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A bill to be entitled

An act relating to the Division of Emergency Management; transferring the division to the Executive Office of the Governor and renaming it the "Office of Emergency Management"; creating s. 14.2016, F.S.; establishing the Office of Emergency Management in the Executive Office of the Governor; amending ss. 20.18 and 125.01045, F.S.; conforming provisions to changes made by the act; amending s. 215.559, F.S.; revising the membership of the Hurricane Loss Mitigation Program's advisory group; conforming provisions to changes made by the act; amending ss. 163.3178, 166.0446, 215.5586, 252.32, 252.34, 252.35, 252.355, 252.61, 252.82, 252.936, 252.937, 252.943, 252.946, 282.34, 282.709, 311.115, 526.143, 526.144, 627.0628, 768.13, 943.03, 943.03101, 943.0312, and 943.0313, F.S.; conforming provisions to changes made by the act; amending ss. 112.3135, 119.071, 163.03, 163.360, 175.021, 186.505, 216.231, 250.06, 339.135, and 429.907, F.S.; conforming cross-references; providing a directive to the Division of Statutory Revision; providing an effective date.

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

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

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renamed the Office of Emergency Management.

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

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

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

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

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

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

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

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

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

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

125.01045 Prohibition of fees for first responder services.—

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

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

215.559 Hurricane Loss Mitigation Program.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

221        163.3178 Coastal management.—

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



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pursuant to general or special law; and contain:

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

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

166.0446 Prohibition of fees for first responder services.—

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

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

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

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

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

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

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

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

252.32 Policy and purpose.—

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

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

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

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

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

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

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

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

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

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

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

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

(a) Reduction of vulnerability of people and communities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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449 goods.

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

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

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

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

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

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

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of every even-numbered year.

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

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

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

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

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

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

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

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

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

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

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

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533 that they are available to persons with disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

252.355 Registry of persons with special needs; notice.—

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

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

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

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

252.82 Definitions.—As used in this part:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

252.937 Department powers and duties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

774 252.943 Public records.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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897 channels in the statewide radio communication system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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526.143, Florida Statutes, are amended to read:

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

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

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

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

(3)

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

(4)

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

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

1020           Section 23. Paragraph (a) of subsection (1) and paragraph

1021 (b) of subsection (4) of section 526.144, Florida Statutes, are

1022 amended to read:

1023           526.144 Florida Disaster Motor Fuel Supplier Program.—

1024           (1) (a) There is created the Florida Disaster Motor Fuel

1025 Supplier Program within the Office of Emergency Management

1026 ~~Department of Community Affairs~~.

1027           (4)

1028           (b) Notwithstanding any other law or other ordinance and

1029 for the purpose of ensuring an appropriate emergency management

1030 response following major disasters in this state, the regulation

1031 of all other retail establishments participating in such

1032 response is ~~shall be~~ as follows:

1033           1. Regulation of retail establishments that meet the

1034 standards created by the Office ~~Division~~ of Emergency Management

1035 in the report required in s. 8, chapter 2006-71, Laws of

1036 Florida, by July 1, 2007, is preempted to the state and until

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

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

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

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

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

(2) COMMISSION CREATED.—

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

1. The insurance consumer advocate.

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

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

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

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

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

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director of the office.

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

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

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

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

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

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

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

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

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

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

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

1102       943.03 Department of Law Enforcement.—

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

1120       Section 27. Section 943.03101, Florida Statutes, is



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amended to read:

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

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

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

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

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

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

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

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

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

(1) MEMBERSHIP.—

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

1. The executive director of the Department of Law

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

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Preparedness Association.

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

(2) ORGANIZATION.—

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

(4) EXECUTIVE COMMITTEE.—

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

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

112.3135 Restriction on employment of relatives.—

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

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

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

(2) AGENCY INVESTIGATIONS.—

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency ~~emergencies~~, as defined in s.

252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Department of Community Affairs as having an official need for access to the inventory or comprehensive policies or plans.

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

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

(1) The Secretary of Community Affairs shall:

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

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public and private agencies.

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

163.360 Community redevelopment plans.—

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

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

175.021 Legislative declaration.—

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

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

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

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

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

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

216.231 Release of certain classified appropriations.—

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



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

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

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

1372 250.06 Commander in chief.—

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

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

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

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

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

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

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

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

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

1421 (2)

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

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

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

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

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

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

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