

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to the Division of Emergency
3 Management; transferring the division to the Executive
4 Office of the Governor and renaming it the "Office of
5 Emergency Management"; creating s. 14.2016, F.S.;
6 establishing the Office of Emergency Management in the
7 Executive Office of the Governor; amending ss. 20.18
8 and 125.01045, F.S.; conforming provisions to changes
9 made by the act; amending s. 215.559, F.S.; revising
10 the membership of the Hurricane Loss Mitigation
11 Program's advisory group; conforming provisions to
12 changes made by the act; amending ss. 163.3178,
13 166.0446, 215.5586, 252.32, 252.34, 252.35, 252.355,
14 252.61, 252.82, 252.936, 252.937, 252.943, 252.946,
15 282.34, 282.709, 311.115, 526.143, 526.144, 627.0628,
16 768.13, 943.03, 943.03101, 943.0312, and 943.0313,
17 F.S.; conforming provisions to changes made by the
18 act; amending ss. 112.3135, 119.071, 163.03, 163.360,
19 175.021, 186.505, 216.231, 250.06, 339.135, and
20 429.907, F.S.; conforming cross-references; providing
21 a directive to the Division of Statutory Revision;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Effective July 1, 2011, the Division of
27 Emergency Management of the Department of Community Affairs is
28 transferred by a type two transfer, as defined in s. 20.06(2),
29 Florida Statutes, to the Executive Office of the Governor and

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30 renamed the Office of Emergency Management.

31 Section 2. Section 14.2016, Florida Statutes, is created to
32 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. The office shall
37 be responsible for all professional, technical, and
38 administrative support functions necessary to carry out its
39 responsibilities under part I of chapter 252. The director of
40 the office shall be appointed by and serve at the pleasure of
41 the Governor, and shall be the head of the office for all
42 purposes.

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

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

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

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

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

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

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

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

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

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

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

81 215.559 Hurricane Loss Mitigation Program.—

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

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

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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
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

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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 Citizens
134 Property Insurance Corporation shall grant, on a pro rata basis,
135 actuarially reasonable discounts, credits, or other rate
136 differentials or appropriate reductions in deductibles for the
137 properties of owners of manufactured homes or mobile homes on
138 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
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

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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
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

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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 develop
182 the programs set forth in this section in consultation with an
183 advisory council consisting of a representative designated by
184 the Chief Financial Officer, a representative designated by the
185 Florida Home Builders Association, a representative designated
186 by the Florida Insurance Council, a representative designated by
187 the Federation of Manufactured Home Owners, a representative
188 designated by the Florida Association of Counties, ~~and~~ a
189 representative designated by the Florida Manufactured Housing
190 Association, and a representative designated by the Florida
191 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

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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
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

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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 services.—

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

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

252 215.5586 My Safe Florida Home Program.—There is established
253 within the Department of Financial Services the My Safe Florida
254 Home Program. The department shall provide fiscal
255 accountability, contract management, and strategic leadership
256 for the program, consistent with this section. This section does
257 not create an entitlement for property owners or obligate the
258 state in any way to fund the inspection or retrofitting of
259 residential property in this state. Implementation of this
260 program is subject to annual legislative appropriations. It is
261 the intent of the Legislature that the My Safe Florida Home

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262 Program provide trained and certified inspectors to perform
263 inspections for owners of site-built, single-family, residential
264 properties and grants to eligible applicants as funding allows.
265 The program shall develop and implement a comprehensive and
266 coordinated approach for hurricane damage mitigation that may
267 include the following:

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

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

274
275 Members appointed under paragraphs (a)-(d) shall serve at the
276 pleasure of the Financial Services Commission. Members appointed
277 under paragraphs (e) and (f) shall serve at the pleasure of the
278 appointing officer. All other members shall serve as voting ex
279 officio members. Members of the advisory council shall serve
280 without compensation but may receive reimbursement as provided
281 in s. 112.061 for per diem and travel expenses incurred in the
282 performance of their official duties.

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

285 252.32 Policy and purpose.—

286 (1) Because of the existing and continuing possibility of
287 the occurrence of emergencies and disasters resulting from
288 natural, technological, or manmade causes; in order to ensure
289 that preparations of this state will be adequate to deal with,
290 reduce vulnerability to, and recover from such emergencies and

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291 disasters; to provide for the common defense and to protect the
292 public peace, health, and safety; and to preserve the lives and
293 property of the people of the state, it is hereby found and
294 declared to be necessary:

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

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

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

306 252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~,
307 the term:

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

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

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

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

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

326 (2)~~(3)~~ "Emergency" means any occurrence, or threat thereof,
327 whether natural, technological, or manmade, in war or in peace,
328 which results or may result in substantial injury or harm to the
329 population or substantial damage to or loss of property.

330 (3)~~(4)~~ "Emergency management" means the preparation for,
331 the mitigation of, the response to, and the recovery from
332 emergencies and disasters. Specific emergency management
333 responsibilities include, but are not limited to:

334 (a) Reduction of vulnerability of people and communities of
335 this state to damage, injury, and loss of life and property
336 resulting from natural, technological, or manmade emergencies or
337 hostile military or paramilitary action.

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

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

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

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

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

353 (4)~~(5)~~ "Local emergency management agency" means an
354 organization created in accordance with ~~the provisions of~~ ss.
355 252.31-252.90 to discharge the emergency management
356 responsibilities and functions of a political subdivision.

357 (5)~~(6)~~ "Manmade emergency" means an emergency caused by an
358 action against persons or society, including, but not limited
359 to, enemy attack, sabotage, terrorism, civil unrest, or other
360 action impairing the orderly administration of government.

361 (6)~~(7)~~ "Natural emergency" means an emergency caused by a
362 natural event, including, but not limited to, a hurricane, a
363 storm, a flood, severe wave action, a drought, or an earthquake.

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

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

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

373 Section 11. Section 252.35, Florida Statutes, is amended to
374 read:

375 252.35 Emergency management powers; ~~Division of Emergency~~
376 ~~Management.~~—

377 (1) The office ~~division~~ is responsible for maintaining a

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

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

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

400 1. Include an evacuation component that includes specific
401 regional and interregional planning provisions and promotes
402 intergovernmental coordination of evacuation activities. This
403 component must, at a minimum: contain guidelines for lifting
404 tolls on state highways; ensure coordination pertaining to
405 evacuees crossing county lines; set forth procedures for
406 directing people caught on evacuation routes to safe shelter;

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407 establish strategies for ensuring sufficient, reasonably priced
408 fueling locations along evacuation routes; and establish
409 policies and strategies for emergency medical evacuations.

410 2. Include a shelter component that includes specific
411 regional and interregional planning provisions and promotes
412 coordination of shelter activities between the public, private,
413 and nonprofit sectors. This component must, at a minimum:
414 contain strategies to ensure the availability of adequate public
415 shelter space in each region of the state; establish strategies
416 for refuge-of-last-resort programs; provide strategies to assist
417 local emergency management efforts to ensure that adequate
418 staffing plans exist for all shelters, including medical and
419 security personnel; provide for a postdisaster communications
420 system for public shelters; establish model shelter guidelines
421 for operations, registration, inventory, power generation
422 capability, information management, and staffing; and set forth
423 policy guidance for sheltering people with special needs.

424 3. Include a postdisaster response and recovery component
425 that includes specific regional and interregional planning
426 provisions and promotes intergovernmental coordination of
427 postdisaster response and recovery activities. This component
428 must provide for postdisaster response and recovery strategies
429 according to whether a disaster is minor, major, or
430 catastrophic. The postdisaster response and recovery component
431 must, at a minimum: establish the structure of the state's
432 postdisaster response and recovery organization; establish
433 procedures for activating the state's plan; set forth policies
434 used to guide postdisaster response and recovery activities;
435 describe the chain of command during the postdisaster response

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436 and recovery period; describe initial and continuous
437 postdisaster response and recovery actions; identify the roles
438 and responsibilities of each involved agency and organization;
439 provide for a comprehensive communications plan; establish
440 procedures for monitoring mutual aid agreements; provide for
441 rapid impact assessment teams; ensure the availability of an
442 effective statewide urban search and rescue program coordinated
443 with the fire services; ensure the existence of a comprehensive
444 statewide medical care and relief plan administered by the
445 Department of Health; and establish systems for coordinating
446 volunteers and accepting and distributing donated funds and
447 goods.

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

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

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

462 7. Establish guidelines and schedules for annual exercises
463 that evaluate the ability of the state and its political
464 subdivisions to respond to minor, major, and catastrophic

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465 disasters and support local emergency management agencies. Such
466 exercises must ~~shall~~ be coordinated with local governments and,
467 to the extent possible, the Federal Government.

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

471
472 The complete state comprehensive emergency management plan must
473 ~~shall~~ be submitted to the President of the Senate, the Speaker
474 of the House of Representatives, and the Governor on February 1
475 of every even-numbered year.

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

484 (c) Assist political subdivisions in preparing and
485 maintaining emergency management plans.

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

490 (e) Cooperate with the President, the heads of the Armed
491 Forces, the various federal emergency management agencies, and
492 the officers and agencies of other states in matters pertaining
493 to emergency management in the state and the nation and

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494 incidents thereof and, in connection therewith, take any
495 measures that it deems proper to carry into effect any request
496 of the President and the appropriate federal officers and
497 agencies for any emergency management action, including the
498 direction or control of:

499 1. Emergency management drills, tests, or exercises of
500 whatever nature.

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

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

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

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

522 (i) Institute statewide public awareness programs. This

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

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

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

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

549 (m) Establish a schedule of fees that may be charged by
550 local emergency management agencies for review of emergency
551 management plans on behalf of external agencies and

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552 institutions. In establishing such schedule, the office ~~division~~
553 shall consider facility size, review complexity, and other
554 factors.

555 (n) Implement training programs to improve the ability of
556 state and local emergency management personnel to prepare and
557 implement emergency management plans and programs. This includes
558 ~~shall include~~ a continuous training program for agencies and
559 individuals that will be called on to perform key roles in state
560 and local postdisaster response and recovery efforts and for
561 local government personnel on federal and state postdisaster
562 response and recovery strategies and procedures.

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

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

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

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

578 (s) ~~By January 1, 2007, the Division of Emergency~~
579 ~~Management shall~~ Complete an inventory of portable generators
580 owned by the state and local governments which are capable of

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581 operating during a major disaster. The inventory must identify,
582 at a minimum, the location of each generator, the number of
583 generators stored at each specific location, the agency to which
584 each generator belongs, the primary use of the generator by the
585 owner agency, and the names, addresses, and telephone numbers of
586 persons having the authority to loan the stored generators as
587 authorized by the office ~~Division of Emergency Management~~ during
588 a declared emergency.

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

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

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

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

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

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610 needed to carry out the provisions of ss. 252.31-252.90 with due
611 consideration for, and in cooperating with, the plans and
612 programs of the Federal Government. In addition, the office
613 ~~division~~ may adopt rules in accordance with chapter 120 to
614 administer and distribute federal financial predisaster and
615 postdisaster assistance for prevention, mitigation,
616 preparedness, response, and recovery.

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

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

621 252.355 Registry of persons with special needs; notice.—

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

627 Section 13. Section 252.61, Florida Statutes, is amended to
628 read:

629 252.61 List of persons for contact relating to release of
630 toxic substances into atmosphere.—The Office of Emergency
631 Management ~~Department of Community Affairs~~ shall maintain a list
632 of contact persons after the survey pursuant to s. 403.771 is
633 completed.

634 Section 14. Section 252.82, Florida Statutes, is amended to
635 read:

636 252.82 Definitions.—As used in this part:

637 (1) "Commission" means the State Hazardous Materials
638 Emergency Response Commission created pursuant to s. 301 of

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639 EPCRA.

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

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

643 (3)~~(4)~~ "Facility" means facility as defined in s. 329 of
644 EPCRA. Vehicles placarded according to title 49 Code of Federal
645 Regulations are ~~shall~~ not ~~be~~ considered a facility except for
646 purposes of s. 304 of EPCRA.

647 (4)~~(5)~~ "Hazardous material" means any hazardous chemical,
648 toxic chemical, or extremely hazardous substance, as defined in
649 s. 329 of EPCRA.

650 (5)~~(6)~~ "EPCRA" means the Emergency Planning and Community
651 Right-to-Know Act of 1986, title III of the Superfund Amendments
652 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-
653 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
654 adopted thereunder.

655 (6) "Office" means the Office of Emergency Management
656 within the Executive Office of the Governor.

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

659 Section 15. Subsections (3), (8), (9), and (19) of section
660 252.936, Florida Statutes, are amended to read:

661 252.936 Definitions.—As used in this part, the term:

662 (3) "Audit" means a review of information at, a ~~stationary~~
663 ~~source subject to s. 112(r)(7)~~, or submitted by, a stationary
664 source subject to s. 112(r)(7), to determine whether that
665 stationary source is in compliance with ~~the requirements of this~~
666 part and rules adopted to administer ~~implement~~ this part. Audits
667 must include a review of the adequacy of the stationary source's

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668 Risk Management Plan, may consist of reviews of information
 669 submitted to the office ~~department~~ or the United States
 670 Environmental Protection Agency to determine whether the plan is
 671 complete or whether revisions to the plan are needed, and the
 672 reviews may be conducted at the stationary source to confirm
 673 that information onsite is consistent with reported information.

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

675 (8)-(9) "Inspection" means a review of information at a
 676 stationary source subject to s. 112(r) (7), including
 677 documentation and operating practices and access to the source
 678 and to any area where an accidental release could occur, to
 679 determine whether the stationary source is in compliance with
 680 ~~the requirements of~~ this part or rules adopted to administer
 681 ~~implement~~ this part.

682 (9) "Office" means the Office of Emergency Management in
 683 the Executive Office of the Governor.

684 (19) "Trust fund" means the Operating Trust Fund of the
 685 office established in the department's Division of Emergency
 686 Management.

687 Section 16. Section 252.937, Florida Statutes, is amended
 688 to read:

689 252.937 Department powers and duties.—

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

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

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697 be performed by the United States Environmental Protection
698 Agency; and

699 2. Ensure the timely submission of Risk Management Plans
700 and any subsequent revisions of Risk Management Plans.

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

707 (c) Make and execute contracts and other agreements
708 necessary or convenient to the administration ~~implementation~~ of
709 this part.

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

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

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726 for these sources.

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

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

750 (3) To prevent the duplication of investigative efforts and
751 resources, the office ~~department~~, on behalf of the commission,
752 shall coordinate with any federal agencies or agents thereof,
753 including the federal Chemical Safety and Hazard Investigation
754 Board, or its successor, which are performing accidental release

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755 investigations for specified stationary sources, and may
756 coordinate with any agencies of the state which are performing
757 accidental release investigations. This accidental release
758 investigation coordination is not intended to limit or take the
759 place of any individual agency accidental release investigation
760 under separate authority.

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

768 Section 17. Section 252.943, Florida Statutes, is amended
769 to read:

770 252.943 Public records.—

771 (1) The office ~~Department of Community Affairs~~ shall
772 protect records, reports, or information or particular parts
773 thereof, other than release or emissions data, contained in a
774 risk management plan from public disclosure pursuant to ss.
775 112(r) and 114(c) of the federal Clean Air Act and authorities
776 cited therein, based upon a showing satisfactory to the
777 Administrator of the United States Environmental Protection
778 Agency, by any owner or operator of a stationary source subject
779 to the Accidental Release Prevention Program, that public
780 release of such records, reports, or information would divulge
781 methods or processes entitled to protection as trade secrets as
782 provided for in 40 C.F.R. part 2, subpart B. Such records,
783 reports, or information held by the office ~~department~~ are

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784 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
785 s. 24(a), Art. I of the State Constitution, unless a final
786 determination has been made by the Administrator of the
787 Environmental Protection Agency that such records, reports, or
788 information are not entitled to trade secret protection, or
789 pursuant to an order of court.

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

809 Section 18. Section 252.946, Florida Statutes, is amended
810 to read:

811 252.946 Public records.—With regard to information
812 submitted to the United States Environmental Protection Agency

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

821 Section 19. Paragraph (a) of subsection (4) of section
822 282.34, Florida Statutes, is amended to read:

823 282.34 Statewide e-mail service.—A state e-mail system that
824 includes the delivery and support of e-mail, messaging, and
825 calendaring capabilities is established as an enterprise
826 information technology service as defined in s. 282.0041. The
827 service shall be designed to meet the needs of all executive
828 branch agencies. The primary goals of the service are to
829 minimize the state investment required to establish, operate,
830 and support the statewide service; reduce the cost of current e-
831 mail operations and the number of duplicative e-mail systems;
832 and eliminate the need for each state agency to maintain its own
833 e-mail staff.

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

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

839 1. Phase 1.—The following agencies must be completely
840 migrated to the statewide e-mail system by June 30, 2012: the
841 Agency for Enterprise Information Technology; the Department of

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842 Community Affairs, ~~including the Division of Emergency~~
843 ~~Management~~; the Department of Corrections; the Department of
844 Health; the Department of Highway Safety and Motor Vehicles; the
845 Department of Management Services, including the Division of
846 Administrative Hearings, the Division of Retirement, the
847 Commission on Human Relations, and the Public Employees
848 Relations Commission; the Southwood Shared Resource Center; and
849 the Department of Revenue.

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

860 3. Phase 3.—The following agencies must be completely
861 migrated to the statewide e-mail system by June 30, 2014: the
862 Agency for Health Care Administration; the Agency for Workforce
863 Innovation; the Department of Financial Services, including the
864 Office of Financial Regulation and the Office of Insurance
865 Regulation; the Department of Agriculture and Consumer Services;
866 the Executive Office of the Governor, including the Office of
867 Emergency Management; the Department of Transportation; the Fish
868 and Wildlife Conservation Commission; the Agency for Persons
869 With Disabilities; the Northwood Shared Resource Center; and the
870 State Board of Administration.

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

876 Section 20. Paragraphs (a) and (d) of subsection (1) and
877 subsection (4) of section 282.709, Florida Statutes, are amended
878 to read:

879 282.709 State agency law enforcement radio system and
880 interoperability network.—

881 (1) The department may acquire and administer a statewide
882 radio communications system to serve law enforcement units of
883 state agencies, and to serve local law enforcement agencies
884 through mutual aid channels.

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

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

894 1. In implementing such powers and duties, the department
895 shall consult and act in conjunction with the Department of Law
896 Enforcement and the Office Division of Emergency Management ~~of~~
897 ~~the Department of Community Affairs~~, and shall manage and
898 administer the mutual aid channels in a manner that reasonably
899 addresses the needs and concerns of the involved law enforcement

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900 agencies and emergency response agencies and entities.

901 2. The department may make the mutual aid channels
902 available to federal agencies, state agencies, and agencies of
903 the political subdivisions of the state for the purpose of
904 public safety and domestic security.

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

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

917 1. Enter into mutual aid agreements among federal agencies,
918 state agencies, and political subdivisions of the state for the
919 use of the interoperability network.

920 2. Establish the cost of maintenance and operation of the
921 interoperability network and charge subscribing federal and
922 local law enforcement agencies for access and use of the
923 network. The department may not charge state law enforcement
924 agencies identified in paragraph (2)(a) to use the network.

925 3. In consultation with the Department of Law Enforcement
926 and the Office Division of Emergency Management ~~of the~~
927 ~~Department of Community Affairs~~, amend and enhance the statewide
928 radio communications system as necessary to implement the

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929 interoperability network.

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

937 Section 21. Paragraph (1) of subsection (1) of section
938 311.115, Florida Statutes, is amended to read:

939 311.115 Seaport Security Standards Advisory Council.—The
940 Seaport Security Standards Advisory Council is created under the
941 Office of Drug Control. The council shall serve as an advisory
942 council as provided in s. 20.03(7).

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

945 (1) The Director of the Office Division of Emergency
946 Management, or his or her designee.

947 Section 22. Subsections (1) and (2), paragraph (b) of
948 subsection (3), and paragraph (b) of subsection (4) of section
949 526.143, Florida Statutes, are amended to read:

950 526.143 Alternate generated power capacity for motor fuel
951 dispensing facilities.—

952 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
953 defined in s. 526.303(16), and each wholesaler, as defined in s.
954 526.303(17), which sells motor fuel in this state must be
955 capable of operating its distribution loading racks using an
956 alternate generated power source for a minimum of 72 hours.
957 Pending a postdisaster examination of the equipment by the

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958 operator to determine any extenuating damage that would render
959 it unsafe to use, the facility must have such alternate
960 generated power source available for operation within ~~no later~~
961 ~~than~~ 36 hours after a major disaster as defined in s. 252.34.
962 Installation of appropriate wiring, including a transfer switch,
963 shall be performed by a certified electrical contractor. Each
964 business that is subject to this subsection must keep a copy of
965 the documentation of such installation on site or at its
966 corporate headquarters. In addition, each business must keep a
967 written statement attesting to the periodic testing and ensured
968 operational capacity of the equipment. The required documents
969 must be made available, upon request, to the Office ~~Division~~ of
970 Emergency Management and the director of the county emergency
971 management agency.

972 (2) Each newly constructed or substantially renovated motor
973 fuel retail outlet, as defined in s. 526.303(14), for which a
974 certificate of occupancy is issued on or after July 1, 2006,
975 shall be prewired with an appropriate transfer switch, and
976 capable of operating all fuel pumps, dispensing equipment,
977 lifesafety systems, and payment-acceptance equipment using an
978 alternate generated power source. As used in this subsection,
979 the term "substantially renovated" means a renovation that
980 results in an increase of greater than 50 percent in the
981 assessed value of the motor fuel retail outlet. Local building
982 inspectors shall include this equipment and operations check in
983 the normal inspection process before issuing a certificate of
984 occupancy. Each retail outlet that is subject to this subsection
985 must keep a copy of the certificate of occupancy on site or at
986 its corporate headquarters. In addition, each retail outlet must

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987 keep a written statement attesting to the periodic testing of
988 and ensured operational capability of the equipment. The
989 required documents must be made available, upon request, to the
990 Office ~~Division~~ of Emergency Management and the director of the
991 county emergency management agency.

992 (3)

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

1003 (4)

1004 (b) Subsections (2) and (3) do not apply to:

- 1005 1. An automobile dealer;
- 1006 2. A person who operates a fleet of motor vehicles;
- 1007 3. A person who sells motor fuel exclusively to a fleet of
1008 motor vehicles; or
- 1009 4. A motor fuel retail outlet that has a written agreement
1010 with a public hospital, in a form approved by the Office
1011 ~~Division~~ of Emergency Management, wherein the public hospital
1012 agrees to provide the motor fuel retail outlet with an
1013 alternative means of power generation onsite so that the
1014 outlet's fuel pumps may be operated in the event of a power
1015 outage.

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1016 Section 23. Paragraph (a) of subsection (1) and paragraph
1017 (b) of subsection (4) of section 526.144, Florida Statutes, are
1018 amended to read:

1019 526.144 Florida Disaster Motor Fuel Supplier Program.—

1020 (1) (a) There is created the Florida Disaster Motor Fuel
1021 Supplier Program within the Office of Emergency Management
1022 ~~Department of Community Affairs.~~

1023 (4)

1024 (b) Notwithstanding any other law or other ordinance and
1025 for the purpose of ensuring an appropriate emergency management
1026 response following major disasters in this state, the regulation
1027 of all other retail establishments participating in such
1028 response is ~~shall be~~ as follows:

1029 1. Regulation of retail establishments that meet the
1030 standards created by the Office ~~Division~~ of Emergency Management
1031 in the report required in s. 8, chapter 2006-71, Laws of
1032 Florida, by July 1, 2007, is preempted to the state and until
1033 such standards are adopted, the regulation of these retail
1034 establishments is preempted to the state;

1035 2. The division shall provide written certification of such
1036 preemption to retail establishments that qualify and ~~shall~~
1037 provide such information to local governments upon request; and

1038 3. Regulation of retail establishments that do not meet the
1039 operational standards is subject to local government laws or
1040 ordinances.

1041 Section 24. Paragraph (b) of subsection (2) of section
1042 627.0628, Florida Statutes, is amended to read:

1043 627.0628 Florida Commission on Hurricane Loss Projection
1044 Methodology; public records exemption; public meetings

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1045 exemption.—

1046 (2) COMMISSION CREATED.—

1047 (b) The commission shall consist of the following 11
1048 members:

1049 1. The insurance consumer advocate.

1050 2. The senior employee of the State Board of Administration
1051 responsible for operations of the Florida Hurricane Catastrophe
1052 Fund.

1053 3. The Executive Director of the Citizens Property
1054 Insurance Corporation.

1055 4. The Director of the Office ~~Division~~ of Emergency
1056 Management ~~of the Department of Community Affairs~~.

1057 5. The actuary member of the Florida Hurricane Catastrophe
1058 Fund Advisory Council.

1059 6. An employee of the office who is an actuary responsible
1060 for property insurance rate filings and who is appointed by the
1061 director of the office.

1062 7. Five members appointed by the Chief Financial Officer,
1063 as follows:

1064 a. An actuary who is employed full time by a property and
1065 casualty insurer which was responsible for at least 1 percent of
1066 the aggregate statewide direct written premium for homeowner's
1067 insurance in the calendar year preceding the member's
1068 appointment to the commission.

1069 b. An expert in insurance finance who is a full-time member
1070 of the faculty of the State University System and who has a
1071 background in actuarial science.

1072 c. An expert in statistics who is a full-time member of the
1073 faculty of the State University System and who has a background

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1074 in insurance.

1075 d. An expert in computer system design who is a full-time
1076 member of the faculty of the State University System.

1077 e. An expert in meteorology who is a full-time member of
1078 the faculty of the State University System and who specializes
1079 in hurricanes.

1080 Section 25. Paragraph (d) of subsection (2) of section
1081 768.13, Florida Statutes, is amended to read:

1082 768.13 Good Samaritan Act; immunity from civil liability.-

1083 (2)

1084 (d) Any person whose acts or omissions are not otherwise
1085 covered by this section and who participates in emergency
1086 response activities under the direction of or in connection with
1087 a community emergency response team, local emergency management
1088 agencies, the Office Division of Emergency Management ~~of the~~
1089 ~~Department of Community Affairs~~, or the Federal Emergency
1090 Management Agency is not liable for any civil damages as a
1091 result of care, treatment, or services provided gratuitously in
1092 such capacity and resulting from any act or failure to act in
1093 such capacity in providing or arranging further care, treatment,
1094 or services, if such person acts as a reasonably prudent person
1095 would have acted under the same or similar circumstances.

1096 Section 26. Subsection (14) of section 943.03, Florida
1097 Statutes, is amended to read:

1098 943.03 Department of Law Enforcement.-

1099 (14) The department, with respect to counter-terrorism
1100 efforts, responses to acts of terrorism within or affecting this
1101 state, and other matters related to the domestic security of
1102 Florida as it relates to terrorism, shall coordinate and direct

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

1116 Section 27. Section 943.03101, Florida Statutes, is amended
1117 to read:

1118 943.03101 Counter-terrorism coordination.—The Legislature
1119 finds that with respect to counter-terrorism efforts and initial
1120 responses to acts of terrorism within or affecting this state,
1121 specialized efforts of emergency management which ~~that~~ are
1122 unique to such situations are required and that these efforts
1123 intrinsically involve very close coordination of federal, state,
1124 and local law enforcement agencies with the efforts of all
1125 others involved in emergency-response efforts. In order to best
1126 provide this specialized effort ~~with respect to counter-~~
1127 ~~terrorism efforts and responses~~, the Legislature has determined
1128 that such efforts should be coordinated by and through the
1129 Department of Law Enforcement, working closely with the Office
1130 ~~Division~~ of Emergency Management and others involved in
1131 preparation against acts of terrorism in or affecting this

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1132 state, and in the initial response to such acts, in accordance
1133 with the state comprehensive emergency management plan prepared
1134 pursuant to s. 252.35(2)(a).

1135 Section 28. Paragraph (d) of subsection (1) and subsection
1136 (3) of section 943.0312, Florida Statutes, are amended to read:

1137 943.0312 Regional domestic security task forces.—The
1138 Legislature finds that there is a need to develop and implement
1139 a statewide strategy to address prevention, preparation,
1140 protection, response, and recovery efforts by federal, state,
1141 and local law enforcement agencies, emergency management
1142 agencies, fire and rescue departments, first-responder personnel
1143 and others in dealing with potential or actual terrorist acts
1144 within or affecting this state.

1145 (1) To assist the department and the Chief of Domestic
1146 Security in performing their roles and duties in this regard,
1147 the department shall establish a regional domestic security task
1148 force in each of the department's operational regions. The task
1149 forces shall serve in an advisory capacity to the department and
1150 the Chief of Domestic Security and shall provide support to the
1151 department in its performance of functions pertaining to
1152 domestic security.

1153 (d) The co-chairs of each task force may appoint
1154 subcommittees and subcommittee chairs as necessary in order to
1155 address issues related to the various disciplines represented on
1156 the task force, except that subcommittee chairs for emergency
1157 management shall be appointed with the approval of the director
1158 of the Office ~~Division~~ of Emergency Management. A subcommittee
1159 chair shall serve at the pleasure of the co-chairs.

1160 (3) The Chief of Domestic Security, in conjunction with the

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1161 Office ~~Division~~ of Emergency Management, the regional domestic
1162 security task forces, and the various state entities responsible
1163 for establishing training standards applicable to state law
1164 enforcement officers and fire, emergency, and first-responder
1165 personnel shall identify appropriate equipment and training
1166 needs, curricula, and materials related to the effective
1167 response to suspected or actual acts of terrorism or incidents
1168 involving real or hoax weapons of mass destruction as defined in
1169 s. 790.166. Recommendations for funding for purchases of
1170 equipment, delivery of training, implementation of, or revision
1171 to basic or continued training required for state licensure or
1172 certification, or other related responses shall be made by the
1173 Chief of Domestic Security to the Domestic Security Oversight
1174 Council, the Executive Office of the Governor, the President of
1175 the Senate, and the Speaker of the House of Representatives as
1176 necessary to ensure that the needs of this state with regard to
1177 the preparing, equipping, training, and exercising of response
1178 personnel are identified and addressed. In making such
1179 recommendations, the Chief of Domestic Security and the Office
1180 ~~Division~~ of Emergency Management shall identify all funding
1181 sources that may be available to fund such efforts.

1182 Section 29. Paragraph (a) of subsection (1), paragraph (b)
1183 of subsection (2), and paragraph (b) of subsection (4) of
1184 section 943.0313, Florida Statutes, are amended to read:

1185 943.0313 Domestic Security Oversight Council.—The
1186 Legislature finds that there exists a need to provide executive
1187 direction and leadership with respect to terrorism prevention,
1188 preparation, protection, response, and recovery efforts by state
1189 and local agencies in this state. In recognition of this need,

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1190 the Domestic Security Oversight Council is hereby created. The
1191 council shall serve as an advisory council pursuant to s.
1192 20.03(7) to provide guidance to the state's regional domestic
1193 security task forces and other domestic security working groups
1194 and to make recommendations to the Governor and the Legislature
1195 regarding the expenditure of funds and allocation of resources
1196 related to counter-terrorism and domestic security efforts.

1197 (1) MEMBERSHIP.—

1198 (a) The Domestic Security Oversight Council shall consist
1199 of the following voting members:

1200 1. The executive director of the Department of Law
1201 Enforcement.

1202 2. The director of the Office ~~Division~~ of Emergency
1203 Management ~~within the Department of Community Affairs~~.

1204 3. The Attorney General.

1205 4. The Commissioner of Agriculture.

1206 5. The State Surgeon General.

1207 6. The Commissioner of Education.

1208 7. The State Fire Marshal.

1209 8. The adjutant general of the Florida National Guard.

1210 9. The state chief information officer.

1211 10. Each sheriff or chief of police who serves as a co-
1212 chair of a regional domestic security task force pursuant to s.
1213 943.0312(1)(b).

1214 11. Each of the department's special agents in charge who
1215 serve as a co-chair of a regional domestic security task force.

1216 12. Two representatives of the Florida Fire Chiefs
1217 Association.

1218 13. One representative of the Florida Police Chiefs

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1219 Association.

1220 14. One representative of the Florida Prosecuting Attorneys
1221 Association.

1222 15. The chair of the Statewide Domestic Security
1223 Intelligence Committee.

1224 16. One representative of the Florida Hospital Association.

1225 17. One representative of the Emergency Medical Services
1226 Advisory Council.

1227 18. One representative of the Florida Emergency
1228 Preparedness Association.

1229 19. One representative of the Florida Seaport
1230 Transportation and Economic Development Council.

1231 (2) ORGANIZATION.—

1232 (b) The executive director of the Department of Law
1233 Enforcement shall serve as chair of the council, and the
1234 director of the Office ~~Division~~ of Emergency Management ~~within~~
1235 ~~the Department of Community Affairs~~ shall serve as vice chair of
1236 the council. In the absence of the chair, the vice chair shall
1237 serve as chair. In the absence of the vice chair, the chair may
1238 name any member of the council to perform the duties of the
1239 chair if such substitution does not extend beyond a defined
1240 meeting, duty, or period of time.

1241 (4) EXECUTIVE COMMITTEE.—

1242 (b) The executive director of the Department of Law
1243 Enforcement shall serve as the chair of the executive committee,
1244 and the director of the Office ~~Division~~ of Emergency Management
1245 ~~within the Department of Community Affairs~~ shall serve as the
1246 vice chair of the executive committee.

1247 Section 30. Subsection (3) of section 112.3135, Florida

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1248 Statutes, is amended to read:

1249 112.3135 Restriction on employment of relatives.—

1250 (3) An agency may prescribe regulations authorizing the
1251 temporary employment, in the event of an emergency as defined in
1252 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
1253 prohibited by this section.

1254 Section 31. Paragraph (d) of subsection (2) of section
1255 119.071, Florida Statutes, is amended to read:

1256 119.071 General exemptions from inspection or copying of
1257 public records.—

1258 (2) AGENCY INVESTIGATIONS.—

1259 (d) Any information revealing surveillance techniques or
1260 procedures or personnel is exempt from s. 119.07(1) and s.
1261 24(a), Art. I of the State Constitution. Any comprehensive
1262 inventory of state and local law enforcement resources compiled
1263 pursuant to part I, chapter 23, and any comprehensive policies
1264 or plans compiled by a criminal justice agency pertaining to the
1265 mobilization, deployment, or tactical operations involved in
1266 responding to an emergency ~~emergencies~~, as defined in s.
1267 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
1268 the State Constitution and unavailable for inspection, except by
1269 personnel authorized by a state or local law enforcement agency,
1270 the office of the Governor, the Department of Legal Affairs, the
1271 Department of Law Enforcement, or the Department of Community
1272 Affairs as having an official need for access to the inventory
1273 or comprehensive policies or plans.

1274 Section 32. Paragraph (c) of subsection (1) of section
1275 163.03, Florida Statutes, is amended to read:

1276 163.03 Secretary of Community Affairs; powers and duties;

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1277 function of Department of Community Affairs with respect to
1278 federal grant-in-aid programs.-

1279 (1) The Secretary of Community Affairs shall:

1280 (c) Under the direction of the Governor, administer
1281 programs to apply rapidly all available aid to communities
1282 stricken by an emergency as defined in s. 252.34~~(3)~~ and, for
1283 this purpose, provide liaison with federal agencies and other
1284 public and private agencies.

1285 Section 33. Subsection (10) of section 163.360, Florida
1286 Statutes, is amended to read:

1287 163.360 Community redevelopment plans.-

1288 (10) Notwithstanding any other provisions of this part, if
1289 ~~when~~ the governing body certifies that an area is in need of
1290 redevelopment or rehabilitation as a result of an emergency as
1291 defined in ~~under~~ s. 252.34~~(3)~~, with respect to which the
1292 Governor has certified the need for emergency assistance under
1293 federal law, that area may be certified as a "blighted area,"
1294 and the governing body may approve a community redevelopment
1295 plan and community redevelopment with respect to such area
1296 without regard to the provisions of this section requiring a
1297 general plan for the county or municipality and a public hearing
1298 on the community redevelopment.

1299 Section 34. Subsection (1) of section 175.021, Florida
1300 Statutes, is amended to read:

1301 175.021 Legislative declaration.-

1302 (1) It is hereby declared by the Legislature that
1303 firefighters, ~~as hereinafter defined,~~ perform state and
1304 municipal functions; that it is their duty to extinguish fires,
1305 to protect life, and to protect property at their own risk and

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1306 peril; that it is their duty to prevent conflagration and to
1307 continuously instruct school personnel, public officials, and
1308 private citizens in the prevention of fires and firesafety; that
1309 they protect both life and property from local emergencies as
1310 defined in s. 252.34~~(3)~~; and that their activities are vital to
1311 the public safety. It is further declared that firefighters
1312 employed by special fire control districts serve under the same
1313 circumstances and perform the same duties as firefighters
1314 employed by municipalities and should therefore be entitled to
1315 the benefits available under this chapter. Therefore, the
1316 Legislature declares that it is a proper and legitimate state
1317 purpose to provide a uniform retirement system for the benefit
1318 of firefighters ~~as hereinafter defined~~ and intends, in
1319 implementing the provisions of s. 14, Art. X of the State
1320 Constitution as they relate to municipal and special district
1321 firefighters' pension trust fund systems and plans, that such
1322 retirement systems or plans be managed, administered, operated,
1323 and funded in such manner as to maximize the protection of the
1324 firefighters' pension trust funds. Pursuant to s. 18, Art. VII
1325 of the State Constitution, the Legislature hereby determines and
1326 declares that ~~the provisions of~~ this act fulfill an important
1327 state interest.

1328 Section 35. Subsection (11) of section 186.505, Florida
1329 Statutes, is amended to read:

1330 186.505 Regional planning councils; powers and duties.—Any
1331 regional planning council created hereunder shall have the
1332 following powers:

1333 (11) To cooperate, in the exercise of its planning
1334 functions, with federal and state agencies in planning for

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1335 emergency management as defined in ~~under~~ s. 252.34(4).

1336 Section 36. Subsection (1) of section 216.231, Florida
1337 Statutes, is amended to read:

1338 216.231 Release of certain classified appropriations.—

1339 (1) (a) Any appropriation to the Executive Office of the
1340 Governor which is classified as an “emergency,” as defined in s.
1341 252.34(3), may be released only with the approval of the
1342 Governor. The state agency, or the judicial branch, desiring the
1343 use of the emergency appropriation shall submit to the Executive
1344 Office of the Governor application ~~therefor~~ in writing setting
1345 forth the facts from which the alleged need arises. The
1346 Executive Office of the Governor shall, at a public hearing,
1347 review such application promptly and approve or disapprove the
1348 applications as the circumstances may warrant. All actions of
1349 the Executive Office of the Governor shall be reported to the
1350 legislative appropriations committees, and the committees may
1351 advise the Executive Office of the Governor relative to the
1352 release of such funds.

1353 (b) The release of appropriated funds classified as
1354 “emergency” shall be approved only if ~~when~~ an act or
1355 circumstance caused by an act of God, civil disturbance, natural
1356 disaster, or other circumstance of an emergency nature
1357 threatens, endangers, or damages the property, safety, health,
1358 or welfare of the state or its residents ~~citizens~~, which
1359 condition has not been provided for in appropriation acts of the
1360 Legislature. Funds allocated for this purpose may be used to pay
1361 overtime pay to personnel of agencies called upon to perform
1362 extra duty because of any civil disturbance or other emergency
1363 as defined in s. 252.34(3) and to provide the required state

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1364 match for federal grants under the federal Disaster Relief Act.

1365 Section 37. Subsections (3) and (4) of section 250.06,
1366 Florida Statutes, are amended to read:

1367 250.06 Commander in chief.—

1368 (3) The Governor may, in order to preserve the public
1369 peace, execute the laws of the state, suppress insurrection,
1370 repel invasion, respond to an emergency as defined in s.
1371 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
1372 of all or any portion of the militia of this state ~~Florida~~ into
1373 the services of the United States, may increase the Florida
1374 National Guard and organize it in accordance with rules and
1375 regulations governing the Armed Forces of the United States.
1376 Such organization and increase may be pursuant to or in advance
1377 of any call made by the President of the United States. If the
1378 Florida National Guard is activated into service of the United
1379 States, another organization may not be designated as the
1380 Florida National Guard.

1381 (4) The Governor may, in order to preserve the public
1382 peace, execute the laws of the state, enhance domestic security,
1383 respond to terrorist threats or attacks, respond to an emergency
1384 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
1385 respond to any need for emergency aid to civil authorities as
1386 specified in s. 250.28, order into state active duty all or any
1387 part of the militia which he or she deems proper.

1388 Section 38. Paragraph (g) of subsection (7) of section
1389 339.135, Florida Statutes, is amended to read:

1390 339.135 Work program; legislative budget request;
1391 definitions; preparation, adoption, execution, and amendment.—

1392 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

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1393 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
1394 (g) and ss. 216.177(2) and 216.351, the secretary may request
1395 the Executive Office of the Governor to amend the adopted work
1396 program when an emergency exists, as defined in s. 252.34~~(3)~~,
1397 and the emergency relates to the repair or rehabilitation of any
1398 state transportation facility. The Executive Office of the
1399 Governor may approve the amendment to the adopted work program
1400 and amend that portion of the department's approved budget if a
1401 ~~in the event that the~~ delay incident to the notification
1402 requirements in paragraph (d) would be detrimental to the
1403 interests of the state. However, the department shall
1404 immediately notify the parties specified in paragraph (d) and
1405 ~~shall~~ provide such parties written justification for the
1406 emergency action within 7 days after ~~of the~~ approval by the
1407 Executive Office of the Governor of the amendment to the adopted
1408 work program and the department's budget. ~~In no event may~~ The
1409 adopted work program may not be amended under ~~the provisions of~~
1410 this subsection without ~~the~~ certification by the comptroller of
1411 the department that there are sufficient funds available
1412 pursuant to the 36-month cash forecast and applicable statutes.

1413 Section 39. Paragraph (b) of subsection (2) of section
1414 429.907, Florida Statutes, is amended to read:

1415 429.907 License requirement; fee; exemption; display.—

1416 (2)

1417 (b) If ~~In the event~~ a licensed center becomes wholly or
1418 substantially unusable due to a disaster ~~as defined in s.~~
1419 ~~252.34(1)~~ or due to an emergency as those terms are defined in
1420 s. 252.34~~(3)~~:

1421 1. The licensee may continue to operate under its current

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1422 license in a ~~premise~~ or premises separate from that authorized
1423 under the license if the licensee has:

1424 a. Specified the location of the ~~premise~~ or premises in its
1425 comprehensive emergency management plan submitted to and
1426 approved by the applicable county emergency management
1427 authority; and

1428 b. Notified the agency and the county emergency management
1429 authority within 24 hours of operating in the separate ~~premise~~
1430 ~~or~~ premises.

1431 2. The licensee shall operate the separate ~~premise~~ or
1432 premises only while the licensed center's original location is
1433 substantially unusable and for up to ~~no longer than~~ 180 days.
1434 The agency may extend use of the alternate ~~premise~~ or premises
1435 beyond the initial 180 days. The agency may also review the
1436 operation of the disaster ~~premise~~ or premises quarterly.

1437 Section 40. The Division of Statutory Revision is requested
1438 to prepare a reviser's bill for introduction at the next regular
1439 session of the Legislature to conform the Florida Statutes to
1440 changes made by this act.

1441 Section 41. This act shall take effect October 1, 2011.