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LEGISLATIVE ACTION

Senate

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House

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Senator Rodriguez moved the following:

**Senate Amendment (with title amendment)**

Delete lines 821 - 1088

and insert:

intrusive means. This standard of proof does not apply to  
evacuation orders and anti-looting-related orders issued in  
response to a declared disaster; such orders need only be  
justified under a rational basis standard.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies



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12 within the scope of ss. 252.31-252.90, each county within this  
13 state shall be within the jurisdiction of, and served by, the  
14 division. Except as otherwise provided in ss. 252.31-252.90,  
15 each local emergency management agency shall have jurisdiction  
16 over and serve an entire county. Unless part of an  
17 interjurisdictional emergency management agreement entered into  
18 pursuant to paragraph (3) (b) which is recognized by the Governor  
19 by executive order or rule, each county must establish and  
20 maintain such an emergency management agency and shall develop a  
21 county emergency management plan and program that is coordinated  
22 and consistent with the state comprehensive emergency management  
23 plan and program. Counties that are part of an  
24 interjurisdictional emergency management agreement entered into  
25 pursuant to paragraph (3) (b) which is recognized by the Governor  
26 by executive order or rule shall cooperatively develop an  
27 emergency management plan and program that is coordinated and  
28 consistent with the state comprehensive emergency management  
29 plan and program.

30 (b) Each county emergency management agency created and  
31 established pursuant to ss. 252.31-252.90 shall have a director.  
32 The director must meet the minimum training and education  
33 qualifications established in a job description approved by the  
34 county. The director shall be appointed by the board of county  
35 commissioners or the chief administrative officer of the county,  
36 as described in chapter 125 or the county charter, if  
37 applicable, to serve at the pleasure of the appointing  
38 authority, in conformance with applicable resolutions,  
39 ordinances, and laws. A county constitutional officer, or an  
40 employee of a county constitutional officer, may be appointed as



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41 director following prior notification to the division. Each  
42 board of county commissioners shall promptly inform the division  
43 of the appointment of the director and other personnel. Each  
44 director has direct responsibility for the organization,  
45 administration, and operation of the county emergency management  
46 agency. The director shall coordinate emergency management  
47 activities, services, and programs within the county and shall  
48 serve as liaison to the division and other local emergency  
49 management agencies and organizations.

50 (c) Each county emergency management agency shall perform  
51 emergency management functions within the territorial limits of  
52 the county within which it is organized and, in addition, shall  
53 conduct such activities outside its territorial limits as are  
54 required pursuant to ss. 252.31-252.90 and in accordance with  
55 state and county emergency management plans and mutual aid  
56 agreements. Counties shall serve as liaison for and coordinator  
57 of municipalities' requests for state and federal assistance  
58 during postdisaster emergency operations.

59 (d) During a declared state or local emergency and upon the  
60 request of the director of a local emergency management agency,  
61 the district school board or school boards in the affected area  
62 shall participate in emergency management by providing  
63 facilities and necessary personnel to staff such facilities.  
64 Each school board providing transportation assistance in an  
65 emergency evacuation shall coordinate the use of its vehicles  
66 and personnel with the local emergency management agency.

67 (e) County emergency management agencies may charge and  
68 collect fees for the review of emergency management plans on  
69 behalf of external agencies and institutions. Fees must be



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70 reasonable and may not exceed the cost of providing a review of  
71 emergency management plans in accordance with fee schedules  
72 established by the division.

73 (2) MUNICIPALITIES.—Legally constituted municipalities are  
74 authorized and encouraged to create municipal emergency  
75 management programs. Municipal emergency management programs  
76 shall coordinate their activities with those of the county  
77 emergency management agency. Municipalities without emergency  
78 management programs shall be served by their respective county  
79 agencies. If a municipality elects to establish an emergency  
80 management program, it must comply with all laws, rules, and  
81 requirements applicable to county emergency management agencies.  
82 Each municipal emergency management plan must be consistent with  
83 and subject to the applicable county emergency management plan.  
84 In addition, each municipality must coordinate requests for  
85 state or federal emergency response assistance with its county.  
86 This requirement does not apply to requests for reimbursement  
87 under federal public disaster assistance programs.

88 (3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

89 (a) In carrying out the provisions of ss. 252.31-252.90,  
90 each political subdivision shall have the power and authority:

91 1. To appropriate and expend funds; make contracts; obtain  
92 and distribute equipment, materials, and supplies for emergency  
93 management purposes; provide for the health and safety of  
94 persons and property, including emergency assistance to the  
95 victims of any emergency; and direct and coordinate the  
96 development of emergency management plans and programs in  
97 accordance with the policies and plans set by the federal and  
98 state emergency management agencies.



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99           2. To appoint, employ, remove, or provide, with or without  
100 compensation, coordinators, rescue teams, fire and police  
101 personnel, and other emergency management workers.

102           3. To establish, as necessary, a primary and one or more  
103 secondary emergency operating centers to provide continuity of  
104 government and direction and control of emergency operations.

105           4. To assign and make available for duty the offices and  
106 agencies of the political subdivision, including the employees,  
107 property, or equipment thereof relating to firefighting,  
108 engineering, rescue, health, medical and related services,  
109 police, transportation, construction, and similar items or  
110 services for emergency operation purposes, as the primary  
111 emergency management forces of the political subdivision for  
112 employment within or outside the political limits of the  
113 subdivision.

114           5. To request state assistance or invoke emergency-related  
115 mutual-aid assistance by declaring a state of local emergency in  
116 the event of an emergency affecting only one political  
117 subdivision. The duration of each state of emergency declared  
118 locally is limited to 7 days; it may be extended, as necessary,  
119 in 7-day increments. Further, the political subdivision has the  
120 power and authority to waive the procedures and formalities  
121 otherwise required of the political subdivision by law  
122 pertaining to:

123           a. Performance of public work and taking whatever prudent  
124 action is necessary to ensure the health, safety, and welfare of  
125 the community.

126           b. Entering into contracts.

127           c. Incurring obligations.



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128           d. Employment of permanent and temporary workers.  
129           e. Utilization of volunteer workers.  
130           f. Rental of equipment.  
131           g. Acquisition and distribution, with or without  
132 compensation, of supplies, materials, and facilities.  
133           h. Appropriation and expenditure of public funds.  
134           (b) Upon the request of two or more adjoining counties, or  
135 if the Governor finds that two or more adjoining counties would  
136 be better served by an interjurisdictional arrangement than by  
137 maintaining separate emergency management agencies and services,  
138 the Governor may delineate by executive order or rule an  
139 interjurisdictional area adequate to plan for, prevent,  
140 mitigate, or respond to emergencies in such area and may direct  
141 steps to be taken as necessary, including the creation of an  
142 interjurisdictional relationship, a joint emergency plan, a  
143 provision for mutual aid, or an area organization for emergency  
144 planning and services. A finding of the Governor pursuant to  
145 this paragraph shall be based on one or more factors related to  
146 the difficulty of maintaining an efficient and effective  
147 emergency prevention, mitigation, preparedness, response, and  
148 recovery system on a unijurisdictional basis, such as:  
149           1. Small or sparse population.  
150           2. Limitations on public financial resources severe enough  
151 to make maintenance of a separate emergency management agency  
152 and services unreasonably burdensome.  
153           3. Unusual vulnerability to emergencies as evidenced by a  
154 past history of emergencies, topographical features, drainage  
155 characteristics, emergency potential, and presence of emergency-  
156 prone facilities or operations.



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157           4. The interrelated character of the counties in a  
158 multicounty area.

159           5. Other relevant conditions or circumstances.

160           (4) INVALIDATION OF CERTAIN EMERGENCY MEASURES.—The  
161 Governor, or the Legislature by concurrent resolution, may at  
162 any time invalidate an order, an ordinance, a proclamation, a  
163 rule, or any other measure issued by a political subdivision to  
164 address a purported emergency if the Governor or the Legislature  
165 determines that such order unnecessarily restricts a  
166 constitutional right, a fundamental liberty, or a statutory  
167 right.

168           Section 13. Subsections (1), (2), and (3) of section  
169 252.385, Florida Statutes, are amended to read:

170           252.385 Public shelter space.—

171           (1) It is the intent of the Legislature that this state not  
172 have a deficit of safe public hurricane evacuation shelter space  
173 in any region of the state ~~by 1998 and thereafter.~~

174           (2) (a) The division shall administer a program to survey  
175 existing schools, universities, community colleges, and other  
176 state-owned, municipally owned, and county-owned public  
177 buildings and any private facility that the owner, in writing,  
178 agrees to provide for use as a public hurricane evacuation  
179 shelter to identify those that are appropriately designed and  
180 located to serve as such shelters. The owners of the facilities  
181 must be given the opportunity to participate in the surveys. The  
182 state university boards of trustees, district school boards,  
183 community college boards of trustees, and the Department of  
184 Education are responsible for coordinating and implementing the  
185 survey of public schools, universities, and community colleges



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186 with the division or the local emergency management agency.

187 (b) By January 31 of each even-numbered year, the division  
188 shall prepare and submit a statewide emergency shelter plan to  
189 the Governor and Cabinet for approval, subject to the  
190 requirements for approval in s. 1013.37(2). The emergency  
191 shelter plan must project, for each of the next 5 years, the  
192 hurricane shelter needs of the state, including periods of time  
193 during which a concurrent public health emergency may  
194 necessitate more space for each individual to accommodate  
195 physical distancing. In addition to information on the general  
196 shelter needs throughout this state, the plan must shall  
197 identify the general location and square footage of special  
198 needs shelters, by regional planning council region, ~~during the~~  
199 ~~next 5 years~~. The plan must shall also include information on  
200 the availability of shelters that accept pets. The Department of  
201 Health shall assist the division in determining the estimated  
202 need for special needs shelter space and the adequacy of  
203 facilities to meet the needs of persons with special needs based  
204 on information from the registries of persons with special needs  
205 and other information.

206 (3) The division shall annually provide to the President of  
207 the Senate, the Speaker of the House of Representatives, and the  
208 Governor a list of facilities recommended to be retrofitted  
209 using state funds. State funds should be maximized and targeted  
210 to regional planning council regions with hurricane evacuation  
211 shelter deficits. ~~Retrofitting facilities in regions with public~~  
212 ~~hurricane evacuation shelter deficits shall be given first~~  
213 ~~priority and should be completed by 2003. All recommended~~  
214 ~~facilities should be retrofitted by 2008.~~ The owner or lessee of





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215 a public hurricane evacuation shelter that is included on the  
216 list of facilities recommended for retrofitting is not required  
217 to perform any recommended improvements.

218 Section 14. Subsection (1) of section 252.44, Florida  
219 Statutes, is amended to read:

220 252.44 Emergency mitigation.—

221 (1) In addition to prevention measures included in the  
222 state and local comprehensive emergency management plans, the  
223 Governor shall consider on a continuing basis steps that could  
224 be taken to mitigate the harmful consequences of emergencies. At  
225 the Governor's direction and pursuant to any other authority and  
226 competence they have, state agencies, including, but not limited  
227 to, those charged with responsibilities in connection with  
228 protecting and maintaining the public health, flood plain  
229 management, stream encroachment and flow regulation, weather  
230 modification, fire prevention and control, air quality, public  
231 works, land use and land use planning, and construction  
232 standards, shall make studies of emergency-mitigation-related  
233 matters. The Governor, from time to time, shall make such  
234 recommendations to the Legislature, local governments, and other  
235 appropriate public and private entities as may facilitate  
236 measures for mitigation of the harmful consequences of  
237 emergencies.

238 Section 15. Present subsection (3) of section 252.46,  
239 Florida Statutes, is redesignated as subsection (6), a new  
240 subsection (3) and subsections (4) and (5) are added to that  
241 section, and subsection (2) of that section is amended, to read:

242 252.46 Orders and rules.—

243 (2) All orders and rules adopted by the division or any



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244 political subdivision or other agency authorized by ss. 252.31-  
245 252.90 to make orders and rules have full force and effect of  
246 law after adoption in accordance with ~~the provisions of~~ chapter  
247 120 in the event of issuance by the division or any state agency  
248 or, if adopted ~~promulgated~~ by a political subdivision of the  
249 state or agency thereof, when filed in the office of the clerk  
250 or recorder of the political subdivision or agency adopting  
251 ~~promulgating~~ the same. Failure of a political subdivision to  
252 file any such order or rule with the office of the clerk or  
253 recorder within 3 days after issuance voids the order or rule.  
254 All existing laws, ordinances, and rules inconsistent with ~~the~~  
255 ~~provisions of~~ ss. 252.31-252.90, or any order or rule issued  
256 under the authority of ss. 252.31-252.90, must ~~shall~~ be  
257 suspended during the period of time and to the extent that such  
258 conflict exists.

259 (3) Emergency ordinances, declarations, and orders adopted  
260 by a political subdivision under the authority of ss. 252.31-  
261 252.90, including those enacted by a municipality pursuant to s.  
262 166.041(3)(b), must be available on a dedicated webpage  
263 accessible through a conspicuous link on the political  
264 subdivision's homepage. The dedicated webpage must identify the  
265 emergency ordinances, declarations, and orders currently in  
266 effect. Each political subdivision adopting emergency  
267 ordinances, declarations, or orders must provide the division  
268 with the link to the political subdivision's dedicated webpage.  
269 The division must include these links in an easily identifiable  
270 format on its website.

271 (4) An order issued by a political subdivision  
272 automatically expires 10 days after its issuance; however, such



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273 an order may be extended before its expiration by a majority  
274 vote of the governing body of the political subdivision if  
275 deemed necessary. Governing bodies conducting such a vote may  
276 convene by means of communications media technology as defined  
277 in s. 120.54(5)(b) to establish a quorum, if necessary. Upon the  
278 expiration of an order, a political

279

280 ===== T I T L E   A M E N D M E N T =====

281 And the title is amended as follows:

282       Delete line 118

283 and insert:

284       met; authorizing governing bodies to convene by means  
285       of communications media technology to establish a  
286       quorum; prohibiting a political subdivision from  
287       issuing