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1 A bill to be entitled

2 An act relating to the Division of Emergency Management;
3 transferring the division to the Executive Office of the
4 Governor and renaming it the "Office of Emergency
5 Management"; creating s. 14.2016, F.S.; establishing the
6 Office of Emergency Management in the Executive Office of
7 the Governor; amending ss. 20.18 and 125.01045, F.S.;
8 conforming provisions to changes made by the act; amending
9 s. 215.559, F.S.; extending the expiration date of the
10 Hurricane Loss Mitigation Program; revising the membership
11 of the program's advisory group; deleting provisions
12 authorizing the use of funds for specified hurricane
13 shelters for the 2010-2011 fiscal year; conforming
14 provisions to changes made by the act; amending ss.
15 163.3178, 166.0446, 215.5586, 252.32, 252.34, 252.35,
16 252.355, 252.61, 252.82, 252.936, 252.937, 252.943,
17 252.946, 282.34, 282.709, 311.115, 526.143, 526.144,
18 627.0628, 768.13, 943.03, 943.03101, 943.0312, and
19 943.0313, F.S.; conforming provisions to changes made by
20 the act; amending ss. 112.3135, 119.071, 163.03, 163.360,
21 175.021, 186.505, 216.231, 250.06, 339.135, and 429.907,
22 F.S.; conforming cross-references; providing a directive
23 to the Division of Statutory Revision; providing effective
24 dates.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Effective July 1, 2011, the Division of

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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 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, and shall prepare and submit a budget request in accordance with chapter 216. 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. The office shall administer programs to apply rapidly all available aid to communities stricken by an emergency as defined in s. 252.34 and, for this purpose, provide liaison with federal agencies and other public and private agencies.

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,~~

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

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

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

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

74 125.01045 Prohibition of fees for first responder
75 services.—

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

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85 and (5).

86 Section 5. Effective upon this act becoming a law,
87 subsection (9) of section 215.559, Florida Statutes, is amended
88 to read:

89 215.559 Hurricane Loss Mitigation Program.—

90 (9) This section is repealed June 30, 2021 ~~2011~~.

91 Section 6. Section 215.559, Florida Statutes, as amended
92 by this act, is amended to read:

93 215.559 Hurricane Loss Mitigation Program.—

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

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

98 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
99 office ~~Department of Community Affairs~~ for the purposes set
100 forth in this section. Of that amount:

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

109 (b) Three million dollars in funds ~~provided in subsection~~
110 ~~(1)~~ shall be used to retrofit existing facilities used as public
111 hurricane shelters. Each year the office shall ~~department must~~
112 prioritize the use of these funds for projects included in the

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113 annual report of the September 1, 2000, version of the Shelter
114 Retrofit Report prepared in accordance with s. 252.385(3), and
115 each annual report thereafter. The office department must give
116 funding priority to projects in regional planning council
117 regions that have shelter deficits and to projects that maximize
118 the use of state funds.

119 (2)(3)(a) Forty percent of the total appropriation in
120 paragraph (1)(a) ~~(2)(a)~~ shall be used to inspect and improve
121 tie-downs for mobile homes.

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

140 2. The program shall be a grant program that ensures that

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141 entire manufactured home communities and mobile home parks may
142 be improved wherever practicable. The moneys appropriated for
143 this program shall be distributed directly to Tallahassee
144 Community College for the uses set forth under this subsection.

145 3. Upon evidence of completion of the program, the
146 Citizens Property Insurance Corporation shall grant, on a pro
147 rata basis, actuarially reasonable discounts, credits, or other
148 rate differentials or appropriate reductions in deductibles for
149 the properties of owners of manufactured homes or mobile homes
150 on which fixtures or construction techniques that have been
151 demonstrated to reduce the amount of loss in a windstorm have
152 been installed or implemented. The discount on the premium must
153 be applied to subsequent renewal premium amounts. Premiums of
154 the Citizens Property Insurance Corporation must reflect the
155 location of the home and the fact that the home has been
156 installed in compliance with building codes adopted after
157 Hurricane Andrew. Rates resulting from the completion of the
158 Manufactured Housing and Mobile Home Mitigation and Enhancement
159 Program are not considered competitive rates for the purposes of
160 s. 627.351(6)(d)1. and 2.

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

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products to owners of manufactured or mobile homes.

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

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

(4) ~~(5)~~ Except for the programs set forth in subsection (3) ~~(4)~~, The office ~~Department of Community Affairs~~ shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the

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197 Florida Home Builders Association, a representative designated
198 by the Florida Insurance Council, a representative designated by
199 the Federation of Manufactured Home Owners, a representative
200 designated by the Florida Association of Counties, ~~and a~~
201 representative designated by the Florida Manufactured Housing
202 Association, and a representative designated by the Florida
203 Building Commission.

204 ~~(5)(6)~~ Moneys provided to the office ~~Department of~~
205 ~~Community Affairs~~ under this section are intended to supplement,
206 not supplant, the office's other funding sources of the
207 ~~Department of Community Affairs and may not supplant other~~
208 ~~funding sources of the Department of Community Affairs.~~

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

224 ~~(8)(a)~~ Notwithstanding any other provision of this section

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225 ~~and for the 2010-2011 fiscal year only, the \$3 million~~
226 ~~appropriation provided for in paragraph (2)(b) may be used for~~
227 ~~hurricane shelters as identified in the General Appropriations~~
228 ~~Act.~~

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

230 (7)(9) This section is repealed June 30, 2021.

231 Section 7. Paragraph (d) of subsection (2) of section
232 163.3178, Florida Statutes, is amended to read:

233 163.3178 Coastal management.—

234 (2) Each coastal management element required by s.
235 163.3177(6)(g) shall be based on studies, surveys, and data; be
236 consistent with coastal resource plans prepared and adopted
237 pursuant to general or special law; and contain:

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

249 Section 8. Subsection (1) of section 166.0446, Florida
250 Statutes, is amended to read:

251 166.0446 Prohibition of fees for first responder
252 services.—

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

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:

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(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 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 10. 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

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

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

(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~~

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337 ~~of the Department of Community Affairs, or the successor to that~~
338 ~~division.~~

339 (2)~~(3)~~ "Emergency" means any occurrence, or threat
340 thereof, whether natural, technological, or manmade, in war or
341 in peace, which results or may result in substantial injury or
342 harm to the population or substantial damage to or loss of
343 property.

344 (3)~~(4)~~ "Emergency management" means the preparation for,
345 the mitigation of, the response to, and the recovery from
346 emergencies and disasters. Specific emergency management
347 responsibilities include, but are not limited to:

348 (a) Reduction of vulnerability of people and communities
349 of this state to damage, injury, and loss of life and property
350 resulting from natural, technological, or manmade emergencies or
351 hostile military or paramilitary action.

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

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

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

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

363 (f) Assistance in anticipation, recognition, appraisal,
364 prevention, and mitigation of emergencies which may be caused or

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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 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 12. 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

393 ~~coordinating the. The division is responsible for coordination~~
394 ~~with~~ efforts of the Federal Government with other departments
395 and agencies of state government, with county and municipal
396 governments and school boards, and with private agencies that
397 have a role in emergency management.

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

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

414 1. Include an evacuation component that includes specific
415 regional and interregional planning provisions and promotes
416 intergovernmental coordination of evacuation activities. This
417 component must, at a minimum: contain guidelines for lifting
418 tolls on state highways; ensure coordination pertaining to
419 evacuees crossing county lines; set forth procedures for
420 directing people caught on evacuation routes to safe shelter;

421 establish strategies for ensuring sufficient, reasonably priced
422 fueling locations along evacuation routes; and establish
423 policies and strategies for emergency medical evacuations.

424 2. Include a shelter component that includes specific
425 regional and interregional planning provisions and promotes
426 coordination of shelter activities between the public, private,
427 and nonprofit sectors. This component must, at a minimum:
428 contain strategies to ensure the availability of adequate public
429 shelter space in each region of the state; establish strategies
430 for refuge-of-last-resort programs; provide strategies to assist
431 local emergency management efforts to ensure that adequate
432 staffing plans exist for all shelters, including medical and
433 security personnel; provide for a postdisaster communications
434 system for public shelters; establish model shelter guidelines
435 for operations, registration, inventory, power generation
436 capability, information management, and staffing; and set forth
437 policy guidance for sheltering people with special needs.

438 3. Include a postdisaster response and recovery component
439 that includes specific regional and interregional planning
440 provisions and promotes intergovernmental coordination of
441 postdisaster response and recovery activities. This component
442 must provide for postdisaster response and recovery strategies
443 according to whether a disaster is minor, major, or
444 catastrophic. The postdisaster response and recovery component
445 must, at a minimum: establish the structure of the state's
446 postdisaster response and recovery organization; establish
447 procedures for activating the state's plan; set forth policies
448 used to guide postdisaster response and recovery activities;

449 describe the chain of command during the postdisaster response
450 and recovery period; describe initial and continuous
451 postdisaster response and recovery actions; identify the roles
452 and responsibilities of each involved agency and organization;
453 provide for a comprehensive communications plan; establish
454 procedures for monitoring mutual aid agreements; provide for
455 rapid impact assessment teams; ensure the availability of an
456 effective statewide urban search and rescue program coordinated
457 with the fire services; ensure the existence of a comprehensive
458 statewide medical care and relief plan administered by the
459 Department of Health; and establish systems for coordinating
460 volunteers and accepting and distributing donated funds and
461 goods.

462 4. Include additional provisions addressing aspects of
463 preparedness, response, recovery, and mitigation as determined
464 necessary by the office ~~division~~.

465 5. Address the need for coordinated and expeditious
466 deployment of state resources, including the Florida National
467 Guard. In the case of an imminent major disaster, procedures
468 should address predeployment of the Florida National Guard, and,
469 in the case of an imminent catastrophic disaster, procedures
470 should address predeployment of the Florida National Guard and
471 the United States Armed Forces.

472 6. Establish a system of communications and warning to
473 ensure that the state's population and emergency management
474 agencies are warned of developing emergency situations and can
475 communicate emergency response decisions.

476 7. Establish guidelines and schedules for annual exercises

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477 that evaluate the ability of the state and its political
478 subdivisions to respond to minor, major, and catastrophic
479 disasters and support local emergency management agencies. Such
480 exercises must ~~shall~~ be coordinated with local governments and,
481 to the extent possible, the Federal Government.

482 8. Assign lead and support responsibilities to state
483 agencies and personnel for emergency support functions and other
484 support activities.

485
486 The complete state comprehensive emergency management plan must
487 ~~shall~~ be submitted to the President of the Senate, the Speaker
488 of the House of Representatives, and the Governor on February 1
489 of every even-numbered year.

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

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

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

504 (e) Cooperate with the President, the heads of the Armed

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

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

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

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533 252.90.

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

536 (i) Institute statewide public awareness programs. This
537 shall include an intensive public educational campaign on
538 emergency preparedness issues, including, but not limited to,
539 the personal responsibility of individual citizens to be self-
540 sufficient for up to 72 hours following a natural or manmade
541 disaster. The public educational campaign must ~~shall~~ include
542 relevant information on statewide disaster plans, evacuation
543 routes, fuel suppliers, and shelters. All educational materials
544 must be available in alternative formats and mediums to ensure
545 that they are available to persons with disabilities.

546 (j) In cooperation with ~~The Division of Emergency~~
547 ~~Management and~~ the Department of Education, ~~shall~~ coordinate
548 with the Agency for Persons with Disabilities to provide an
549 educational outreach program on disaster preparedness and
550 readiness to individuals who have limited English skills and
551 identify persons who are in need of assistance but are not
552 defined under special-needs criteria.

553 (k) Prepare and distribute to appropriate state and local
554 officials catalogs of federal, state, and private assistance
555 programs.

556 (l) Coordinate federal, state, and local emergency
557 management activities and take all other steps, including the
558 partial or full mobilization of emergency management forces and
559 organizations in advance of an actual emergency, to ensure the
560 availability of adequately trained and equipped forces of

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561 emergency management personnel before, during, and after
562 emergencies and disasters.

563 (m) Establish a schedule of fees that may be charged by
564 local emergency management agencies for review of emergency
565 management plans on behalf of external agencies and
566 institutions. In establishing such schedule, the office ~~division~~
567 shall consider facility size, review complexity, and other
568 factors.

569 (n) Implement training programs to improve the ability of
570 state and local emergency management personnel to prepare and
571 implement emergency management plans and programs. This includes
572 ~~shall include~~ a continuous training program for agencies and
573 individuals that will be called on to perform key roles in state
574 and local postdisaster response and recovery efforts and for
575 local government personnel on federal and state postdisaster
576 response and recovery strategies and procedures.

577 (o) ~~Review~~ Periodically review emergency operating
578 procedures of state agencies and recommend revisions as needed
579 to ensure consistency with the state comprehensive emergency
580 management plan and program.

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

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

588 (r) Cooperate with the Federal Government and any public

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589 or private agency or entity in achieving any purpose of ss.
590 252.31-252.90 and in implementing programs for mitigation,
591 preparation, response, and recovery.

592 (s) ~~By January 1, 2007, the Division of Emergency~~
593 ~~Management shall~~ Complete an inventory of portable generators
594 owned by the state and local governments which are capable of
595 operating during a major disaster. The inventory must identify,
596 at a minimum, the location of each generator, the number of
597 generators stored at each specific location, the agency to which
598 each generator belongs, the primary use of the generator by the
599 owner agency, and the names, addresses, and telephone numbers of
600 persons having the authority to loan the stored generators as
601 authorized by the office ~~Division of Emergency Management~~ during
602 a declared emergency.

603 (t) ~~The division shall~~ Maintain an inventory list of
604 generators owned by the state and local governments. In
605 addition, the office ~~division~~ may keep a list of private
606 entities, along with appropriate contact information, which
607 offer generators for sale or lease. The list of private entities
608 shall be available to the public for inspection in written and
609 electronic formats.

610 (u) Assist political subdivisions with the creation and
611 training of urban search and rescue teams and promote the
612 development and maintenance of a state urban search and rescue
613 program.

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

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

(x) In accordance with chapter 120, create, implement, administer, adopt, amend, and rescind rules, programs, and plans needed to carry out the provisions of ss. 252.31-252.90 with due consideration for, and in cooperating with, the plans and programs of the Federal Government. In addition, the office ~~division~~ may adopt rules in accordance with chapter 120 to administer and distribute federal financial predisaster and 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 13. 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 14. 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

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645 Management ~~Department of Community Affairs~~ shall maintain a list
646 of contact persons ~~after the survey pursuant to s. 403.771 is~~
647 ~~completed.~~

648 Section 15. Section 252.82, Florida Statutes, is amended
649 to read:

650 252.82 Definitions.—As used in this part:

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

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

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

658 ~~(3)(4)~~ (3) "Facility" means facility as defined in s. 329 of
659 EPCRA. Vehicles placarded according to title 49 Code of Federal
660 Regulations are ~~shall~~ not ~~be~~ considered a facility except for
661 purposes of s. 304 of EPCRA.

662 ~~(4)(5)~~ (4) "Hazardous material" means any hazardous chemical,
663 toxic chemical, or extremely hazardous substance, as defined in
664 s. 329 of EPCRA.

665 ~~(5)(6)~~ (5) "EPCRA" means the Emergency Planning and Community
666 Right-to-Know Act of 1986, title III of the Superfund Amendments
667 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-
668 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
669 adopted thereunder.

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

672 (7) "Trust fund" means the Operating Trust Fund of the

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office ~~Department of Community Affairs.~~

Section 16. 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 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)~~ (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

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701 ~~office established in the department's Division of Emergency~~
702 ~~Management.~~

703 Section 17. Section 252.937, Florida Statutes, is amended
704 to read:

705 252.937 Department powers and duties.—

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

707 (a)1. Seek delegation from the United States Environmental
708 Protection Agency to implement the Accidental Release Prevention
709 Program under s. 112(r)(7) of the Clean Air Act and the federal
710 implementing regulations for specified sources subject to s.
711 112(r)(7) of the Clean Air Act. Implementation for all other
712 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
713 be performed by the United States Environmental Protection
714 Agency; and

715 2. Ensure the timely submission of Risk Management Plans
716 and any subsequent revisions of Risk Management Plans.

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

723 (c) Make and execute contracts and other agreements
724 necessary or convenient to the administration ~~implementation~~ of
725 this part.

726 (d) Coordinate its activities under this part with its
727 other emergency management responsibilities, including its
728 responsibilities and activities under parts I, II, and III of

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729 this chapter and with the related activities of other state and
730 local agencies, keeping separate accounts for all activities
731 conducted under this part which are supported or partially
732 supported from the trust fund.

733 (e) Establish, with the advice and consent of the
734 commission, a technical assistance and outreach program ~~on or~~
735 ~~before January 31, 1999,~~ to assist owners and operators of
736 specified stationary sources subject to s. 112(r)(7) in
737 complying with the reporting and fee requirements of this part.
738 This program is designed to facilitate and ensure timely
739 submission of proper certifications or compliance schedules and
740 timely submission and registration of Risk Management Plans and
741 revised registrations and Risk Management Plans if ~~when~~ required
742 for these sources.

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

746 (2) To ensure that this program is self-supporting, the
747 office ~~department~~ shall provide administrative support,
748 including staff, facilities, materials, and services to
749 implement this part for specified stationary sources subject to
750 s. 252.939 and ~~shall~~ provide necessary funding to local
751 emergency planning committees and county emergency management
752 agencies for work performed to implement this part. Each state
753 agency with regulatory, inspection, or technical assistance
754 programs for specified stationary sources subject to this part
755 shall enter into a memorandum of understanding with the office
756 ~~department~~ which specifically outlines how each agency's staff,

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757 facilities, materials, and services will be used ~~utilized~~ to
758 support implementation. ~~At a minimum, these agencies and~~
759 ~~programs include: the Department of Environmental Protection's~~
760 ~~Division of Air Resources Management and Division of Water~~
761 ~~Resource Management, and the Department of Labor and Employment~~
762 ~~Security's Division of Safety.~~ It is the Legislature's intent to
763 implement this part as efficiently and economically as possible,
764 using existing expertise and resources, if available and
765 appropriate.

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

777 (4) To promote efficient administration of this program
778 and specified stationary sources, ~~the only~~ the office ~~agency~~
779 ~~which~~ may seek delegation from the United States Environmental
780 Protection Agency for this program ~~is the Florida Department of~~
781 ~~Community Affairs.~~ Further, the office may ~~Florida Department of~~
782 ~~Community Affairs shall~~ not delegate this program to any local
783 environmental agency.

784 Section 18. Section 252.943, Florida Statutes, is amended

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785 to read:

786 252.943 Public records.—

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

806 (2) The office ~~department~~ shall protect records, reports,
807 or information or particular parts thereof, other than release
808 or emissions data, obtained from an investigation, inspection,
809 or audit from public disclosure pursuant to ss. 112(r) and
810 114(c) of the federal Clean Air Act and authorities cited
811 therein, based upon a showing satisfactory to the Administrator
812 of the United States Environmental Protection Agency, by any

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owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the office ~~department~~ are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to a court ~~an order of~~ ~~court~~.

Section 19. Section 252.946, Florida Statutes, is amended to read:

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

Section 20. Paragraph (a) of subsection (4) of section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A state e-mail system that includes the delivery and support of e-mail, messaging, and

841 calendaring capabilities is established as an enterprise
842 information technology service as defined in s. 282.0041. The
843 service shall be designed to meet the needs of all executive
844 branch agencies. The primary goals of the service are to
845 minimize the state investment required to establish, operate,
846 and support the statewide service; reduce the cost of current e-
847 mail operations and the number of duplicative e-mail systems;
848 and eliminate the need for each state agency to maintain its own
849 e-mail staff.

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

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

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

866 2. Phase 2.—The following agencies must be completely
867 migrated to the statewide e-mail system by June 30, 2013: the
868 Department of Business and Professional Regulation; the

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Department of Education, including the Board of Governors; the Department of Environmental Protection; the Department of Juvenile Justice; the Department of the Lottery; the Department of State; the Department of Law Enforcement; the Department of Veterans' Affairs; the Judicial Administration Commission; the Public Service Commission; and the Statewide Guardian Ad Litem Office.

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

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

Section 21. Paragraphs (a) and (d) of subsection (1) and subsection (4) of section 282.709, Florida Statutes, are amended to read:

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

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897 (1) The department may acquire and administer a statewide
898 radio communications system to serve law enforcement units of
899 state agencies, and to serve local law enforcement agencies
900 through mutual aid channels.

901 (a) The department shall, in conjunction with the
902 Department of Law Enforcement and the Office ~~Division~~ of
903 Emergency Management ~~of the Department of Community Affairs,~~
904 establish policies, procedures, and standards to be incorporated
905 into a comprehensive management plan for the use and operation
906 of the statewide radio communications system.

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

910 1. In implementing such powers and duties, the department
911 shall consult and act in conjunction with the Department of Law
912 Enforcement and the Office ~~Division~~ of Emergency Management ~~of~~
913 ~~the Department of Community Affairs,~~ and shall manage and
914 administer the mutual aid channels in a manner that reasonably
915 addresses the needs and concerns of the involved law enforcement
916 agencies and emergency response agencies and entities.

917 2. The department may make the mutual aid channels
918 available to federal agencies, state agencies, and agencies of
919 the political subdivisions of the state for the purpose of
920 public safety and domestic security.

921 (4) The department may create and administer an
922 interoperability network to enable interoperability between
923 various radio communications technologies and to serve federal
924 agencies, state agencies, and agencies of political subdivisions

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925 of the state for the purpose of public safety and domestic
926 security.

927 (a) The department shall, in conjunction with the
928 Department of Law Enforcement and the Office ~~Division~~ of
929 Emergency Management ~~of the Department of Community Affairs~~,
930 exercise its powers and duties pursuant to this chapter to plan,
931 manage, and administer the interoperability network. The office
932 may:

933 1. Enter into mutual aid agreements among federal
934 agencies, state agencies, and political subdivisions of the
935 state for the use of the interoperability network.

936 2. Establish the cost of maintenance and operation of the
937 interoperability network and charge subscribing federal and
938 local law enforcement agencies for access and use of the
939 network. The department may not charge state law enforcement
940 agencies identified in paragraph (2)(a) to use the network.

941 3. In consultation with the Department of Law Enforcement
942 and the Office ~~Division~~ of Emergency Management ~~of the~~
943 ~~Department of Community Affairs~~, amend and enhance the statewide
944 radio communications system as necessary to implement the
945 interoperability network.

946 (b) The department, in consultation with the Joint Task
947 Force on State Agency Law Enforcement Communications, and in
948 conjunction with the Department of Law Enforcement and the
949 Office ~~Division~~ of Emergency Management ~~of the Department of~~
950 ~~Community Affairs~~, shall establish policies, procedures, and
951 standards to incorporate into a comprehensive management plan
952 for the use and operation of the interoperability network.

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953 Section 22. Paragraph (1) of subsection (1) of section
954 311.115, Florida Statutes, is amended to read:

955 311.115 Seaport Security Standards Advisory Council.—The
956 Seaport Security Standards Advisory Council is created under the
957 Office of Drug Control. The council shall serve as an advisory
958 council as provided in s. 20.03(7).

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

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

963 Section 23. Subsections (1) and (2), paragraph (b) of
964 subsection (3), and paragraph (b) of subsection (4) of section
965 526.143, Florida Statutes, are amended to read:

966 526.143 Alternate generated power capacity for motor fuel
967 dispensing facilities.—

968 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
969 defined in s. 526.303(16), and each wholesaler, as defined in s.
970 526.303(17), which sells motor fuel in this state must be
971 capable of operating its distribution loading racks using an
972 alternate generated power source for a minimum of 72 hours.
973 Pending a postdisaster examination of the equipment by the
974 operator to determine any extenuating damage that would render
975 it unsafe to use, the facility must have such alternate
976 generated power source available for operation within ~~no later~~
977 ~~than~~ 36 hours after a major disaster as defined in s. 252.34.
978 Installation of appropriate wiring, including a transfer switch,
979 shall be performed by a certified electrical contractor. Each
980 business that is subject to this subsection must keep a copy of

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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, 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)

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(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:

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

Section 24. Paragraph (a) of subsection (1) and paragraph (b) of subsection (4) of section 526.144, Florida Statutes, are amended to read:

526.144 Florida Disaster Motor Fuel Supplier Program.—

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

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Supplier Program within the Office of Emergency Management
~~Department of Community Affairs.~~

(4)

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

1. Regulation of retail establishments that meet the standards created by the Office ~~Division~~ of Emergency Management in the report required in s. 8, chapter 2006-71, Laws of Florida, by July 1, 2007, is preempted to the state and until 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 25. 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:

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- 1065 1. The insurance consumer advocate.
- 1066 2. The senior employee of the State Board of
- 1067 Administration responsible for operations of the Florida
- 1068 Hurricane Catastrophe Fund.
- 1069 3. The Executive Director of the Citizens Property
- 1070 Insurance Corporation.
- 1071 4. The Director of the Office ~~Division~~ of Emergency
- 1072 Management ~~of the Department of Community Affairs~~.
- 1073 5. The actuary member of the Florida Hurricane Catastrophe
- 1074 Fund Advisory Council.
- 1075 6. An employee of the office who is an actuary responsible
- 1076 for property insurance rate filings and who is appointed by the
- 1077 director of the office.
- 1078 7. Five members appointed by the Chief Financial Officer,
- 1079 as follows:
- 1080 a. An actuary who is employed full time by a property and
- 1081 casualty insurer which was responsible for at least 1 percent of
- 1082 the aggregate statewide direct written premium for homeowner's
- 1083 insurance in the calendar year preceding the member's
- 1084 appointment to the commission.
- 1085 b. An expert in insurance finance who is a full-time
- 1086 member of the faculty of the State University System and who has
- 1087 a background in actuarial science.
- 1088 c. An expert in statistics who is a full-time member of
- 1089 the faculty of the State University System and who has a
- 1090 background in insurance.
- 1091 d. An expert in computer system design who is a full-time
- 1092 member of the faculty of the State University System.

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1093 e. An expert in meteorology who is a full-time member of
1094 the faculty of the State University System and who specializes
1095 in hurricanes.

1096 Section 26. Paragraph (d) of subsection (2) of section
1097 768.13, Florida Statutes, is amended to read:

1098 768.13 Good Samaritan Act; immunity from civil liability.—
1099 (2)

1100 (d) Any person whose acts or omissions are not otherwise
1101 covered by this section and who participates in emergency
1102 response activities under the direction of or in connection with
1103 a community emergency response team, local emergency management
1104 agencies, the Office ~~Division~~ of Emergency Management ~~of the~~
1105 ~~Department of Community Affairs~~, or the Federal Emergency
1106 Management Agency is not liable for any civil damages as a
1107 result of care, treatment, or services provided gratuitously in
1108 such capacity and resulting from any act or failure to act in
1109 such capacity in providing or arranging further care, treatment,
1110 or services, if such person acts as a reasonably prudent person
1111 would have acted under the same or similar circumstances.

1112 Section 27. Subsection (14) of section 943.03, Florida
1113 Statutes, is amended to read:

1114 943.03 Department of Law Enforcement.—

1115 (14) The department, with respect to counter-terrorism
1116 efforts, responses to acts of terrorism within or affecting this
1117 state, and other matters related to the domestic security of
1118 Florida as it relates to terrorism, shall coordinate and direct
1119 the law enforcement, initial emergency, and other initial
1120 responses. The department shall work closely with the Office

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1121 ~~Division~~ of Emergency Management, other federal, state, and
1122 local law enforcement agencies, fire and rescue agencies, first-
1123 responder agencies, and others involved in preparation against
1124 acts of terrorism in or affecting this state and in the response
1125 to such acts. The executive director of the department, or
1126 another member of the department designated by the director,
1127 shall serve as Chief of Domestic Security for the purpose of
1128 directing and coordinating such efforts. The department and
1129 Chief of Domestic Security shall use the regional domestic
1130 security task forces as established in this chapter to assist in
1131 such efforts.

1132 Section 28. Section 943.03101, Florida Statutes, is
1133 amended to read:

1134 943.03101 Counter-terrorism coordination.—The Legislature
1135 finds that with respect to counter-terrorism efforts and initial
1136 responses to acts of terrorism within or affecting this state,
1137 specialized efforts of emergency management which ~~that~~ are
1138 unique to such situations are required and that these efforts
1139 intrinsically involve very close coordination of federal, state,
1140 and local law enforcement agencies with the efforts of all
1141 others involved in emergency-response efforts. In order to best
1142 provide this specialized effort ~~with respect to counter-~~
1143 ~~terrorism efforts and responses~~, the Legislature has determined
1144 that such efforts should be coordinated by and through the
1145 Department of Law Enforcement, working closely with the Office
1146 ~~Division~~ of Emergency Management and others involved in
1147 preparation against acts of terrorism in or affecting this
1148 state, and in the initial response to such acts, in accordance

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1149 with the state comprehensive emergency management plan prepared
1150 pursuant to s. 252.35(2) (a).

1151 Section 29. Paragraph (d) of subsection (1) and subsection
1152 (3) of section 943.0312, Florida Statutes, are amended to read:

1153 943.0312 Regional domestic security task forces.—The
1154 Legislature finds that there is a need to develop and implement
1155 a statewide strategy to address prevention, preparation,
1156 protection, response, and recovery efforts by federal, state,
1157 and local law enforcement agencies, emergency management
1158 agencies, fire and rescue departments, first-responder personnel
1159 and others in dealing with potential or actual terrorist acts
1160 within or affecting this state.

1161 (1) To assist the department and the Chief of Domestic
1162 Security in performing their roles and duties in this regard,
1163 the department shall establish a regional domestic security task
1164 force in each of the department's operational regions. The task
1165 forces shall serve in an advisory capacity to the department and
1166 the Chief of Domestic Security and shall provide support to the
1167 department in its performance of functions pertaining to
1168 domestic security.

1169 (d) The co-chairs of each task force may appoint
1170 subcommittees and subcommittee chairs as necessary in order to
1171 address issues related to the various disciplines represented on
1172 the task force, except that subcommittee chairs for emergency
1173 management shall be appointed with the approval of the director
1174 of the Office ~~Division~~ of Emergency Management. A subcommittee
1175 chair shall serve at the pleasure of the co-chairs.

1176 (3) The Chief of Domestic Security, in conjunction with

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1177 the Office ~~Division~~ of Emergency Management, the regional
1178 domestic security task forces, and the various state entities
1179 responsible for establishing training standards applicable to
1180 state law enforcement officers and fire, emergency, and first-
1181 responder personnel shall identify appropriate equipment and
1182 training needs, curricula, and materials related to the
1183 effective response to suspected or actual acts of terrorism or
1184 incidents involving real or hoax weapons of mass destruction as
1185 defined in s. 790.166. Recommendations for funding for purchases
1186 of equipment, delivery of training, implementation of, or
1187 revision to basic or continued training required for state
1188 licensure or certification, or other related responses shall be
1189 made by the Chief of Domestic Security to the Domestic Security
1190 Oversight Council, the Executive Office of the Governor, the
1191 President of the Senate, and the Speaker of the House of
1192 Representatives as necessary to ensure that the needs of this
1193 state with regard to the preparing, equipping, training, and
1194 exercising of response personnel are identified and addressed.
1195 In making such recommendations, the Chief of Domestic Security
1196 and the Office ~~Division~~ of Emergency Management shall identify
1197 all funding sources that may be available to fund such efforts.

1198 Section 30. Paragraph (a) of subsection (1), paragraph (b)
1199 of subsection (2), and paragraph (b) of subsection (4) of
1200 section 943.0313, Florida Statutes, are amended to read:

1201 943.0313 Domestic Security Oversight Council.—The
1202 Legislature finds that there exists a need to provide executive
1203 direction and leadership with respect to terrorism prevention,
1204 preparation, protection, response, and recovery efforts by state

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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 Enforcement.

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

3. The Attorney General.

4. The Commissioner of Agriculture.

5. The State Surgeon General.

6. The Commissioner of Education.

7. The State Fire Marshal.

8. The adjutant general of the Florida National Guard.

9. The state chief information officer.

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

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

12. Two representatives of the Florida Fire Chiefs

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1233 Association.

1234 13. One representative of the Florida Police Chiefs

1235 Association.

1236 14. One representative of the Florida Prosecuting

1237 Attorneys Association.

1238 15. The chair of the Statewide Domestic Security

1239 Intelligence Committee.

1240 16. One representative of the Florida Hospital

1241 Association.

1242 17. One representative of the Emergency Medical Services

1243 Advisory Council.

1244 18. One representative of the Florida Emergency

1245 Preparedness Association.

1246 19. One representative of the Florida Seaport

1247 Transportation and Economic Development Council.

1248 (2) ORGANIZATION.—

1249 (b) The executive director of the Department of Law

1250 Enforcement shall serve as chair of the council, and the

1251 director of the Office ~~Division~~ of Emergency Management ~~within~~

1252 ~~the Department of Community Affairs~~ shall serve as vice chair of

1253 the council. In the absence of the chair, the vice chair shall

1254 serve as chair. In the absence of the vice chair, the chair may

1255 name any member of the council to perform the duties of the

1256 chair if such substitution does not extend beyond a defined

1257 meeting, duty, or period of time.

1258 (4) EXECUTIVE COMMITTEE.—

1259 (b) The executive director of the Department of Law

1260 Enforcement shall serve as the chair of the executive committee,

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

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

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Affairs as having an official need for access to the inventory or comprehensive policies or plans.

Section 33. 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 public and private agencies.

Section 34. 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 35. Subsection (1) of section 175.021, Florida

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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 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.

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1345 Section 36. Subsection (11) of section 186.505, Florida
1346 Statutes, is amended to read:

1347 186.505 Regional planning councils; powers and duties.—Any
1348 regional planning council created hereunder shall have the
1349 following powers:

1350 (11) To cooperate, in the exercise of its planning
1351 functions, with federal and state agencies in planning for
1352 emergency management as defined in ~~under~~ s. 252.34(4).

1353 Section 37. Subsection (1) of section 216.231, Florida
1354 Statutes, is amended to read:

1355 216.231 Release of certain classified appropriations.—

1356 (1)(a) Any appropriation to the Executive Office of the
1357 Governor which is classified as an "~~emergency,~~" as defined in s.
1358 252.34(3), may be released only with the approval of the
1359 Governor. The state agency, or the judicial branch, desiring the
1360 use of the emergency appropriation shall submit to the Executive
1361 Office of the Governor application ~~therefor~~ in writing setting
1362 forth the facts from which the alleged need arises. The
1363 Executive Office of the Governor shall, at a public hearing,
1364 review such application promptly and approve or disapprove the
1365 applications as the circumstances may warrant. All actions of
1366 the Executive Office of the Governor shall be reported to the
1367 legislative appropriations committees, and the committees may
1368 advise the Executive Office of the Governor relative to the
1369 release of such funds.

1370 (b) The release of appropriated funds classified as
1371 "emergency" shall be approved only if ~~when~~ an act or
1372 circumstance caused by an act of God, civil disturbance, natural

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1373 disaster, or other circumstance of an emergency nature
1374 threatens, endangers, or damages the property, safety, health,
1375 or welfare of the state or its residents ~~citizens~~, which
1376 condition has not been provided for in appropriation acts of the
1377 Legislature. Funds allocated for this purpose may be used to pay
1378 overtime pay to personnel of agencies called upon to perform
1379 extra duty because of any civil disturbance or other emergency
1380 as defined in s. 252.34~~(3)~~ and to provide the required state
1381 match for federal grants under the federal Disaster Relief Act.

1382 Section 38. Subsections (3) and (4) of section 250.06,
1383 Florida Statutes, are amended to read:

1384 250.06 Commander in chief.—

1385 (3) The Governor may, in order to preserve the public
1386 peace, execute the laws of the state, suppress insurrection,
1387 repel invasion, respond to an emergency as defined in s.
1388 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
1389 of all or any portion of the militia of this state ~~Florida~~ into
1390 the services of the United States, may increase the Florida
1391 National Guard and organize it in accordance with rules and
1392 regulations governing the Armed Forces of the United States.
1393 Such organization and increase may be pursuant to or in advance
1394 of any call made by the President of the United States. If the
1395 Florida National Guard is activated into service of the United
1396 States, another organization may not be designated as the
1397 Florida National Guard.

1398 (4) The Governor may, in order to preserve the public
1399 peace, execute the laws of the state, enhance domestic security,
1400 respond to terrorist threats or attacks, respond to an emergency

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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 39. 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 program when an emergency exists, as defined in s. 252.34~~(3)~~, and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget if a ~~in the event that the~~ delay incident to the notification requirements in paragraph (d) would be detrimental to the interests of the state. However, the department shall immediately notify the parties specified in paragraph (d) and ~~shall~~ provide such parties written justification for the emergency action within 7 days after ~~of the~~ approval by the Executive Office of the Governor of the amendment to the adopted work program and the department's budget. ~~In no event may~~ The adopted work program may not be amended under ~~the provisions of~~ this subsection without ~~the~~ certification by the comptroller of the department that there are sufficient funds available

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1429 pursuant to the 36-month cash forecast and applicable statutes.

1430 Section 40. Paragraph (b) of subsection (2) of section
1431 429.907, Florida Statutes, is amended to read:

1432 429.907 License requirement; fee; exemption; display.—

1433 (2)

1434 (b) If ~~In the event~~ a licensed center becomes wholly or
1435 substantially unusable due to a disaster ~~as defined in s.~~
1436 ~~252.34(1)~~ or due to an emergency as those terms are defined in
1437 s. 252.34~~(3)~~:

1438 1. The licensee may continue to operate under its current
1439 license in ~~a premise or~~ premises separate from that authorized
1440 under the license if the licensee has:

1441 a. Specified the location of the ~~premise or~~ premises in
1442 its comprehensive emergency management plan submitted to and
1443 approved by the applicable county emergency management
1444 authority; and

1445 b. Notified the agency and the county emergency management
1446 authority within 24 hours of operating in the separate ~~premise~~
1447 ~~or~~ premises.

1448 2. The licensee shall operate the separate ~~premise or~~
1449 premises only while the licensed center's original location is
1450 substantially unusable and for up to ~~no longer than~~ 180 days.
1451 The agency may extend use of the alternate ~~premise or~~ premises
1452 beyond the initial 180 days. The agency may also review the
1453 operation of the disaster ~~premise or~~ premises quarterly.

1454 Section 41. The Division of Statutory Revision is
1455 requested to prepare a reviser's bill for introduction at the
1456 next regular session of the Legislature to conform the Florida

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1457 Statutes to changes made by this act.

1458 Section 42. Except as otherwise expressly provided in this
1459 act and except for this section, which shall take effect upon
1460 this act becoming a law, this act shall take effect October 1,
1461 2011.