later~~
965 ~~than~~ 36 hours after a major disaster as defined in s. 252.34.
966 Installation of appropriate wiring, including a transfer switch,
967 shall be performed by a certified electrical contractor. Each
968 business that is subject to this subsection must keep a copy of
969 the documentation of such installation on site or at its
970 corporate headquarters. In addition, each business must keep a
971 written statement attesting to the periodic testing and ensured
972 operational capacity of the equipment. The required documents
973 must be made available, upon request, to the Office ~~Division~~ of
974 Emergency Management and the director of the county emergency
975 management agency.

976 (2) Each newly constructed or substantially renovated
977 motor fuel retail outlet, as defined in s. 526.303(14), for
978 which a certificate of occupancy is issued on or after July 1,
979 2006, shall be prewired with an appropriate transfer switch, and
980 capable of operating all fuel pumps, dispensing equipment,

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981 lifesafety systems, and payment-acceptance equipment using an
982 alternate generated power source. As used in this subsection,
983 the term "substantially renovated" means a renovation that
984 results in an increase of greater than 50 percent in the
985 assessed value of the motor fuel retail outlet. Local building
986 inspectors shall include this equipment and operations check in
987 the normal inspection process before issuing a certificate of
988 occupancy. Each retail outlet that is subject to this subsection
989 must keep a copy of the certificate of occupancy on site or at
990 its corporate headquarters. In addition, each retail outlet must
991 keep a written statement attesting to the periodic testing of
992 and ensured operational capability of the equipment. The
993 required documents must be made available, upon request, to the
994 Office ~~Division~~ of Emergency Management and the director of the
995 county emergency management agency.

996 (3)

997 (b) Installation of appropriate wiring and transfer
998 switches must be performed by a certified electrical contractor.
999 Each retail outlet that is subject to this subsection must keep
1000 a copy of the documentation of such installation on site or at
1001 its corporate headquarters. In addition, each retail outlet must
1002 keep a written statement attesting to the periodic testing of
1003 and ensured operational capacity of the equipment. The required
1004 documents must be made available, upon request, to the Office
1005 ~~Division~~ of Emergency Management and the director of the county
1006 emergency management agency.

1007 (4)

1008 (b) Subsections (2) and (3) do not apply to:

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- 1009 | 1. An automobile dealer;
- 1010 | 2. A person who operates a fleet of motor vehicles;
- 1011 | 3. A person who sells motor fuel exclusively to a fleet of
- 1012 | motor vehicles; or
- 1013 | 4. A motor fuel retail outlet that has a written agreement
- 1014 | with a public hospital, in a form approved by the Office
- 1015 | ~~Division~~ of Emergency Management, wherein the public hospital
- 1016 | agrees to provide the motor fuel retail outlet with an
- 1017 | alternative means of power generation onsite so that the
- 1018 | outlet's fuel pumps may be operated in the event of a power
- 1019 | outage.

1020 | Section 23. Paragraph (a) of subsection (1) and paragraph
 1021 | (b) of subsection (4) of section 526.144, Florida Statutes, are
 1022 | amended to read:

1023 | 526.144 Florida Disaster Motor Fuel Supplier Program.—

1024 | (1) (a) There is created the Florida Disaster Motor Fuel
 1025 | Supplier Program within the Office of Emergency Management
 1026 | ~~Department of Community Affairs.~~

1027 | (4)

1028 | (b) Notwithstanding any other law or other ordinance and
 1029 | for the purpose of ensuring an appropriate emergency management
 1030 | response following major disasters in this state, the regulation
 1031 | of all other retail establishments participating in such
 1032 | response is ~~shall be~~ as follows:

1033 | 1. Regulation of retail establishments that meet the
 1034 | standards created by the Office ~~Division~~ of Emergency Management
 1035 | in the report required in s. 8, chapter 2006-71, Laws of
 1036 | Florida, by July 1, 2007, is preempted to the state and until

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1037 such standards are adopted, the regulation of these retail
 1038 establishments is preempted to the state;

1039 2. The division shall provide written certification of
 1040 such preemption to retail establishments that qualify and ~~shall~~
 1041 provide such information to local governments upon request; and

1042 3. Regulation of retail establishments that do not meet
 1043 the operational standards is subject to local government laws or
 1044 ordinances.

1045 Section 24. Paragraph (b) of subsection (2) of section
 1046 627.0628, Florida Statutes, is amended to read:

1047 627.0628 Florida Commission on Hurricane Loss Projection
 1048 Methodology; public records exemption; public meetings
 1049 exemption.—

1050 (2) COMMISSION CREATED.—

1051 (b) The commission shall consist of the following 11
 1052 members:

1053 1. The insurance consumer advocate.

1054 2. The senior employee of the State Board of
 1055 Administration responsible for operations of the Florida
 1056 Hurricane Catastrophe Fund.

1057 3. The Executive Director of the Citizens Property
 1058 Insurance Corporation.

1059 4. The Director of the Office ~~Division~~ of Emergency
 1060 Management ~~of the Department of Community Affairs~~.

1061 5. The actuary member of the Florida Hurricane Catastrophe
 1062 Fund Advisory Council.

1063 6. An employee of the office who is an actuary responsible
 1064 for property insurance rate filings and who is appointed by the

1065 | director of the office.

1066 | 7. Five members appointed by the Chief Financial Officer,
1067 | as follows:

1068 | a. An actuary who is employed full time by a property and
1069 | casualty insurer which was responsible for at least 1 percent of
1070 | the aggregate statewide direct written premium for homeowner's
1071 | insurance in the calendar year preceding the member's
1072 | appointment to the commission.

1073 | b. An expert in insurance finance who is a full-time
1074 | member of the faculty of the State University System and who has
1075 | a background in actuarial science.

1076 | c. An expert in statistics who is a full-time member of
1077 | the faculty of the State University System and who has a
1078 | background in insurance.

1079 | d. An expert in computer system design who is a full-time
1080 | member of the faculty of the State University System.

1081 | e. An expert in meteorology who is a full-time member of
1082 | the faculty of the State University System and who specializes
1083 | in hurricanes.

1084 | Section 25. Paragraph (d) of subsection (2) of section
1085 | 768.13, Florida Statutes, is amended to read:

1086 | 768.13 Good Samaritan Act; immunity from civil liability.—
1087 | (2)

1088 | (d) Any person whose acts or omissions are not otherwise
1089 | covered by this section and who participates in emergency
1090 | response activities under the direction of or in connection with
1091 | a community emergency response team, local emergency management
1092 | agencies, the Office ~~Division~~ of Emergency Management ~~of the~~

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1093 ~~Department of Community Affairs~~, or the Federal Emergency
 1094 Management Agency is not liable for any civil damages as a
 1095 result of care, treatment, or services provided gratuitously in
 1096 such capacity and resulting from any act or failure to act in
 1097 such capacity in providing or arranging further care, treatment,
 1098 or services, if such person acts as a reasonably prudent person
 1099 would have acted under the same or similar circumstances.

1100 Section 26. Subsection (14) of section 943.03, Florida
 1101 Statutes, is amended to read:

1102 943.03 Department of Law Enforcement.—

1103 (14) The department, with respect to counter-terrorism
 1104 efforts, responses to acts of terrorism within or affecting this
 1105 state, and other matters related to the domestic security of
 1106 Florida as it relates to terrorism, shall coordinate and direct
 1107 the law enforcement, initial emergency, and other initial
 1108 responses. The department shall work closely with the Office
 1109 ~~Division~~ of Emergency Management, other federal, state, and
 1110 local law enforcement agencies, fire and rescue agencies, first-
 1111 responder agencies, and others involved in preparation against
 1112 acts of terrorism in or affecting this state and in the response
 1113 to such acts. The executive director of the department, or
 1114 another member of the department designated by the director,
 1115 shall serve as Chief of Domestic Security for the purpose of
 1116 directing and coordinating such efforts. The department and
 1117 Chief of Domestic Security shall use the regional domestic
 1118 security task forces as established in this chapter to assist in
 1119 such efforts.

1120 Section 27. Section 943.03101, Florida Statutes, is

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1121 amended to read:

1122 943.03101 Counter-terrorism coordination.—The Legislature
 1123 finds that with respect to counter-terrorism efforts and initial
 1124 responses to acts of terrorism within or affecting this state,
 1125 specialized efforts of emergency management which ~~that~~ are
 1126 unique to such situations are required and that these efforts
 1127 intrinsically involve very close coordination of federal, state,
 1128 and local law enforcement agencies with the efforts of all
 1129 others involved in emergency-response efforts. In order to best
 1130 provide this specialized effort ~~with respect to counter-~~
 1131 ~~terrorism efforts and responses~~, the Legislature has determined
 1132 that such efforts should be coordinated by and through the
 1133 Department of Law Enforcement, working closely with the Office
 1134 ~~Division~~ of Emergency Management and others involved in
 1135 preparation against acts of terrorism in or affecting this
 1136 state, and in the initial response to such acts, in accordance
 1137 with the state comprehensive emergency management plan prepared
 1138 pursuant to s. 252.35(2) (a).

1139 Section 28. Paragraph (d) of subsection (1) and subsection
 1140 (3) of section 943.0312, Florida Statutes, are amended to read:

1141 943.0312 Regional domestic security task forces.—The
 1142 Legislature finds that there is a need to develop and implement
 1143 a statewide strategy to address prevention, preparation,
 1144 protection, response, and recovery efforts by federal, state,
 1145 and local law enforcement agencies, emergency management
 1146 agencies, fire and rescue departments, first-responder personnel
 1147 and others in dealing with potential or actual terrorist acts
 1148 within or affecting this state.

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1149 (1) To assist the department and the Chief of Domestic
1150 Security in performing their roles and duties in this regard,
1151 the department shall establish a regional domestic security task
1152 force in each of the department's operational regions. The task
1153 forces shall serve in an advisory capacity to the department and
1154 the Chief of Domestic Security and shall provide support to the
1155 department in its performance of functions pertaining to
1156 domestic security.

1157 (d) The co-chairs of each task force may appoint
1158 subcommittees and subcommittee chairs as necessary in order to
1159 address issues related to the various disciplines represented on
1160 the task force, except that subcommittee chairs for emergency
1161 management shall be appointed with the approval of the director
1162 of the Office ~~Division~~ of Emergency Management. A subcommittee
1163 chair shall serve at the pleasure of the co-chairs.

1164 (3) The Chief of Domestic Security, in conjunction with
1165 the Office ~~Division~~ of Emergency Management, the regional
1166 domestic security task forces, and the various state entities
1167 responsible for establishing training standards applicable to
1168 state law enforcement officers and fire, emergency, and first-
1169 responder personnel shall identify appropriate equipment and
1170 training needs, curricula, and materials related to the
1171 effective response to suspected or actual acts of terrorism or
1172 incidents involving real or hoax weapons of mass destruction as
1173 defined in s. 790.166. Recommendations for funding for purchases
1174 of equipment, delivery of training, implementation of, or
1175 revision to basic or continued training required for state
1176 licensure or certification, or other related responses shall be

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1177 made by the Chief of Domestic Security to the Domestic Security
 1178 Oversight Council, the Executive Office of the Governor, the
 1179 President of the Senate, and the Speaker of the House of
 1180 Representatives as necessary to ensure that the needs of this
 1181 state with regard to the preparing, equipping, training, and
 1182 exercising of response personnel are identified and addressed.
 1183 In making such recommendations, the Chief of Domestic Security
 1184 and the Office ~~Division~~ of Emergency Management shall identify
 1185 all funding sources that may be available to fund such efforts.

1186 Section 29. Paragraph (a) of subsection (1), paragraph (b)
 1187 of subsection (2), and paragraph (b) of subsection (4) of
 1188 section 943.0313, Florida Statutes, are amended to read:

1189 943.0313 Domestic Security Oversight Council.—The
 1190 Legislature finds that there exists a need to provide executive
 1191 direction and leadership with respect to terrorism prevention,
 1192 preparation, protection, response, and recovery efforts by state
 1193 and local agencies in this state. In recognition of this need,
 1194 the Domestic Security Oversight Council is hereby created. The
 1195 council shall serve as an advisory council pursuant to s.
 1196 20.03(7) to provide guidance to the state's regional domestic
 1197 security task forces and other domestic security working groups
 1198 and to make recommendations to the Governor and the Legislature
 1199 regarding the expenditure of funds and allocation of resources
 1200 related to counter-terrorism and domestic security efforts.

1201 (1) MEMBERSHIP.—

1202 (a) The Domestic Security Oversight Council shall consist
 1203 of the following voting members:

1204 1. The executive director of the Department of Law

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- 1205 Enforcement.
- 1206 2. The director of the Office ~~Division~~ of Emergency
- 1207 Management ~~within the Department of Community Affairs.~~
- 1208 3. The Attorney General.
- 1209 4. The Commissioner of Agriculture.
- 1210 5. The State Surgeon General.
- 1211 6. The Commissioner of Education.
- 1212 7. The State Fire Marshal.
- 1213 8. The adjutant general of the Florida National Guard.
- 1214 9. The state chief information officer.
- 1215 10. Each sheriff or chief of police who serves as a co-
- 1216 chair of a regional domestic security task force pursuant to s.
- 1217 943.0312(1)(b).
- 1218 11. Each of the department's special agents in charge who
- 1219 serve as a co-chair of a regional domestic security task force.
- 1220 12. Two representatives of the Florida Fire Chiefs
- 1221 Association.
- 1222 13. One representative of the Florida Police Chiefs
- 1223 Association.
- 1224 14. One representative of the Florida Prosecuting
- 1225 Attorneys Association.
- 1226 15. The chair of the Statewide Domestic Security
- 1227 Intelligence Committee.
- 1228 16. One representative of the Florida Hospital
- 1229 Association.
- 1230 17. One representative of the Emergency Medical Services
- 1231 Advisory Council.
- 1232 18. One representative of the Florida Emergency

1233 Preparedness Association.

1234 19. One representative of the Florida Seaport
1235 Transportation and Economic Development Council.

1236 (2) ORGANIZATION.—

1237 (b) The executive director of the Department of Law
1238 Enforcement shall serve as chair of the council, and the
1239 director of the Office ~~Division~~ of Emergency Management ~~within~~
1240 ~~the Department of Community Affairs~~ shall serve as vice chair of
1241 the council. In the absence of the chair, the vice chair shall
1242 serve as chair. In the absence of the vice chair, the chair may
1243 name any member of the council to perform the duties of the
1244 chair if such substitution does not extend beyond a defined
1245 meeting, duty, or period of time.

1246 (4) EXECUTIVE COMMITTEE.—

1247 (b) The executive director of the Department of Law
1248 Enforcement shall serve as the chair of the executive committee,
1249 and the director of the Office ~~Division~~ of Emergency Management
1250 ~~within the Department of Community Affairs~~ shall serve as the
1251 vice chair of the executive committee.

1252 Section 30. Subsection (3) of section 112.3135, Florida
1253 Statutes, is amended to read:

1254 112.3135 Restriction on employment of relatives.—

1255 (3) An agency may prescribe regulations authorizing the
1256 temporary employment, in the event of an emergency as defined in
1257 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
1258 prohibited by this section.

1259 Section 31. Paragraph (d) of subsection (2) of section
1260 119.071, Florida Statutes, is amended to read:

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1261 119.071 General exemptions from inspection or copying of
 1262 public records.—

1263 (2) AGENCY INVESTIGATIONS.—

1264 (d) Any information revealing surveillance techniques or
 1265 procedures or personnel is exempt from s. 119.07(1) and s.
 1266 24(a), Art. I of the State Constitution. Any comprehensive
 1267 inventory of state and local law enforcement resources compiled
 1268 pursuant to part I, chapter 23, and any comprehensive policies
 1269 or plans compiled by a criminal justice agency pertaining to the
 1270 mobilization, deployment, or tactical operations involved in
 1271 responding to an emergency ~~emergencies~~, as defined in s.
 1272 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
 1273 the State Constitution and unavailable for inspection, except by
 1274 personnel authorized by a state or local law enforcement agency,
 1275 the office of the Governor, the Department of Legal Affairs, the
 1276 Department of Law Enforcement, or the Department of Community
 1277 Affairs as having an official need for access to the inventory
 1278 or comprehensive policies or plans.

1279 Section 32. Paragraph (c) of subsection (1) of section
 1280 163.03, Florida Statutes, is amended to read:

1281 163.03 Secretary of Community Affairs; powers and duties;
 1282 function of Department of Community Affairs with respect to
 1283 federal grant-in-aid programs.—

1284 (1) The Secretary of Community Affairs shall:

1285 (c) Under the direction of the Governor, administer
 1286 programs to apply rapidly all available aid to communities
 1287 stricken by an emergency as defined in s. 252.34~~(3)~~ and, for
 1288 this purpose, provide liaison with federal agencies and other

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1289 public and private agencies.

1290 Section 33. Subsection (10) of section 163.360, Florida
 1291 Statutes, is amended to read:

1292 163.360 Community redevelopment plans.—

1293 (10) Notwithstanding any other provisions of this part, if
 1294 ~~when~~ the governing body certifies that an area is in need of
 1295 redevelopment or rehabilitation as a result of an emergency as
 1296 defined in ~~under~~ s. 252.34(3), with respect to which the
 1297 Governor has certified the need for emergency assistance under
 1298 federal law, that area may be certified as a "blighted area,"
 1299 and the governing body may approve a community redevelopment
 1300 plan and community redevelopment with respect to such area
 1301 without regard to the provisions of this section requiring a
 1302 general plan for the county or municipality and a public hearing
 1303 on the community redevelopment.

1304 Section 34. Subsection (1) of section 175.021, Florida
 1305 Statutes, is amended to read:

1306 175.021 Legislative declaration.—

1307 (1) It is hereby declared by the Legislature that
 1308 firefighters, ~~as hereinafter defined,~~ perform state and
 1309 municipal functions; that it is their duty to extinguish fires,
 1310 to protect life, and to protect property at their own risk and
 1311 peril; that it is their duty to prevent conflagration and to
 1312 continuously instruct school personnel, public officials, and
 1313 private citizens in the prevention of fires and firesafety; that
 1314 they protect both life and property from local emergencies as
 1315 defined in s. 252.34(3); and that their activities are vital to
 1316 the public safety. It is further declared that firefighters

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1317 employed by special fire control districts serve under the same
 1318 circumstances and perform the same duties as firefighters
 1319 employed by municipalities and should therefore be entitled to
 1320 the benefits available under this chapter. Therefore, the
 1321 Legislature declares that it is a proper and legitimate state
 1322 purpose to provide a uniform retirement system for the benefit
 1323 of firefighters ~~as hereinafter defined~~ and intends, in
 1324 implementing the provisions of s. 14, Art. X of the State
 1325 Constitution as they relate to municipal and special district
 1326 firefighters' pension trust fund systems and plans, that such
 1327 retirement systems or plans be managed, administered, operated,
 1328 and funded in such manner as to maximize the protection of the
 1329 firefighters' pension trust funds. Pursuant to s. 18, Art. VII
 1330 of the State Constitution, the Legislature hereby determines and
 1331 declares that ~~the provisions of~~ this act fulfill an important
 1332 state interest.

1333 Section 35. Subsection (11) of section 186.505, Florida
 1334 Statutes, is amended to read:

1335 186.505 Regional planning councils; powers and duties.—Any
 1336 regional planning council created hereunder shall have the
 1337 following powers:

1338 (11) To cooperate, in the exercise of its planning
 1339 functions, with federal and state agencies in planning for
 1340 emergency management as defined in ~~under~~ s. 252.34(4).

1341 Section 36. Subsection (1) of section 216.231, Florida
 1342 Statutes, is amended to read:

1343 216.231 Release of certain classified appropriations.—

1344 (1) (a) Any appropriation to the Executive Office of the

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1345 Governor which is classified as an "emergency," as defined in s.
 1346 252.34~~(3)~~, may be released only with the approval of the
 1347 Governor. The state agency, or the judicial branch, desiring the
 1348 use of the emergency appropriation shall submit to the Executive
 1349 Office of the Governor application ~~therefor~~ in writing setting
 1350 forth the facts from which the alleged need arises. The
 1351 Executive Office of the Governor shall, at a public hearing,
 1352 review such application promptly and approve or disapprove the
 1353 applications as the circumstances may warrant. All actions of
 1354 the Executive Office of the Governor shall be reported to the
 1355 legislative appropriations committees, and the committees may
 1356 advise the Executive Office of the Governor relative to the
 1357 release of such funds.

1358 (b) The release of appropriated funds classified as
 1359 "emergency" shall be approved only if ~~when~~ an act or
 1360 circumstance caused by an act of God, civil disturbance, natural
 1361 disaster, or other circumstance of an emergency nature
 1362 threatens, endangers, or damages the property, safety, health,
 1363 or welfare of the state or its residents ~~citizens~~, which
 1364 condition has not been provided for in appropriation acts of the
 1365 Legislature. Funds allocated for this purpose may be used to pay
 1366 overtime pay to personnel of agencies called upon to perform
 1367 extra duty because of any civil disturbance or other emergency
 1368 as defined in s. 252.34~~(3)~~ and to provide the required state
 1369 match for federal grants under the federal Disaster Relief Act.

1370 Section 37. Subsections (3) and (4) of section 250.06,
 1371 Florida Statutes, are amended to read:

1372 250.06 Commander in chief.—

1373 (3) The Governor may, in order to preserve the public
 1374 peace, execute the laws of the state, suppress insurrection,
 1375 repel invasion, respond to an emergency as defined in s.
 1376 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
 1377 of all or any portion of the militia of this state ~~Florida~~ into
 1378 the services of the United States, may increase the Florida
 1379 National Guard and organize it in accordance with rules and
 1380 regulations governing the Armed Forces of the United States.
 1381 Such organization and increase may be pursuant to or in advance
 1382 of any call made by the President of the United States. If the
 1383 Florida National Guard is activated into service of the United
 1384 States, another organization may not be designated as the
 1385 Florida National Guard.

1386 (4) The Governor may, in order to preserve the public
 1387 peace, execute the laws of the state, enhance domestic security,
 1388 respond to terrorist threats or attacks, respond to an emergency
 1389 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
 1390 respond to any need for emergency aid to civil authorities as
 1391 specified in s. 250.28, order into state active duty all or any
 1392 part of the militia which he or she deems proper.

1393 Section 38. Paragraph (g) of subsection (7) of section
 1394 339.135, Florida Statutes, is amended to read:

1395 339.135 Work program; legislative budget request;
 1396 definitions; preparation, adoption, execution, and amendment.—

1397 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1398 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
 1399 (g) and ss. 216.177(2) and 216.351, the secretary may request
 1400 the Executive Office of the Governor to amend the adopted work

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1401 program when an emergency exists, as defined in s. 252.34~~(3)~~,
 1402 and the emergency relates to the repair or rehabilitation of any
 1403 state transportation facility. The Executive Office of the
 1404 Governor may approve the amendment to the adopted work program
 1405 and amend that portion of the department's approved budget if a
 1406 ~~in the event that the~~ delay incident to the notification
 1407 requirements in paragraph (d) would be detrimental to the
 1408 interests of the state. However, the department shall
 1409 immediately notify the parties specified in paragraph (d) and
 1410 ~~shall~~ provide such parties written justification for the
 1411 emergency action within 7 days after ~~of the~~ approval by the
 1412 Executive Office of the Governor of the amendment to the adopted
 1413 work program and the department's budget. ~~In no event may~~ The
 1414 adopted work program may not be amended under ~~the provisions of~~
 1415 this subsection without ~~the~~ certification by the comptroller of
 1416 the department that there are sufficient funds available
 1417 pursuant to the 36-month cash forecast and applicable statutes.

1418 Section 39. Paragraph (b) of subsection (2) of section
 1419 429.907, Florida Statutes, is amended to read:

1420 429.907 License requirement; fee; exemption; display.—

1421 (2)

1422 (b) If ~~In the event~~ a licensed center becomes wholly or
 1423 substantially unusable due to a disaster ~~as defined in s.~~
 1424 ~~252.34(1)~~ or due to an emergency as those terms are defined in
 1425 s. 252.34~~(3)~~:

1426 1. The licensee may continue to operate under its current
 1427 license in ~~a premise or~~ premises separate from that authorized
 1428 under the license if the licensee has:

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1429 a. Specified the location of the ~~premise or~~ premises in
 1430 its comprehensive emergency management plan submitted to and
 1431 approved by the applicable county emergency management
 1432 authority; and

1433 b. Notified the agency and the county emergency management
 1434 authority within 24 hours of operating in the separate ~~premise~~
 1435 ~~or~~ premises.

1436 2. The licensee shall operate the separate ~~premise or~~
 1437 premises only while the licensed center's original location is
 1438 substantially unusable and for up to ~~no longer than~~ 180 days.
 1439 The agency may extend use of the alternate ~~premise or~~ premises
 1440 beyond the initial 180 days. The agency may also review the
 1441 operation of the disaster ~~premise or~~ premises quarterly.

1442 Section 40. The Division of Statutory Revision is
 1443 requested to prepare a reviser's bill for introduction at the
 1444 next regular session of the Legislature to conform the Florida
 1445 Statutes to changes made by this act.

1446 Section 41. This act shall take effect October 1, 2011.