

29 Florida Statutes, to the Executive Office of the Governor and
 30 renamed the Office of Emergency Management.

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

33 14.2016 Office of Emergency Management.—The Office of
 34 Emergency Management is established within the Executive Office
 35 of the Governor. The office shall be a separate budget entity,
 36 as provided in the General Appropriations Act, and shall prepare
 37 and submit a budget request in accordance with chapter 216. The
 38 office shall be responsible for all professional, technical, and
 39 administrative support functions necessary to carry out its
 40 responsibilities under part I of chapter 252. The director of
 41 the office shall be appointed by and serve at the pleasure of
 42 the Governor, and shall be the head of the office for all
 43 purposes. The office shall administer programs to apply rapidly
 44 all available aid to communities stricken by an emergency as
 45 defined in s. 252.34 and, for this purpose, provide liaison with
 46 federal agencies and other public and private agencies.

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

49 20.18 Department of Community Affairs.—There is created a
 50 Department of Community Affairs.

51 (2) The following units of the Department of Community
 52 Affairs are established:

53 ~~(a) Division of Emergency Management. The division is a~~
 54 ~~separate budget entity and is not subject to control,~~
 55 ~~supervision, or direction by the Department of Community Affairs~~
 56 ~~in any manner including, but not limited to, personnel,~~

CS/HB 1245

2011

57 ~~purchasing, transactions involving personal property, and~~
58 ~~budgetary matters. The division director shall be appointed by~~
59 ~~the Governor, shall serve at the pleasure of the Governor, and~~
60 ~~shall be the agency head of the division for all purposes. The~~
61 ~~division shall enter into a service agreement with the~~
62 ~~department for professional, technological, and administrative~~
63 ~~support services. The division shall collaborate and coordinate~~
64 ~~with the department on nonemergency response matters, including,~~
65 ~~but not limited to, disaster recovery programs, grant programs,~~
66 ~~mitigation programs, and emergency matters related to~~
67 ~~comprehensive plans.~~

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

69 ~~(b)(c)~~ Division of Community Planning.

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

72 125.01045 Prohibition of fees for first responder
73 services.—

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

84 Section 5. Section 215.559, Florida Statutes, is amended

85 to read:

86 215.559 Hurricane Loss Mitigation Program.—

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

89 (1) The Legislature shall annually appropriate \$10 million
 90 of the moneys authorized for appropriation under s.

91 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
 92 office ~~Department of Community Affairs~~ for the purposes set
 93 forth in this section. Of that amount:

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

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

112 (2)(3)(a) Forty percent of the total appropriation in

113 paragraph (1) (a) ~~(2) (a)~~ shall be used to inspect and improve
114 tie-downs for mobile homes.

115 (b)1. ~~There is created~~ The Manufactured Housing and Mobile
116 Home Mitigation and Enhancement Program is established. The
117 program shall require the mitigation of damage to or the
118 enhancement of homes for the areas of concern raised by the
119 Department of Highway Safety and Motor Vehicles in the 2004-2005
120 Hurricane Reports on the effects of the 2004 and 2005 hurricanes
121 on manufactured and mobile homes in this state. The mitigation
122 or enhancement must include, but need not be limited to,
123 problems associated with weakened trusses, studs, and other
124 structural components caused by wood rot or termite damage;
125 site-built additions; or tie-down systems and may also address
126 any other issues deemed appropriate by Tallahassee Community
127 College, the Federation of Manufactured Home Owners of Florida,
128 Inc., the Florida Manufactured Housing Association, and the
129 Department of Highway Safety and Motor Vehicles. The program
130 shall include an education and outreach component to ensure that
131 owners of manufactured and mobile homes are aware of the
132 benefits of participation.

133 2. The program shall be a grant program that ensures that
134 entire manufactured home communities and mobile home parks may
135 be improved wherever practicable. The moneys appropriated for
136 this program shall be distributed directly to Tallahassee
137 Community College for the uses set forth under this subsection.

138 3. Upon evidence of completion of the program, the
139 Citizens Property Insurance Corporation shall grant, on a pro
140 rata basis, actuarially reasonable discounts, credits, or other

141 rate differentials or appropriate reductions in deductibles for
142 the properties of owners of manufactured homes or mobile homes
143 on which fixtures or construction techniques that have been
144 demonstrated to reduce the amount of loss in a windstorm have
145 been installed or implemented. The discount on the premium must
146 be applied to subsequent renewal premium amounts. Premiums of
147 the Citizens Property Insurance Corporation must reflect the
148 location of the home and the fact that the home has been
149 installed in compliance with building codes adopted after
150 Hurricane Andrew. Rates resulting from the completion of the
151 Manufactured Housing and Mobile Home Mitigation and Enhancement
152 Program are not considered competitive rates for the purposes of
153 s. 627.351(6)(d)1. and 2.

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

163
164 Tallahassee Community College shall develop the programs set
165 forth in this subsection in consultation with the Federation of
166 Manufactured Home Owners of Florida, Inc., the Florida
167 Manufactured Housing Association, and the Department of Highway
168 Safety and Motor Vehicles. The moneys appropriated for the

169 programs set forth in this subsection shall be distributed
 170 directly to Tallahassee Community College to be used as set
 171 forth in this subsection.

172 (3)~~(4)~~ Of moneys provided to the Department of Community
 173 Affairs in paragraph (1)(a) ~~(2)(a)~~, 10 percent shall be
 174 allocated to the Florida International University center
 175 dedicated to hurricane research. The center shall develop a
 176 preliminary work plan approved by the advisory council set forth
 177 in subsection (4) ~~(5)~~ to eliminate the state and local barriers
 178 to upgrading existing mobile homes and communities, research and
 179 develop a program for the recycling of existing older mobile
 180 homes, and support programs of research and development relating
 181 to hurricane loss reduction devices and techniques for site-
 182 built residences. The State University System also shall consult
 183 with the Department of Community Affairs and assist the
 184 department with the report required under subsection (6) ~~(7)~~.

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

197 (5)~~(6)~~ Moneys provided to the office ~~Department of~~
 198 ~~Community Affairs~~ under this section are intended to supplement,
 199 not supplant, the office's other funding sources of the
 200 ~~Department of Community Affairs and may not supplant other~~
 201 ~~funding sources of the Department of Community Affairs.~~

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

217 (7)~~(8)~~ (a) Notwithstanding any other provision of this
 218 section and for the 2010-2011 fiscal year only, the \$3 million
 219 appropriation provided ~~for~~ in paragraph (1) (b) ~~(2) (b)~~ may be
 220 used for hurricane shelters as identified in the General
 221 Appropriations Act.

222 (b) This subsection expires June 30, 2021 ~~2011~~.

223 (8)~~(9)~~ This section is repealed June 30, 2011.

224 Section 6. Paragraph (d) of subsection (2) of section

225 163.3178, Florida Statutes, is amended to read:

226 163.3178 Coastal management.—

227 (2) Each coastal management element required by s.

228 163.3177(6)(g) shall be based on studies, surveys, and data; be
 229 consistent with coastal resource plans prepared and adopted
 230 pursuant to general or special law; and contain:

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

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

244 166.0446 Prohibition of fees for first responder
 245 services.—

246 (1) A municipality may not impose a fee or seek
 247 reimbursement for any costs or expenses that may be incurred for
 248 services provided by a first responder, including costs or
 249 expenses related to personnel, supplies, motor vehicles, or
 250 equipment in response to a motor vehicle accident, except for
 251 costs to contain or clean up hazardous materials in quantities
 252 reportable to the Florida State Warning Point at the Office

253 ~~Division~~ of Emergency Management, and costs for transportation
 254 and treatment provided by ambulance services licensed pursuant
 255 to s. 401.23(4) and (5).

256 Section 8. Paragraph (j) of subsection (4) of section
 257 215.5586, Florida Statutes, is amended to read:

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

274 (4) ADVISORY COUNCIL.—There is created an advisory council
 275 to provide advice and assistance to the department regarding
 276 administration of the program. The advisory council shall
 277 consist of:

278 (j) The director of the Office ~~Florida Division~~ of
 279 Emergency Management.

280

281 Members appointed under paragraphs (a)-(d) shall serve at the
 282 pleasure of the Financial Services Commission. Members appointed
 283 under paragraphs (e) and (f) shall serve at the pleasure of the
 284 appointing officer. All other members shall serve as voting ex
 285 officio members. Members of the advisory council shall serve
 286 without compensation but may receive reimbursement as provided
 287 in s. 112.061 for per diem and travel expenses incurred in the
 288 performance of their official duties.

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

291 252.32 Policy and purpose.—

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

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

307 (b) To confer upon the Governor, the Office ~~Division~~ of
 308 Emergency Management, and the governing body of each political

309 subdivision of the state the emergency powers provided herein.

310 Section 10. Section 252.34, Florida Statutes, is amended
 311 to read:

312 252.34 Definitions.—As used in this part ~~ss. 252.31-~~
 313 ~~252.60~~, the term:

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

320 (a) "Catastrophic disaster" means a disaster that will
 321 require massive state and federal assistance, including
 322 immediate military involvement.

323 (b) "Major disaster" means a disaster that will likely
 324 exceed local capabilities and require a broad range of state and
 325 federal assistance.

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

329 ~~(2) "Division" means the Division of Emergency Management~~
 330 ~~of the Department of Community Affairs, or the successor to that~~
 331 ~~division.~~

332 (2) ~~(3)~~ "Emergency" means any occurrence, or threat
 333 thereof, whether natural, technological, or manmade, in war or
 334 in peace, which results or may result in substantial injury or
 335 harm to the population or substantial damage to or loss of
 336 property.

337 (3)~~(4)~~ "Emergency management" means the preparation for,
 338 the mitigation of, the response to, and the recovery from
 339 emergencies and disasters. Specific emergency management
 340 responsibilities include, but are not limited to:

341 (a) Reduction of vulnerability of people and communities
 342 of this state to damage, injury, and loss of life and property
 343 resulting from natural, technological, or manmade emergencies or
 344 hostile military or paramilitary action.

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

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

350 (d) Recovery from emergencies by providing for the rapid
 351 and orderly start of restoration and rehabilitation of persons
 352 and property affected by emergencies.

353 (e) Provision of an emergency management system embodying
 354 all aspects of preemergency preparedness and postemergency
 355 response, recovery, and mitigation.

356 (f) Assistance in anticipation, recognition, appraisal,
 357 prevention, and mitigation of emergencies which may be caused or
 358 aggravated by inadequate planning for, and regulation of, public
 359 and private facilities and land use.

360 (4)~~(5)~~ "Local emergency management agency" means an
 361 organization created in accordance with ~~the provisions of~~ ss.
 362 252.31-252.90 to discharge the emergency management
 363 responsibilities and functions of a political subdivision.

364 (5)~~(6)~~ "Manmade emergency" means an emergency caused by an

365 | action against persons or society, including, but not limited
 366 | to, enemy attack, sabotage, terrorism, civil unrest, or other
 367 | action impairing the orderly administration of government.

368 | (6)~~(7)~~ "Natural emergency" means an emergency caused by a
 369 | natural event, including, but not limited to, a hurricane, a
 370 | storm, a flood, severe wave action, a drought, or an earthquake.

371 | (7) "Office" means the Office of Emergency Management
 372 | within the Executive Office of the Governor, or the successor to
 373 | that office.

374 | (8) "Political subdivision" means any county or
 375 | municipality created pursuant to law.

376 | (9) "Technological emergency" means an emergency caused by
 377 | a technological failure or accident, including, but not limited
 378 | to, an explosion, transportation accident, radiological
 379 | accident, or chemical or other hazardous material incident.

380 | Section 11. Section 252.35, Florida Statutes, is amended
 381 | to read:

382 | 252.35 Emergency management powers; ~~Division of Emergency~~
 383 | ~~Management.~~—

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

391 | (2) The office ~~division~~ is responsible for carrying out
 392 | the provisions of ss. 252.31-252.90. In performing its duties

393 | ~~under ss. 252.31-252.90~~, the office division shall:

394 | (a) Prepare a state comprehensive emergency management
 395 | plan, which shall be integrated into and coordinated with the
 396 | emergency management plans and programs of the Federal
 397 | Government. The office division must adopt the plan as a rule in
 398 | accordance with chapter 120. The plan shall be implemented by a
 399 | continuous, integrated comprehensive emergency management
 400 | program. The plan must contain provisions to ensure that the
 401 | state is prepared for emergencies and minor, major, and
 402 | catastrophic disasters, and the office division shall work
 403 | closely with local governments and agencies and organizations
 404 | with emergency management responsibilities in preparing and
 405 | maintaining the plan. The state comprehensive emergency
 406 | management plan must ~~shall~~ be operations oriented and:

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

417 | 2. Include a shelter component that includes specific
 418 | regional and interregional planning provisions and promotes
 419 | coordination of shelter activities between the public, private,
 420 | and nonprofit sectors. This component must, at a minimum:

421 contain strategies to ensure the availability of adequate public
422 shelter space in each region of the state; establish strategies
423 for refuge-of-last-resort programs; provide strategies to assist
424 local emergency management efforts to ensure that adequate
425 staffing plans exist for all shelters, including medical and
426 security personnel; provide for a postdisaster communications
427 system for public shelters; establish model shelter guidelines
428 for operations, registration, inventory, power generation
429 capability, information management, and staffing; and set forth
430 policy guidance for sheltering people with special needs.

431 3. Include a postdisaster response and recovery component
432 that includes specific regional and interregional planning
433 provisions and promotes intergovernmental coordination of
434 postdisaster response and recovery activities. This component
435 must provide for postdisaster response and recovery strategies
436 according to whether a disaster is minor, major, or
437 catastrophic. The postdisaster response and recovery component
438 must, at a minimum: establish the structure of the state's
439 postdisaster response and recovery organization; establish
440 procedures for activating the state's plan; set forth policies
441 used to guide postdisaster response and recovery activities;
442 describe the chain of command during the postdisaster response
443 and recovery period; describe initial and continuous
444 postdisaster response and recovery actions; identify the roles
445 and responsibilities of each involved agency and organization;
446 provide for a comprehensive communications plan; establish
447 procedures for monitoring mutual aid agreements; provide for
448 rapid impact assessment teams; ensure the availability of an

449 | effective statewide urban search and rescue program coordinated
 450 | with the fire services; ensure the existence of a comprehensive
 451 | statewide medical care and relief plan administered by the
 452 | Department of Health; and establish systems for coordinating
 453 | volunteers and accepting and distributing donated funds and
 454 | goods.

455 | 4. Include additional provisions addressing aspects of
 456 | preparedness, response, recovery, and mitigation as determined
 457 | necessary by the office ~~division~~.

458 | 5. Address the need for coordinated and expeditious
 459 | deployment of state resources, including the Florida National
 460 | Guard. In the case of an imminent major disaster, procedures
 461 | should address predeployment of the Florida National Guard, and,
 462 | in the case of an imminent catastrophic disaster, procedures
 463 | should address predeployment of the Florida National Guard and
 464 | the United States Armed Forces.

465 | 6. Establish a system of communications and warning to
 466 | ensure that the state's population and emergency management
 467 | agencies are warned of developing emergency situations and can
 468 | communicate emergency response decisions.

469 | 7. Establish guidelines and schedules for annual exercises
 470 | that evaluate the ability of the state and its political
 471 | subdivisions to respond to minor, major, and catastrophic
 472 | disasters and support local emergency management agencies. Such
 473 | exercises must ~~shall~~ be coordinated with local governments and,
 474 | to the extent possible, the Federal Government.

475 | 8. Assign lead and support responsibilities to state
 476 | agencies and personnel for emergency support functions and other

477 support activities.

478

479 The complete state comprehensive emergency management plan must
480 ~~shall~~ be submitted to the President of the Senate, the Speaker
481 of the House of Representatives, and the Governor on February 1
482 of every even-numbered year.

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

491 (c) Assist political subdivisions in preparing and
492 maintaining emergency management plans.

493 (d) Review periodically political subdivision emergency
494 management plans for consistency with the state comprehensive
495 emergency management plan and standards and requirements adopted
496 under this section.

497 (e) Cooperate with the President, the heads of the Armed
498 Forces, the various federal emergency management agencies, and
499 the officers and agencies of other states in matters pertaining
500 to emergency management in the state and the nation and
501 incidents thereof and, in connection therewith, take any
502 measures that it deems proper to carry into effect any request
503 of the President and the appropriate federal officers and
504 agencies for any emergency management action, including the

505 direction or control of:

506 1. Emergency management drills, tests, or exercises of
507 whatever nature.

508 2. Warnings and signals for tests and drills, attacks, or
509 other imminent emergencies or threats thereof and the mechanical
510 devices to be used in connection with such warnings and signals.

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

517 (g) In accordance with the state comprehensive emergency
518 management plan and program for emergency management, ascertain
519 the requirements of the state and its political subdivisions for
520 equipment and supplies of all kinds in the event of an
521 emergency; plan for and ~~either~~ procure supplies, medicines,
522 materials, and equipment or enter into memoranda of agreement or
523 open purchase orders that will ensure their availability; and
524 use and employ from time to time any of the property, services,
525 and resources within the state in accordance with ss. 252.31-
526 252.90.

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

529 (i) Institute statewide public awareness programs. This
530 shall include an intensive public educational campaign on
531 emergency preparedness issues, including, but not limited to,
532 the personal responsibility of individual citizens to be self-

533 sufficient for up to 72 hours following a natural or manmade
534 disaster. The public educational campaign must ~~shall~~ include
535 relevant information on statewide disaster plans, evacuation
536 routes, fuel suppliers, and shelters. All educational materials
537 must be available in alternative formats and mediums to ensure
538 that they are available to persons with disabilities.

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

546 (k) Prepare and distribute to appropriate state and local
547 officials catalogs of federal, state, and private assistance
548 programs.

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

556 (m) Establish a schedule of fees that may be charged by
557 local emergency management agencies for review of emergency
558 management plans on behalf of external agencies and
559 institutions. In establishing such schedule, the office division
560 shall consider facility size, review complexity, and other

CS/HB 1245

2011

561 factors.

562 (n) Implement training programs to improve the ability of
563 state and local emergency management personnel to prepare and
564 implement emergency management plans and programs. This includes
565 ~~shall include~~ a continuous training program for agencies and
566 individuals that will be called on to perform key roles in state
567 and local postdisaster response and recovery efforts and for
568 local government personnel on federal and state postdisaster
569 response and recovery strategies and procedures.

570 (o) ~~Review~~ Periodically review emergency operating
571 procedures of state agencies and recommend revisions as needed
572 to ensure consistency with the state comprehensive emergency
573 management plan and program.

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

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

581 (r) Cooperate with the Federal Government and any public
582 or private agency or entity in achieving any purpose of ss.
583 252.31-252.90 and in implementing programs for mitigation,
584 preparation, response, and recovery.

585 (s) ~~By January 1, 2007, the Division of Emergency~~
586 ~~Management shall~~ Complete an inventory of portable generators
587 owned by the state and local governments which are capable of
588 operating during a major disaster. The inventory must identify,

589 at a minimum, the location of each generator, the number of
 590 generators stored at each specific location, the agency to which
 591 each generator belongs, the primary use of the generator by the
 592 owner agency, and the names, addresses, and telephone numbers of
 593 persons having the authority to loan the stored generators as
 594 authorized by the office ~~Division of Emergency Management~~ during
 595 a declared emergency.

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

603 (u) Assist political subdivisions with the creation and
 604 training of urban search and rescue teams and promote the
 605 development and maintenance of a state urban search and rescue
 606 program.

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

610 (w) Report biennially to the President of the Senate, the
 611 Speaker of the House of Representatives, and the Governor, no
 612 later than February 1 of every odd-numbered year, the status of
 613 the emergency management capabilities of the state and its
 614 political subdivisions.

615 (x) In accordance with chapter 120, create, implement,
 616 administer, adopt, amend, and rescind rules, programs, and plans

617 needed to carry out the provisions of ss. 252.31-252.90 with due
 618 consideration for, and in cooperating with, the plans and
 619 programs of the Federal Government. In addition, the office
 620 ~~division~~ may adopt rules in accordance with chapter 120 to
 621 administer and distribute federal financial predisaster and
 622 postdisaster assistance for prevention, mitigation,
 623 preparedness, response, and recovery.

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

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

628 252.355 Registry of persons with special needs; notice.—

629 (2) The office ~~Department of Community Affairs~~ shall be
 630 the designated lead agency responsible for community education
 631 and outreach to the public, including special needs clients,
 632 regarding registration and special needs shelters and general
 633 information regarding shelter stays.

634 Section 13. Section 252.61, Florida Statutes, is amended
 635 to read:

636 252.61 List of persons for contact relating to release of
 637 toxic substances into atmosphere.—The Office of Emergency
 638 Management ~~Department of Community Affairs~~ shall maintain a list
 639 of contact persons ~~after the survey pursuant to s. 403.771 is~~
 640 ~~completed.~~

641 Section 14. Section 252.82, Florida Statutes, is amended
 642 to read:

643 252.82 Definitions.—As used in this part:

644 (1) "Commission" means the State Hazardous Materials

645 Emergency Response Commission created pursuant to s. 301 of
 646 EPCRA.

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

649 ~~(3) "Department" means the Department of Community~~
 650 ~~Affairs.~~

651 (3)~~(4)~~ "Facility" means facility as defined in s. 329 of
 652 EPCRA. Vehicles placarded according to title 49 Code of Federal
 653 Regulations are ~~shall~~ not ~~be~~ considered a facility except for
 654 purposes of s. 304 of EPCRA.

655 (4)~~(5)~~ "Hazardous material" means any hazardous chemical,
 656 toxic chemical, or extremely hazardous substance, as defined in
 657 s. 329 of EPCRA.

658 (5)~~(6)~~ "EPCRA" means the Emergency Planning and Community
 659 Right-to-Know Act of 1986, title III of the Superfund Amendments
 660 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-
 661 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
 662 adopted thereunder.

663 (6) "Office" means the Office of Emergency Management
 664 within the Executive Office of the Governor.

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

667 Section 15. Subsections (3), (8), (9), and (19) of section
 668 252.936, Florida Statutes, are amended to read:

669 252.936 Definitions.—As used in this part, the term:

670 (3) "Audit" means a review of information at, a ~~stationary~~
 671 ~~source subject to s. 112(r)(7)~~, or submitted by, a stationary
 672 source subject to s. 112(r)(7), to determine whether that

CS/HB 1245

2011

673 stationary source is in compliance with ~~the requirements of~~ this
 674 part and rules adopted to administer ~~implement~~ this part. Audits
 675 must include a review of the adequacy of the stationary source's
 676 Risk Management Plan, may consist of reviews of information
 677 submitted to the office ~~department~~ or the United States
 678 Environmental Protection Agency to determine whether the plan is
 679 complete or whether revisions to the plan are needed, and the
 680 reviews may be conducted at the stationary source to confirm
 681 that information onsite is consistent with reported information.

682 ~~(8) "Department" means the Department of Community~~
 683 ~~Affairs.~~

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

691 (9) "Office" means the Office of Emergency Management in
 692 the Executive Office of the Governor.

693 ~~(19) "Trust fund" means the Operating Trust Fund of the~~
 694 ~~office established in the department's Division of Emergency~~
 695 ~~Management.~~

696 Section 16. Section 252.937, Florida Statutes, is amended
 697 to read:

698 252.937 Department powers and duties.—

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

700 (a)1. Seek delegation from the United States Environmental

701 Protection Agency to implement the Accidental Release Prevention
 702 Program under s. 112(r)(7) of the Clean Air Act and the federal
 703 implementing regulations for specified sources subject to s.
 704 112(r)(7) of the Clean Air Act. Implementation for all other
 705 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
 706 be performed by the United States Environmental Protection
 707 Agency; and

708 2. Ensure the timely submission of Risk Management Plans
 709 and any subsequent revisions of Risk Management Plans.

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

716 (c) Make and execute contracts and other agreements
 717 necessary or convenient to the administration ~~implementation~~ of
 718 this part.

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

726 (e) Establish, with the advice and consent of the
 727 commission, a technical assistance and outreach program ~~on or~~
 728 ~~before January 31, 1999,~~ to assist owners and operators of

CS/HB 1245

2011

729 specified stationary sources subject to s. 112(r)(7) in
730 complying with the reporting and fee requirements of this part.
731 This program is designed to facilitate and ensure timely
732 submission of proper certifications or compliance schedules and
733 timely submission and registration of Risk Management Plans and
734 revised registrations and Risk Management Plans if ~~when~~ required
735 for these sources.

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

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

CS/HB 1245

2011

757 using existing expertise and resources, if available and
 758 appropriate.

759 (3) To prevent the duplication of investigative efforts
 760 and resources, the office ~~department~~, on behalf of the
 761 commission, shall coordinate with any federal agencies or agents
 762 thereof, including the federal Chemical Safety and Hazard
 763 Investigation Board, or its successor, which are performing
 764 accidental release investigations for specified stationary
 765 sources, and may coordinate with any agencies of the state which
 766 are performing accidental release investigations. This
 767 accidental release investigation coordination is not intended to
 768 limit or take the place of any individual agency accidental
 769 release investigation under separate authority.

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

777 Section 17. Section 252.943, Florida Statutes, is amended
 778 to read:

779 252.943 Public records.—

780 (1) The office ~~Department of Community Affairs~~ shall
 781 protect records, reports, or information or particular parts
 782 thereof, other than release or emissions data, contained in a
 783 risk management plan from public disclosure pursuant to ss.
 784 112(r) and 114(c) of the federal Clean Air Act and authorities

CS/HB 1245

2011

785 cited therein, based upon a showing satisfactory to the
786 Administrator of the United States Environmental Protection
787 Agency, by any owner or operator of a stationary source subject
788 to the Accidental Release Prevention Program, that public
789 release of such records, reports, or information would divulge
790 methods or processes entitled to protection as trade secrets as
791 provided for in 40 C.F.R. part 2, subpart B. Such records,
792 reports, or information held by the office ~~department~~ are
793 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
794 s. 24(a), Art. I of the State Constitution, unless a final
795 determination has been made by the Administrator of the
796 Environmental Protection Agency that such records, reports, or
797 information are not entitled to trade secret protection, or
798 pursuant to an order of court.

799 (2) The office ~~department~~ shall protect records, reports,
800 or information or particular parts thereof, other than release
801 or emissions data, obtained from an investigation, inspection,
802 or audit from public disclosure pursuant to ss. 112(r) and
803 114(c) of the federal Clean Air Act and authorities cited
804 therein, based upon a showing satisfactory to the Administrator
805 of the United States Environmental Protection Agency, by any
806 owner or operator of a stationary source subject to the
807 Accidental Release Prevention Program, that public release of
808 such records, reports, or information would divulge methods or
809 processes entitled to protection as trade secrets as provided
810 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
811 information held by the office ~~department~~ are confidential and
812 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I

813 of the State Constitution, unless a final determination has been
 814 made by the Administrator of the Environmental Protection Agency
 815 that such records, reports, or information are not entitled to
 816 trade secret protection, or pursuant to a court ~~an order of~~
 817 ~~court~~.

818 Section 18. Section 252.946, Florida Statutes, is amended
 819 to read:

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

830 Section 19. Paragraph (a) of subsection (4) of section
 831 282.34, Florida Statutes, is amended to read:

832 282.34 Statewide e-mail service.—A state e-mail system
 833 that includes the delivery and support of e-mail, messaging, and
 834 calendaring capabilities is established as an enterprise
 835 information technology service as defined in s. 282.0041. The
 836 service shall be designed to meet the needs of all executive
 837 branch agencies. The primary goals of the service are to
 838 minimize the state investment required to establish, operate,
 839 and support the statewide service; reduce the cost of current e-
 840 mail operations and the number of duplicative e-mail systems;

841 and eliminate the need for each state agency to maintain its own
 842 e-mail staff.

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

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

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

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

CS/HB 1245

2011

869 3. Phase 3.—The following agencies must be completely
870 migrated to the statewide e-mail system by June 30, 2014: the
871 Agency for Health Care Administration; the Agency for Workforce
872 Innovation; the Department of Financial Services, including the
873 Office of Financial Regulation and the Office of Insurance
874 Regulation; the Department of Agriculture and Consumer Services;
875 the Executive Office of the Governor, including the Office of
876 Emergency Management; the Department of Transportation; the Fish
877 and Wildlife Conservation Commission; the Agency for Persons
878 With Disabilities; the Northwood Shared Resource Center; and the
879 State Board of Administration.

880 4. Phase 4.—The following agencies must be completely
881 migrated to the statewide e-mail system by June 30, 2015: the
882 Department of Children and Family Services; the Department of
883 Citrus; the Department of Elderly Affairs; and the Department of
884 Legal Affairs.

885 Section 20. Paragraphs (a) and (d) of subsection (1) and
886 subsection (4) of section 282.709, Florida Statutes, are amended
887 to read:

888 282.709 State agency law enforcement radio system and
889 interoperability network.—

890 (1) The department may acquire and administer a statewide
891 radio communications system to serve law enforcement units of
892 state agencies, and to serve local law enforcement agencies
893 through mutual aid channels.

894 (a) The department shall, in conjunction with the
895 Department of Law Enforcement and the Office ~~Division~~ of
896 Emergency Management ~~of the Department of Community Affairs,~~

CS/HB 1245

2011

897 | establish policies, procedures, and standards to be incorporated
898 | into a comprehensive management plan for the use and operation
899 | of the statewide radio communications system.

900 | (d) The department shall exercise its powers and duties
901 | under this part to plan, manage, and administer the mutual aid
902 | channels in the statewide radio communication system.

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

910 | 2. The department may make the mutual aid channels
911 | available to federal agencies, state agencies, and agencies of
912 | the political subdivisions of the state for the purpose of
913 | public safety and domestic security.

914 | (4) The department may create and administer an
915 | interoperability network to enable interoperability between
916 | various radio communications technologies and to serve federal
917 | agencies, state agencies, and agencies of political subdivisions
918 | of the state for the purpose of public safety and domestic
919 | security.

920 | (a) The department shall, in conjunction with the
921 | Department of Law Enforcement and the Office ~~Division~~ of
922 | Emergency Management ~~of the Department of Community Affairs~~,
923 | exercise its powers and duties pursuant to this chapter to plan,
924 | manage, and administer the interoperability network. The office

925 may:

926 1. Enter into mutual aid agreements among federal
 927 agencies, state agencies, and political subdivisions of the
 928 state for the use of the interoperability network.

929 2. Establish the cost of maintenance and operation of the
 930 interoperability network and charge subscribing federal and
 931 local law enforcement agencies for access and use of the
 932 network. The department may not charge state law enforcement
 933 agencies identified in paragraph (2)(a) to use the network.

934 3. In consultation with the Department of Law Enforcement
 935 and the Office Division of Emergency Management ~~of the~~
 936 ~~Department of Community Affairs~~, amend and enhance the statewide
 937 radio communications system as necessary to implement the
 938 interoperability network.

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

946 Section 21. Paragraph (1) of subsection (1) of section
 947 311.115, Florida Statutes, is amended to read:

948 311.115 Seaport Security Standards Advisory Council.—The
 949 Seaport Security Standards Advisory Council is created under the
 950 Office of Drug Control. The council shall serve as an advisory
 951 council as provided in s. 20.03(7).

952 (1) The members of the council shall be appointed by the

953 Governor and consist of the following:

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

956 Section 22. Subsections (1) and (2), paragraph (b) of
 957 subsection (3), and paragraph (b) of subsection (4) of section
 958 526.143, Florida Statutes, are amended to read:

959 526.143 Alternate generated power capacity for motor fuel
 960 dispensing facilities.—

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

CS/HB 1245

2011

981 (2) Each newly constructed or substantially renovated
982 motor fuel retail outlet, as defined in s. 526.303(14), for
983 which a certificate of occupancy is issued on or after July 1,
984 2006, shall be prewired with an appropriate transfer switch, and
985 capable of operating all fuel pumps, dispensing equipment,
986 lifesafety systems, and payment-acceptance equipment using an
987 alternate generated power source. As used in this subsection,
988 the term "substantially renovated" means a renovation that
989 results in an increase of greater than 50 percent in the
990 assessed value of the motor fuel retail outlet. Local building
991 inspectors shall include this equipment and operations check in
992 the normal inspection process before issuing a certificate of
993 occupancy. Each retail outlet that is subject to this subsection
994 must keep a copy of the certificate of occupancy on site or at
995 its corporate headquarters. In addition, each retail outlet must
996 keep a written statement attesting to the periodic testing of
997 and ensured operational capability of the equipment. The
998 required documents must be made available, upon request, to the
999 Office ~~Division~~ of Emergency Management and the director of the
1000 county emergency management agency.

1001 (3)

1002 (b) Installation of appropriate wiring and transfer
1003 switches must be performed by a certified electrical contractor.
1004 Each retail outlet that is subject to this subsection must keep
1005 a copy of the documentation of such installation on site or at
1006 its corporate headquarters. In addition, each retail outlet must
1007 keep a written statement attesting to the periodic testing of
1008 and ensured operational capacity of the equipment. The required

CS/HB 1245

2011

1009 documents must be made available, upon request, to the Office
 1010 ~~Division~~ of Emergency Management and the director of the county
 1011 emergency management agency.

1012 (4)

1013 (b) Subsections (2) and (3) do not apply to:

1014 1. An automobile dealer;

1015 2. A person who operates a fleet of motor vehicles;

1016 3. A person who sells motor fuel exclusively to a fleet of
 1017 motor vehicles; or

1018 4. A motor fuel retail outlet that has a written agreement
 1019 with a public hospital, in a form approved by the Office
 1020 ~~Division~~ of Emergency Management, wherein the public hospital
 1021 agrees to provide the motor fuel retail outlet with an
 1022 alternative means of power generation onsite so that the
 1023 outlet's fuel pumps may be operated in the event of a power
 1024 outage.

1025 Section 23. Paragraph (a) of subsection (1) and paragraph
 1026 (b) of subsection (4) of section 526.144, Florida Statutes, are
 1027 amended to read:

1028 526.144 Florida Disaster Motor Fuel Supplier Program.—

1029 (1) (a) There is created the Florida Disaster Motor Fuel
 1030 Supplier Program within the Office of Emergency Management
 1031 ~~Department of Community Affairs~~.

1032 (4)

1033 (b) Notwithstanding any other law or other ordinance and
 1034 for the purpose of ensuring an appropriate emergency management
 1035 response following major disasters in this state, the regulation
 1036 of all other retail establishments participating in such

CS/HB 1245

2011

1037 response is ~~shall be~~ as follows:

1038 1. Regulation of retail establishments that meet the
 1039 standards created by the Office ~~Division~~ of Emergency Management
 1040 in the report required in s. 8, chapter 2006-71, Laws of
 1041 Florida, by July 1, 2007, is preempted to the state and until
 1042 such standards are adopted, the regulation of these retail
 1043 establishments is preempted to the state;

1044 2. The division shall provide written certification of
 1045 such preemption to retail establishments that qualify and ~~shall~~
 1046 provide such information to local governments upon request; and

1047 3. Regulation of retail establishments that do not meet
 1048 the operational standards is subject to local government laws or
 1049 ordinances.

1050 Section 24. Paragraph (b) of subsection (2) of section
 1051 627.0628, Florida Statutes, is amended to read:

1052 627.0628 Florida Commission on Hurricane Loss Projection
 1053 Methodology; public records exemption; public meetings
 1054 exemption.—

1055 (2) COMMISSION CREATED.—

1056 (b) The commission shall consist of the following 11
 1057 members:

1058 1. The insurance consumer advocate.

1059 2. The senior employee of the State Board of
 1060 Administration responsible for operations of the Florida
 1061 Hurricane Catastrophe Fund.

1062 3. The Executive Director of the Citizens Property
 1063 Insurance Corporation.

1064 4. The Director of the Office ~~Division~~ of Emergency

CS/HB 1245

2011

1065 Management ~~of the Department of Community Affairs.~~

1066 5. The actuary member of the Florida Hurricane Catastrophe
1067 Fund Advisory Council.

1068 6. An employee of the office who is an actuary responsible
1069 for property insurance rate filings and who is appointed by the
1070 director of the office.

1071 7. Five members appointed by the Chief Financial Officer,
1072 as follows:

1073 a. An actuary who is employed full time by a property and
1074 casualty insurer which was responsible for at least 1 percent of
1075 the aggregate statewide direct written premium for homeowner's
1076 insurance in the calendar year preceding the member's
1077 appointment to the commission.

1078 b. An expert in insurance finance who is a full-time
1079 member of the faculty of the State University System and who has
1080 a background in actuarial science.

1081 c. An expert in statistics who is a full-time member of
1082 the faculty of the State University System and who has a
1083 background in insurance.

1084 d. An expert in computer system design who is a full-time
1085 member of the faculty of the State University System.

1086 e. An expert in meteorology who is a full-time member of
1087 the faculty of the State University System and who specializes
1088 in hurricanes.

1089 Section 25. Paragraph (d) of subsection (2) of section
1090 768.13, Florida Statutes, is amended to read:

1091 768.13 Good Samaritan Act; immunity from civil liability.—
1092 (2)

1093 (d) Any person whose acts or omissions are not otherwise
 1094 covered by this section and who participates in emergency
 1095 response activities under the direction of or in connection with
 1096 a community emergency response team, local emergency management
 1097 agencies, the Office ~~Division~~ of Emergency Management ~~of the~~
 1098 ~~Department of Community Affairs~~, or the Federal Emergency
 1099 Management Agency is not liable for any civil damages as a
 1100 result of care, treatment, or services provided gratuitously in
 1101 such capacity and resulting from any act or failure to act in
 1102 such capacity in providing or arranging further care, treatment,
 1103 or services, if such person acts as a reasonably prudent person
 1104 would have acted under the same or similar circumstances.

1105 Section 26. Subsection (14) of section 943.03, Florida
 1106 Statutes, is amended to read:

1107 943.03 Department of Law Enforcement.—

1108 (14) The department, with respect to counter-terrorism
 1109 efforts, responses to acts of terrorism within or affecting this
 1110 state, and other matters related to the domestic security of
 1111 Florida as it relates to terrorism, shall coordinate and direct
 1112 the law enforcement, initial emergency, and other initial
 1113 responses. The department shall work closely with the Office
 1114 ~~Division~~ of Emergency Management, other federal, state, and
 1115 local law enforcement agencies, fire and rescue agencies, first-
 1116 responder agencies, and others involved in preparation against
 1117 acts of terrorism in or affecting this state and in the response
 1118 to such acts. The executive director of the department, or
 1119 another member of the department designated by the director,
 1120 shall serve as Chief of Domestic Security for the purpose of

CS/HB 1245

2011

1121 directing and coordinating such efforts. The department and
 1122 Chief of Domestic Security shall use the regional domestic
 1123 security task forces as established in this chapter to assist in
 1124 such efforts.

1125 Section 27. Section 943.03101, Florida Statutes, is
 1126 amended to read:

1127 943.03101 Counter-terrorism coordination.—The Legislature
 1128 finds that with respect to counter-terrorism efforts and initial
 1129 responses to acts of terrorism within or affecting this state,
 1130 specialized efforts of emergency management which ~~that~~ are
 1131 unique to such situations are required and that these efforts
 1132 intrinsically involve very close coordination of federal, state,
 1133 and local law enforcement agencies with the efforts of all
 1134 others involved in emergency-response efforts. In order to best
 1135 provide this specialized effort ~~with respect to counter-~~
 1136 ~~terrorism efforts and responses~~, the Legislature has determined
 1137 that such efforts should be coordinated by and through the
 1138 Department of Law Enforcement, working closely with the Office
 1139 ~~Division~~ of Emergency Management and others involved in
 1140 preparation against acts of terrorism in or affecting this
 1141 state, and in the initial response to such acts, in accordance
 1142 with the state comprehensive emergency management plan prepared
 1143 pursuant to s. 252.35(2) (a).

1144 Section 28. Paragraph (d) of subsection (1) and subsection
 1145 (3) of section 943.0312, Florida Statutes, are amended to read:

1146 943.0312 Regional domestic security task forces.—The
 1147 Legislature finds that there is a need to develop and implement
 1148 a statewide strategy to address prevention, preparation,

1149 protection, response, and recovery efforts by federal, state,
 1150 and local law enforcement agencies, emergency management
 1151 agencies, fire and rescue departments, first-responder personnel
 1152 and others in dealing with potential or actual terrorist acts
 1153 within or affecting this state.

1154 (1) To assist the department and the Chief of Domestic
 1155 Security in performing their roles and duties in this regard,
 1156 the department shall establish a regional domestic security task
 1157 force in each of the department's operational regions. The task
 1158 forces shall serve in an advisory capacity to the department and
 1159 the Chief of Domestic Security and shall provide support to the
 1160 department in its performance of functions pertaining to
 1161 domestic security.

1162 (d) The co-chairs of each task force may appoint
 1163 subcommittees and subcommittee chairs as necessary in order to
 1164 address issues related to the various disciplines represented on
 1165 the task force, except that subcommittee chairs for emergency
 1166 management shall be appointed with the approval of the director
 1167 of the Office ~~Division~~ of Emergency Management. A subcommittee
 1168 chair shall serve at the pleasure of the co-chairs.

1169 (3) The Chief of Domestic Security, in conjunction with
 1170 the Office ~~Division~~ of Emergency Management, the regional
 1171 domestic security task forces, and the various state entities
 1172 responsible for establishing training standards applicable to
 1173 state law enforcement officers and fire, emergency, and first-
 1174 responder personnel shall identify appropriate equipment and
 1175 training needs, curricula, and materials related to the
 1176 effective response to suspected or actual acts of terrorism or

1177 incidents involving real or hoax weapons of mass destruction as
 1178 defined in s. 790.166. Recommendations for funding for purchases
 1179 of equipment, delivery of training, implementation of, or
 1180 revision to basic or continued training required for state
 1181 licensure or certification, or other related responses shall be
 1182 made by the Chief of Domestic Security to the Domestic Security
 1183 Oversight Council, the Executive Office of the Governor, the
 1184 President of the Senate, and the Speaker of the House of
 1185 Representatives as necessary to ensure that the needs of this
 1186 state with regard to the preparing, equipping, training, and
 1187 exercising of response personnel are identified and addressed.
 1188 In making such recommendations, the Chief of Domestic Security
 1189 and the Office ~~Division~~ of Emergency Management shall identify
 1190 all funding sources that may be available to fund such efforts.

1191 Section 29. Paragraph (a) of subsection (1), paragraph (b)
 1192 of subsection (2), and paragraph (b) of subsection (4) of
 1193 section 943.0313, Florida Statutes, are amended to read:

1194 943.0313 Domestic Security Oversight Council.—The
 1195 Legislature finds that there exists a need to provide executive
 1196 direction and leadership with respect to terrorism prevention,
 1197 preparation, protection, response, and recovery efforts by state
 1198 and local agencies in this state. In recognition of this need,
 1199 the Domestic Security Oversight Council is hereby created. The
 1200 council shall serve as an advisory council pursuant to s.
 1201 20.03(7) to provide guidance to the state's regional domestic
 1202 security task forces and other domestic security working groups
 1203 and to make recommendations to the Governor and the Legislature
 1204 regarding the expenditure of funds and allocation of resources

CS/HB 1245

2011

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

CS/HB 1245

2011

1233 16. One representative of the Florida Hospital
1234 Association.

1235 17. One representative of the Emergency Medical Services
1236 Advisory Council.

1237 18. One representative of the Florida Emergency
1238 Preparedness Association.

1239 19. One representative of the Florida Seaport
1240 Transportation and Economic Development Council.

1241 (2) ORGANIZATION.—

1242 (b) The executive director of the Department of Law
1243 Enforcement shall serve as chair of the council, and the
1244 director of the Office ~~Division~~ of Emergency Management ~~within~~
1245 ~~the Department of Community Affairs~~ shall serve as vice chair of
1246 the council. In the absence of the chair, the vice chair shall
1247 serve as chair. In the absence of the vice chair, the chair may
1248 name any member of the council to perform the duties of the
1249 chair if such substitution does not extend beyond a defined
1250 meeting, duty, or period of time.

1251 (4) EXECUTIVE COMMITTEE.—

1252 (b) The executive director of the Department of Law
1253 Enforcement shall serve as the chair of the executive committee,
1254 and the director of the Office ~~Division~~ of Emergency Management
1255 ~~within the Department of Community Affairs~~ shall serve as the
1256 vice chair of the executive committee.

1257 Section 30. Subsection (3) of section 112.3135, Florida
1258 Statutes, is amended to read:

1259 112.3135 Restriction on employment of relatives.—

1260 (3) An agency may prescribe regulations authorizing the

CS/HB 1245

2011

1261 temporary employment, in the event of an emergency as defined in
 1262 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
 1263 prohibited by this section.

1264 Section 31. Paragraph (d) of subsection (2) of section
 1265 119.071, Florida Statutes, is amended to read:

1266 119.071 General exemptions from inspection or copying of
 1267 public records.—

1268 (2) AGENCY INVESTIGATIONS.—

1269 (d) Any information revealing surveillance techniques or
 1270 procedures or personnel is exempt from s. 119.07(1) and s.
 1271 24(a), Art. I of the State Constitution. Any comprehensive
 1272 inventory of state and local law enforcement resources compiled
 1273 pursuant to part I, chapter 23, and any comprehensive policies
 1274 or plans compiled by a criminal justice agency pertaining to the
 1275 mobilization, deployment, or tactical operations involved in
 1276 responding to an emergency ~~emergencies~~, as defined in s.
 1277 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
 1278 the State Constitution and unavailable for inspection, except by
 1279 personnel authorized by a state or local law enforcement agency,
 1280 the office of the Governor, the Department of Legal Affairs, the
 1281 Department of Law Enforcement, or the Department of Community
 1282 Affairs as having an official need for access to the inventory
 1283 or comprehensive policies or plans.

1284 Section 32. Paragraph (c) of subsection (1) of section
 1285 163.03, Florida Statutes, is amended to read:

1286 163.03 Secretary of Community Affairs; powers and duties;
 1287 function of Department of Community Affairs with respect to
 1288 federal grant-in-aid programs.—

CS/HB 1245

2011

1289 (1) The Secretary of Community Affairs shall:

1290 (c) Under the direction of the Governor, administer
 1291 programs to apply rapidly all available aid to communities
 1292 stricken by an emergency as defined in s. 252.34~~(3)~~ and, for
 1293 this purpose, provide liaison with federal agencies and other
 1294 public and private agencies.

1295 Section 33. Subsection (10) of section 163.360, Florida
 1296 Statutes, is amended to read:

1297 163.360 Community redevelopment plans.—

1298 (10) Notwithstanding any other provisions of this part, if
 1299 ~~when~~ the governing body certifies that an area is in need of
 1300 redevelopment or rehabilitation as a result of an emergency as
 1301 defined in ~~under~~ s. 252.34~~(3)~~, with respect to which the
 1302 Governor has certified the need for emergency assistance under
 1303 federal law, that area may be certified as a "blighted area,"
 1304 and the governing body may approve a community redevelopment
 1305 plan and community redevelopment with respect to such area
 1306 without regard to the provisions of this section requiring a
 1307 general plan for the county or municipality and a public hearing
 1308 on the community redevelopment.

1309 Section 34. Subsection (1) of section 175.021, Florida
 1310 Statutes, is amended to read:

1311 175.021 Legislative declaration.—

1312 (1) It is hereby declared by the Legislature that
 1313 firefighters, ~~as hereinafter defined,~~ perform state and
 1314 municipal functions; that it is their duty to extinguish fires,
 1315 to protect life, and to protect property at their own risk and
 1316 peril; that it is their duty to prevent conflagration and to

CS/HB 1245

2011

1317 continuously instruct school personnel, public officials, and
 1318 private citizens in the prevention of fires and firesafety; that
 1319 they protect both life and property from local emergencies as
 1320 defined in s. 252.34~~(3)~~; and that their activities are vital to
 1321 the public safety. It is further declared that firefighters
 1322 employed by special fire control districts serve under the same
 1323 circumstances and perform the same duties as firefighters
 1324 employed by municipalities and should therefore be entitled to
 1325 the benefits available under this chapter. Therefore, the
 1326 Legislature declares that it is a proper and legitimate state
 1327 purpose to provide a uniform retirement system for the benefit
 1328 of firefighters ~~as hereinafter defined~~ and intends, in
 1329 implementing the provisions of s. 14, Art. X of the State
 1330 Constitution as they relate to municipal and special district
 1331 firefighters' pension trust fund systems and plans, that such
 1332 retirement systems or plans be managed, administered, operated,
 1333 and funded in such manner as to maximize the protection of the
 1334 firefighters' pension trust funds. Pursuant to s. 18, Art. VII
 1335 of the State Constitution, the Legislature hereby determines and
 1336 declares that ~~the provisions of~~ this act fulfill an important
 1337 state interest.

1338 Section 35. Subsection (11) of section 186.505, Florida
 1339 Statutes, is amended to read:

1340 186.505 Regional planning councils; powers and duties.—Any
 1341 regional planning council created hereunder shall have the
 1342 following powers:

1343 (11) To cooperate, in the exercise of its planning
 1344 functions, with federal and state agencies in planning for

1345 emergency management as defined in ~~under~~ s. 252.34~~(4)~~.

1346 Section 36. Subsection (1) of section 216.231, Florida
1347 Statutes, is amended to read:

1348 216.231 Release of certain classified appropriations.—

1349 (1) (a) Any appropriation to the Executive Office of the
1350 Governor which is classified as an "emergency," as defined in s.
1351 252.34~~(3)~~, may be released only with the approval of the
1352 Governor. The state agency, or the judicial branch, desiring the
1353 use of the emergency appropriation shall submit to the Executive
1354 Office of the Governor application ~~therefor~~ in writing setting
1355 forth the facts from which the alleged need arises. The
1356 Executive Office of the Governor shall, at a public hearing,
1357 review such application promptly and approve or disapprove the
1358 applications as the circumstances may warrant. All actions of
1359 the Executive Office of the Governor shall be reported to the
1360 legislative appropriations committees, and the committees may
1361 advise the Executive Office of the Governor relative to the
1362 release of such funds.

1363 (b) The release of appropriated funds classified as
1364 "emergency" shall be approved only if ~~when~~ an act or
1365 circumstance caused by an act of God, civil disturbance, natural
1366 disaster, or other circumstance of an emergency nature
1367 threatens, endangers, or damages the property, safety, health,
1368 or welfare of the state or its residents ~~citizens~~, which
1369 condition has not been provided for in appropriation acts of the
1370 Legislature. Funds allocated for this purpose may be used to pay
1371 overtime pay to personnel of agencies called upon to perform
1372 extra duty because of any civil disturbance or other emergency

CS/HB 1245

2011

1373 as defined in s. 252.34~~(3)~~ and to provide the required state
 1374 match for federal grants under the federal Disaster Relief Act.

1375 Section 37. Subsections (3) and (4) of section 250.06,
 1376 Florida Statutes, are amended to read:

1377 250.06 Commander in chief.—

1378 (3) The Governor may, in order to preserve the public
 1379 peace, execute the laws of the state, suppress insurrection,
 1380 repel invasion, respond to an emergency as defined in s.
 1381 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
 1382 of all or any portion of the militia of this state ~~Florida~~ into
 1383 the services of the United States, may increase the Florida
 1384 National Guard and organize it in accordance with rules and
 1385 regulations governing the Armed Forces of the United States.
 1386 Such organization and increase may be pursuant to or in advance
 1387 of any call made by the President of the United States. If the
 1388 Florida National Guard is activated into service of the United
 1389 States, another organization may not be designated as the
 1390 Florida National Guard.

1391 (4) The Governor may, in order to preserve the public
 1392 peace, execute the laws of the state, enhance domestic security,
 1393 respond to terrorist threats or attacks, respond to an emergency
 1394 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
 1395 respond to any need for emergency aid to civil authorities as
 1396 specified in s. 250.28, order into state active duty all or any
 1397 part of the militia which he or she deems proper.

1398 Section 38. Paragraph (g) of subsection (7) of section
 1399 339.135, Florida Statutes, is amended to read:

1400 339.135 Work program; legislative budget request;

CS/HB 1245

2011

1401 definitions; preparation, adoption, execution, and amendment.—

1402 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1403 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
 1404 (g) and ss. 216.177(2) and 216.351, the secretary may request
 1405 the Executive Office of the Governor to amend the adopted work
 1406 program when an emergency exists, as defined in s. 252.34~~(3)~~,
 1407 and the emergency relates to the repair or rehabilitation of any
 1408 state transportation facility. The Executive Office of the
 1409 Governor may approve the amendment to the adopted work program
 1410 and amend that portion of the department's approved budget if a
 1411 ~~in the event that the~~ delay incident to the notification
 1412 requirements in paragraph (d) would be detrimental to the
 1413 interests of the state. However, the department shall
 1414 immediately notify the parties specified in paragraph (d) and
 1415 ~~shall~~ provide such parties written justification for the
 1416 emergency action within 7 days after ~~of the~~ approval by the
 1417 Executive Office of the Governor of the amendment to the adopted
 1418 work program and the department's budget. ~~In no event may~~ The
 1419 adopted work program may not be amended under ~~the provisions of~~
 1420 this subsection without ~~the~~ certification by the comptroller of
 1421 the department that there are sufficient funds available
 1422 pursuant to the 36-month cash forecast and applicable statutes.

1423 Section 39. Paragraph (b) of subsection (2) of section
 1424 429.907, Florida Statutes, is amended to read:

1425 429.907 License requirement; fee; exemption; display.—

1426 (2)

1427 (b) If ~~In the event~~ a licensed center becomes wholly or
 1428 substantially unusable due to a disaster ~~as defined in s.~~

CS/HB 1245

2011

1429 ~~252.34(1)~~ or due to an emergency as those terms are defined in
 1430 s. 252.34~~(3)~~:

1431 1. The licensee may continue to operate under its current
 1432 license in ~~a premise or~~ premises separate from that authorized
 1433 under the license if the licensee has:

1434 a. Specified the location of the ~~premise or~~ premises in
 1435 its comprehensive emergency management plan submitted to and
 1436 approved by the applicable county emergency management
 1437 authority; and

1438 b. Notified the agency and the county emergency management
 1439 authority within 24 hours of operating in the separate ~~premise~~
 1440 ~~or~~ premises.

1441 2. The licensee shall operate the separate ~~premise or~~
 1442 premises only while the licensed center's original location is
 1443 substantially unusable and for up to ~~no longer than~~ 180 days.
 1444 The agency may extend use of the alternate ~~premise or~~ premises
 1445 beyond the initial 180 days. The agency may also review the
 1446 operation of the disaster ~~premise or~~ premises quarterly.

1447 Section 40. The Division of Statutory Revision is
 1448 requested to prepare a reviser's bill for introduction at the
 1449 next regular session of the Legislature to conform the Florida
 1450 Statutes to changes made by this act.

1451 Section 41. This act shall take effect October 1, 2011.