

By Senator Montford

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1 A bill to be entitled
2 An act relating to disaster response and preparedness;
3 amending s. 252.34, F.S.; defining the term "comfort
4 animal"; amending s. 252.35, F.S.; modifying
5 requirements for the state comprehensive emergency
6 management plan and statewide public awareness
7 programs administered by the Division of Emergency
8 Management; requiring the division to provide certain
9 guidance to entities to ensure the receipt of maximum
10 allowable reimbursements from the Federal Government
11 for disaster-related expenditures; amending s.
12 252.355, F.S.; authorizing any individual to bring a
13 service animal or comfort animal to a special needs
14 shelter; creating s. 252.3551, F.S.; requiring the
15 division to establish and maintain a registry with
16 homeless shelters and service providers for specified
17 purposes; amending s. 252.3568, F.S.; revising
18 requirements for the development of strategies
19 regarding the sheltering of persons with service
20 animals or comfort animals; requiring the division to
21 develop informational materials regarding the
22 acceptance of pets, service animals, and comfort
23 animals at shelters; amending s. 252.38, F.S.;
24 requiring that, upon the request of the director of a
25 local emergency management agency, Florida College
26 System institutions and state universities participate
27 in emergency management activities through the
28 provision of facilities and personnel; requiring
29 Florida College System institutions and state

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30 universities that provide transportation assistance in
31 an emergency evacuation to coordinate the use of
32 vehicles and personnel with local emergency management
33 agencies; amending s. 252.385, F.S.; updating
34 references to community colleges; amending s. 1008.34,
35 F.S., and reenacting and amending subsection (1);
36 defining the term "eligible student"; excluding from
37 the calculation of certain components of a school's
38 grade the performance of certain students who have
39 recently arrived from a United States territory where
40 an emergency has been declared due to a natural
41 disaster; amending s. 1011.60, F.S.; providing an
42 exception to the prohibition against a school
43 district's payment of salary to an employee in advance
44 of rendering of services; amending ss. 163.360,
45 474.2125, and 627.659, F.S.; conforming cross-
46 references; providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Present subsections (2) through (10) of section
51 252.34, Florida Statutes, are renumbered as subsections (3)
52 through (11), respectively, and a new subsection (2) is added to
53 that section, to read:

54 252.34 Definitions.—As used in this part, the term:

55 (2) "Comfort animal" means an animal, other than a pet or a
56 service animal, which provides emotional support to help improve
57 the physical, social, emotional, and cognitive condition of an
58 individual.

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59 Section 2. Paragraphs (a) and (i) of subsection (2) of
60 section 252.35, Florida Statutes, are amended, present paragraph
61 (y) of that subsection is redesignated as paragraph (z), and a
62 new paragraph (y) is added to that subsection, to read:

63 252.35 Emergency management powers; Division of Emergency
64 Management.—

65 (2) The division is responsible for carrying out the
66 provisions of ss. 252.31-252.90. In performing its duties, the
67 division shall:

68 (a) Prepare a state comprehensive emergency management
69 plan, which shall be integrated into and coordinated with the
70 emergency management plans and programs of the Federal
71 Government. The division must adopt the plan as a rule in
72 accordance with chapter 120. The plan shall be implemented by a
73 continuous, integrated comprehensive emergency management
74 program. The plan must contain provisions to ensure that the
75 state is prepared for emergencies and minor, major, and
76 catastrophic disasters, and the division shall work closely with
77 local governments and agencies and organizations with emergency
78 management responsibilities in preparing and maintaining the
79 plan. The state comprehensive emergency management plan shall be
80 operations oriented and:

81 1. Include an evacuation component that includes specific
82 regional and interregional planning provisions and promotes
83 intergovernmental coordination of evacuation activities. This
84 component must, at a minimum: contain guidelines for lifting
85 tolls on state highways; ensure coordination pertaining to
86 evacuees crossing county lines; set forth procedures for
87 directing people caught on evacuation routes to safe shelter;

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88 establish strategies for ensuring sufficient, reasonably priced
89 fueling locations along evacuation routes; and establish
90 policies and strategies for emergency medical evacuations.

91 2. Include a shelter component that includes specific
92 regional and interregional planning provisions and promotes
93 coordination of shelter activities between the public, private,
94 and nonprofit sectors. This component must, at a minimum:
95 contain strategies to ensure the availability of adequate public
96 shelter space in each region of the state; establish strategies
97 for refuge-of-last-resort programs; provide strategies to assist
98 local emergency management efforts to ensure that adequate
99 staffing plans exist for all shelters, including medical and
100 security personnel; provide for a postdisaster communications
101 system for public shelters; establish model shelter guidelines
102 for operations, registration, inventory, power generation
103 capability, information management, and staffing; and set forth
104 policy guidance for sheltering people with special needs, people
105 with mental illness, and homeless individuals.

106 3. Include a postdisaster response and recovery component
107 that includes specific regional and interregional planning
108 provisions and promotes intergovernmental coordination of
109 postdisaster response and recovery activities. This component
110 must provide for postdisaster response and recovery strategies
111 according to whether a disaster is minor, major, or
112 catastrophic. The postdisaster response and recovery component
113 must, at a minimum: establish the structure of the state's
114 postdisaster response and recovery organization; establish
115 procedures for activating the state's plan; set forth policies
116 used to guide postdisaster response and recovery activities;

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117 describe the chain of command during the postdisaster response
118 and recovery period; describe initial and continuous
119 postdisaster response and recovery actions; identify the roles
120 and responsibilities of each involved agency and organization;
121 provide for a comprehensive communications plan; establish
122 procedures for monitoring mutual aid agreements; provide for
123 rapid impact assessment teams; ensure the availability of an
124 effective statewide urban search and rescue program coordinated
125 with the fire services; ensure the existence of a comprehensive
126 statewide medical care and relief plan administered by the
127 Department of Health; ensure the existence of a comprehensive
128 statewide plan for the safe transfer of persons with special
129 needs, persons with mental illness, and homeless individuals;
130 and establish systems for coordinating volunteers and accepting
131 and distributing donated funds and goods.

132 4. Include additional provisions addressing aspects of
133 preparedness, response, recovery, and mitigation as determined
134 necessary by the division.

135 5. Address the need for coordinated and expeditious
136 deployment of state resources, including the Florida National
137 Guard. In the case of an imminent major disaster, procedures
138 should address predeployment of the Florida National Guard, and,
139 in the case of an imminent catastrophic disaster, procedures
140 should address predeployment of the Florida National Guard and
141 the United States Armed Forces.

142 6. Establish a system of communications and warning to
143 ensure that the state's population and emergency management
144 agencies are warned of developing emergency situations and can
145 communicate emergency response decisions.

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146 7. Establish guidelines and schedules for annual exercises
147 that evaluate the ability of the state and its political
148 subdivisions to respond to minor, major, and catastrophic
149 disasters and support local emergency management agencies. Such
150 exercises shall be coordinated with local governments and, to
151 the extent possible, the Federal Government.

152 8. Assign lead and support responsibilities to state
153 agencies and personnel for emergency support functions and other
154 support activities.

155
156 The complete state comprehensive emergency management plan shall
157 be submitted to the President of the Senate, the Speaker of the
158 House of Representatives, and the Governor on February 1 of
159 every even-numbered year.

160 (i) Institute statewide public awareness programs. This
161 shall include an intensive public educational campaign on
162 emergency preparedness issues, including, but not limited to,
163 the personal responsibility of individual citizens to be self-
164 sufficient for up to 72 hours following a natural or manmade
165 disaster. The public educational campaign shall include relevant
166 information on statewide disaster plans, evacuation routes, fuel
167 suppliers, and shelters. Information on shelters must address
168 the different types of shelters available, such as special needs
169 shelters and shelters that accept individuals with service
170 animals, comfort animals, or pets. All educational materials
171 must be available in alternative formats and mediums to ensure
172 that they are available to persons with disabilities.

173 (y) Provide guidance regarding procedures and required
174 documentation to any entity entitled to receive reimbursements

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175 for disaster-related expenditures from the Federal Emergency
176 Management Agency in order to ensure that such entities receive
177 the maximum allowable reimbursements.

178 Section 3. Subsection (3) of section 252.355, Florida
179 Statutes, is amended to read:

180 252.355 Registry of persons with special needs; notice;
181 registration program.—

182 (3) An individual ~~A person with special needs~~ must be
183 allowed to bring his or her service animal into a special needs
184 shelter in accordance with s. 413.08 or to bring his or her
185 comfort animal.

186 Section 4. Section 252.3551, Florida Statutes, is created
187 to read:

188 252.3551 Registry for homeless shelters and service
189 providers.—The division, in coordination with each local
190 emergency management agency in the state, shall establish and
191 maintain a registry with each homeless shelter and homeless
192 service provider in the state. The purpose of the registry is to
193 help determine the number of homeless individuals that may need
194 assistance or shelter during an evacuation.

195 Section 5. Section 252.3568, Florida Statutes, is amended
196 to read:

197 252.3568 Emergency sheltering of persons with pets.—

198 (1) In accordance with s. 252.35, the division shall
199 address strategies for the evacuation of persons with pets in
200 the shelter component of the state comprehensive emergency
201 management plan and shall include the requirement for similar
202 strategies in its standards and requirements for local
203 comprehensive emergency management plans. The strategies must

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204 include procedures for the sheltering of persons who have
205 service animals or comfort animals. The Department of
206 Agriculture and Consumer Services shall assist the division in
207 determining strategies regarding this activity.

208 (2) The division shall inform the public regarding policies
209 governing the acceptance of pets, service animals, and comfort
210 animals at shelters by developing informational materials that
211 may be distributed at veterinary offices, public or private
212 animal shelters, humane organizations, and any other appropriate
213 locations.

214 Section 6. Paragraph (d) of subsection (1) of section
215 252.38, Florida Statutes, is amended to read:

216 252.38 Emergency management powers of political
217 subdivisions.—Safeguarding the life and property of its citizens
218 is an innate responsibility of the governing body of each
219 political subdivision of the state.

220 (1) COUNTIES.—

221 (d) During a declared state or local emergency and upon the
222 request of the director of a local emergency management agency,
223 the district school board or school boards, Florida College
224 System institutions, and state universities in the affected area
225 shall participate in emergency management by providing
226 facilities and necessary personnel to staff such facilities.
227 Each school board, Florida College System institution, and state
228 university providing transportation assistance in an emergency
229 evacuation shall coordinate the use of its vehicles and
230 personnel with the local emergency management agency.

231 Section 7. Paragraph (a) of subsection (2) and paragraph
232 (a) of subsection (4) of section 252.385, Florida Statutes, are

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233 amended to read:

234 252.385 Public shelter space.—

235 (2) (a) The division shall administer a program to survey
236 existing schools, state universities, Florida College System
237 institutions ~~community colleges~~, and other state-owned,
238 municipally owned, and county-owned public buildings and any
239 private facility that the owner, in writing, agrees to provide
240 for use as a public hurricane evacuation shelter to identify
241 those that are appropriately designed and located to serve as
242 such shelters. The owners of the facilities must be given the
243 opportunity to participate in the surveys. The state university
244 boards of trustees, district school boards, Florida College
245 System institution ~~community college~~ boards of trustees, and the
246 Department of Education are responsible for coordinating and
247 implementing the survey of public schools, state universities,
248 and Florida College System institutions ~~community colleges~~ with
249 the division or the local emergency management agency.

250 (4) (a) Public facilities, including schools, postsecondary
251 education facilities, and other facilities owned or leased by
252 the state or local governments, but excluding hospitals, hospice
253 care facilities, assisted living facilities, and nursing homes,
254 which are suitable for use as public hurricane evacuation
255 shelters shall be made available at the request of the local
256 emergency management agencies. The local emergency management
257 agency shall coordinate with these entities to ensure that
258 designated facilities are ready to activate prior to a specific
259 hurricane or disaster. Such agencies shall coordinate with the
260 appropriate school board, state university, Florida College
261 System institution ~~community college~~, state agency, or local

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262 governing board when requesting the use of such facilities as
263 public hurricane evacuation shelters.

264 Section 8. Subsection (1) of section 1008.34, Florida
265 Statutes, is reenacted and amended, and subsection (3) of that
266 section is amended, to read:

267 1008.34 School grading system; school report cards;
268 district grade.—

269 (1) DEFINITIONS.—For purposes of the statewide,
270 standardized assessment program and school grading system, the
271 following terms are defined:

272 (a) "Achievement level," "student achievement," or
273 "achievement" describes the level of content mastery a student
274 has acquired in a particular subject as measured by a statewide,
275 standardized assessment administered pursuant to s.

276 1008.22 (3) (a) and (b). There are five achievement levels. Level
277 1 is the lowest achievement level, level 5 is the highest
278 achievement level, and level 3 indicates satisfactory
279 performance. A student passes an assessment if the student
280 achieves a level 3, level 4, or level 5. For purposes of the
281 Florida Alternate Assessment administered pursuant to s.
282 1008.22 (3) (c), the state board shall provide, in rule, the
283 number of achievement levels and identify the achievement levels
284 that are considered passing.

285 (b) "Eligible student" means a student who is present for
286 both Survey Period 2 and Survey Period 3 of the full-time
287 equivalent student membership surveys, not including a student
288 who is a recent arrival to the school district from the
289 Commonwealth of Puerto Rico, the United States Virgin Islands,
290 or any other territory of the United States where an emergency

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291 has been declared due to a natural disaster.

292 (c) "Learning Gains," "annual learning gains," or "student
293 learning gains" means the degree of student learning growth
294 occurring from one school year to the next as required by state
295 board rule for purposes of calculating school grades under this
296 section.

297 (d)~~(e)~~ "Student performance," "student academic
298 performance," or "academic performance" includes, but is not
299 limited to, student learning growth, achievement levels, and
300 Learning Gains on statewide, standardized assessments
301 administered pursuant to s. 1008.22.

302 (3) DESIGNATION OF SCHOOL GRADES.—

303 (b)1. Beginning with the 2014-2015 school year, a school's
304 grade shall be based on the following components, each worth 100
305 points:

306 a. The percentage of eligible students passing statewide,
307 standardized assessments in English Language Arts under s.
308 1008.22(3).

309 b. The percentage of eligible students passing statewide,
310 standardized assessments in mathematics under s. 1008.22(3).

311 c. The percentage of eligible students passing statewide,
312 standardized assessments in science under s. 1008.22(3).

313 d. The percentage of eligible students passing statewide,
314 standardized assessments in social studies under s. 1008.22(3).

315 e. The percentage of eligible students who make Learning
316 Gains in English Language Arts as measured by statewide,
317 standardized assessments administered under s. 1008.22(3).

318 f. The percentage of eligible students who make Learning
319 Gains in mathematics as measured by statewide, standardized

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320 assessments administered under s. 1008.22(3).

321 g. The percentage of eligible students in the lowest 25
322 percent in English Language Arts, as identified by prior year
323 performance on statewide, standardized assessments, who make
324 Learning Gains as measured by statewide, standardized English
325 Language Arts assessments administered under s. 1008.22(3).

326 h. The percentage of eligible students in the lowest 25
327 percent in mathematics, as identified by prior year performance
328 on statewide, standardized assessments, who make Learning Gains
329 as measured by statewide, standardized Mathematics assessments
330 administered under s. 1008.22(3).

331 i. For schools comprised of middle grades 6 through 8 or
332 grades 7 and 8, the percentage of eligible students passing high
333 school level statewide, standardized end-of-course assessments
334 or attaining national industry certifications identified in the
335 CAPE Industry Certification Funding List pursuant to rules
336 adopted by the State Board of Education.

337
338 In calculating Learning Gains for the components listed in sub-
339 subparagraphs e.-h., the State Board of Education shall require
340 that learning growth toward achievement levels 3, 4, and 5 is
341 demonstrated by students who scored below each of those levels
342 in the prior year. In calculating the components in sub-
343 subparagraphs a.-d., the state board shall include the
344 performance of English language learners only if they have been
345 enrolled in a school in the United States for more than 2 years,
346 but may not include students who are recent arrivals to the
347 school district from the Commonwealth of Puerto Rico, the United
348 States Virgin Islands, or any other territory of the United

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349 States where an emergency has been declared due to a natural
350 disaster.

351 2. For a school comprised of grades 9, 10, 11, and 12, or
352 grades 10, 11, and 12, the school's grade shall also be based on
353 the following components, each worth 100 points:

354 a. The 4-year high school graduation rate of the school as
355 defined by state board rule.

356 b. The percentage of students who were eligible to earn
357 college and career credit through College Board Advanced
358 Placement examinations, International Baccalaureate
359 examinations, dual enrollment courses, or Advanced International
360 Certificate of Education examinations; or who, at any time
361 during high school, earned national industry certification
362 identified in the CAPE Industry Certification Funding List,
363 pursuant to rules adopted by the state board.

364 Section 9. Paragraph (c) of subsection (3) of section
365 1011.60, Florida Statutes, is amended to read:

366 1011.60 Minimum requirements of the Florida Education
367 Finance Program.—Each district which participates in the state
368 appropriations for the Florida Education Finance Program shall
369 provide evidence of its effort to maintain an adequate school
370 program throughout the district and shall meet at least the
371 following requirements:

372 (3) EMPLOYMENT POLICIES.—Adopt rules relating to the
373 appointment, promotion, transfer, suspension, and dismissal of
374 personnel.

375 (c) A ~~No~~ salary payment may not ~~shall~~ be paid to any
376 employee in advance of service being rendered; however in the
377 event that a district, or a school within that district, closes

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378 or is ordered to close due to a natural disaster or other
379 emergency, an employee may be paid for such days so long as such
380 time is made up at a later date in the school year.

381 Section 10. Subsection (10) of section 163.360, Florida
382 Statutes, is amended to read:

383 163.360 Community redevelopment plans.—

384 (10) Notwithstanding any other provisions of this part,
385 when the governing body certifies that an area is in need of
386 redevelopment or rehabilitation as a result of an emergency
387 under s. 252.34(5) ~~s. 252.34(4)~~, with respect to which the
388 Governor has certified the need for emergency assistance under
389 federal law, that area may be certified as a “blighted area,”
390 and the governing body may approve a community redevelopment
391 plan and community redevelopment with respect to such area
392 without regard to the provisions of this section requiring a
393 general plan for the county or municipality and a public hearing
394 on the community redevelopment.

395 Section 11. Subsection (1) of section 474.2125, Florida
396 Statutes, is amended to read:

397 474.2125 Temporary license.—

398 (1) The board shall adopt rules providing for the issuance
399 of a temporary license to a licensed veterinarian of another
400 state for the purpose of enabling her or him to provide
401 veterinary medical services in this state for the animals of a
402 specific owner or, as may be needed in an emergency as defined
403 in s. 252.34(5) ~~s. 252.34(4)~~, for the animals of multiple
404 owners, provided the applicant would qualify for licensure by
405 endorsement under s. 474.217. No temporary license shall be
406 valid for more than 30 days after its issuance, and no license

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407 shall cover more than the treatment of the animals of one owner
408 except in an emergency as defined in s. 252.34(5) ~~s. 252.34(4)~~.
409 After the expiration of 30 days, a new license is required.

410 Section 12. Subsection (4) of section 627.659, Florida
411 Statutes, is amended to read:

412 627.659 Blanket health insurance; eligible groups.—Blanket
413 health insurance is that form of health insurance which covers
414 special groups of individuals as enumerated in one of the
415 following subsections:

416 (4) Under a policy or contract issued in the name of a
417 volunteer fire department, first aid group, local emergency
418 management agency as defined in s. 252.34(7) ~~s. 252.34(6)~~, or
419 other group of first responders as defined in s. 112.1815, which
420 is deemed the policyholder, covering all or any grouping of the
421 members or employees of the policyholder or covering all or any
422 participants in an activity or operation sponsored or supervised
423 by the policyholder.

424 Section 13. This act shall take effect July 1, 2018.