

1 A bill to be entitled
2 An act relating to emergency management; amending s.
3 110.120, F.S.; extending the number of days that
4 certain state employees may be granted administrative
5 leave to participate in federal disaster relief
6 services; amending s. 215.559, F.S.; authorizing
7 Florida Hurricane Catastrophe Funds to be used for
8 specified purposes; amending s. 252.35, F.S.;
9 providing specified requirements for the state
10 comprehensive emergency management plan and county
11 emergency management plans; creating s. 252.375, F.S.;
12 prohibiting certain public entities from holding
13 specified meetings during a declared state of
14 emergency under certain circumstances; amending s.
15 341.302, F.S.; requiring the Department of
16 Transportation to conduct a study and providing
17 requirements therefor; requiring the department to
18 submit a report to the Governor and Legislature by a
19 specified date; providing that the act fulfills an
20 important state interest; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (3) of section 110.120, Florida
25 Statutes, is amended to read:

26 | 110.120 Administrative leave for disaster service
27 | volunteers.—

28 | (3) LEAVE OF ABSENCE.—An employee of a state agency who is
29 | a certified disaster service volunteer of the American Red Cross
30 | may be granted a leave of absence with pay for not more than 20
31 | ~~15~~ working days in any 12-month period to participate in
32 | specialized disaster relief services for the American Red Cross.
33 | Such leave of absence may be granted upon the request of the
34 | American Red Cross and upon the approval of the employee's
35 | employing agency. An employee granted leave under this section
36 | shall not be deemed to be an employee of the state for purposes
37 | of workers' compensation. Leave under this act may be granted
38 | only for services related to a disaster occurring within the
39 | boundaries of the State of Florida, except that, with the
40 | approval of the Governor and Cabinet, leave may be granted for
41 | services in response to a disaster occurring within the
42 | boundaries of the United States.

43 | Section 2. Paragraph (a) of subsection (1) of section
44 | 215.559, Florida Statutes, is amended to read:

45 | 215.559 Hurricane Loss Mitigation Program.—A Hurricane
46 | Loss Mitigation Program is established in the Division of
47 | Emergency Management.

48 | (1) The Legislature shall annually appropriate \$10 million
49 | of the moneys authorized for appropriation under s.
50 | 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the

51 | division for the purposes set forth in this section. Of the
 52 | amount:

53 | (a) Seven million dollars in funds shall be used for
 54 | programs to improve the wind resistance of residences and mobile
 55 | homes, including loans, subsidies, grants, demonstration
 56 | projects, and direct assistance; educating persons concerning
 57 | the Florida Building Code cooperative programs with local
 58 | governments and the Federal Government; local projects to
 59 | enhance emergency power generation and to ensure compliance with
 60 | the Americans with Disabilities Act; and other efforts,
 61 | including flood mitigation measures, to prevent or reduce losses
 62 | or reduce the cost of rebuilding after a disaster.

63 | Section 3. Paragraphs (a) and (b) of subsection (2) of
 64 | section 252.35, Florida Statutes, are amended to read:

65 | 252.35 Emergency management powers; Division of Emergency
 66 | Management.—

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

70 | (a) Prepare a state comprehensive emergency management
 71 | plan, which shall be integrated into and coordinated with the
 72 | emergency management plans and programs of the Federal
 73 | Government. The division must adopt the plan as a rule in
 74 | accordance with chapter 120. The plan shall be implemented by a
 75 | continuous, integrated comprehensive emergency management

76 | program. The plan must contain provisions to ensure that the
77 | state is prepared for emergencies and minor, major, and
78 | catastrophic disasters, and the division shall work closely with
79 | local governments and agencies and organizations with emergency
80 | management responsibilities in preparing and maintaining the
81 | plan. The state comprehensive emergency management plan shall be
82 | operations oriented and:

83 | 1. Include an evacuation component that includes specific
84 | regional and interregional planning provisions and promotes
85 | intergovernmental coordination of evacuation activities. This
86 | component must, at a minimum: contain guidelines for lifting
87 | tolls on state highways; ensure coordination pertaining to
88 | evacuees crossing county lines; set forth procedures for
89 | directing people caught on evacuation routes to safe shelter;
90 | contain a fuel contingency plan and establish strategies for
91 | ensuring sufficient, reasonably priced fueling locations along
92 | evacuation routes; and establish policies and strategies for
93 | emergency medical evacuations.

94 | 2. Include a shelter component that includes specific
95 | regional and interregional planning provisions and promotes
96 | coordination of shelter activities between the public, private,
97 | and nonprofit sectors. This component must, at a minimum:
98 | contain strategies to ensure the availability of adequate public
99 | shelter space in each region of the state; establish strategies
100 | for refuge-of-last-resort programs; provide strategies to assist

101 local emergency management efforts to ensure that adequate
102 staffing plans exist for all shelters, including medical and
103 security personnel; provide for a postdisaster communications
104 system for public shelters; establish model shelter guidelines
105 for operations, registration, inventory, power generation
106 capability, information management, and staffing; and set forth
107 policy guidance for sheltering people with special needs.

108 3. Include a postdisaster response and recovery component
109 that includes specific regional and interregional planning
110 provisions and promotes intergovernmental coordination of
111 postdisaster response and recovery activities. This component
112 must provide for postdisaster response and recovery strategies
113 according to whether a disaster is minor, major, or
114 catastrophic. The postdisaster response and recovery component
115 must, at a minimum: establish the structure of the state's
116 postdisaster response and recovery organization; establish
117 procedures for activating the state's plan; set forth policies
118 used to guide postdisaster response and recovery activities;
119 describe the chain of command during the postdisaster response
120 and recovery period; describe initial and continuous
121 postdisaster response and recovery actions; identify the roles
122 and responsibilities of each involved agency and organization;
123 provide for a comprehensive communications plan; establish
124 procedures for monitoring mutual aid agreements; provide for
125 rapid impact assessment teams; ensure the availability of an

126 effective statewide urban search and rescue program coordinated
127 with the fire services; ensure the existence of a comprehensive
128 statewide medical care and relief plan administered by the
129 Department of Health; and establish systems for coordinating
130 volunteers and accepting and distributing donated funds and
131 goods.

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

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

142 6. Establish a system of communications and warning to
143 ensure that the state's population and emergency management
144 agencies are warned of developing emergency situations and can
145 communicate emergency response decisions. Such system must
146 require that an interpreter certified by the National Registry
147 of Interpreters for the Deaf or the Florida Registry of
148 Interpreters for the Deaf is included in any televised broadcast
149 of a developing weather emergency.

150 7. Establish guidelines and schedules for annual exercises

151 that evaluate the ability of the state and its political
152 subdivisions to respond to minor, major, and catastrophic
153 disasters and support local emergency management agencies. Such
154 exercises shall be coordinated with local governments and, to
155 the extent possible, the Federal Government.

156 8. Assign lead and support responsibilities to state
157 agencies and personnel for emergency support functions and other
158 support activities. An assignment for support responsibilities
159 related to transportation must require the assigned agencies and
160 personnel to consult, as appropriate, with representatives of
161 the passenger rail industry.

162 9. Require the activation of a dedicated private sector
163 emergency hotline for drivers distributing fuel and other
164 emergency cargo to use as needed in communicating with emergency
165 management officials during a major disaster. The hotline phone
166 number must be made available at seaports to all drivers
167 departing with critical emergency goods and supplies.

168
169 The complete state comprehensive emergency management plan shall
170 be submitted to the President of the Senate, the Speaker of the
171 House of Representatives, and the Governor on February 1 of
172 every even-numbered year.

173 (b) Adopt standards and requirements for county emergency
174 management plans. The standards and requirements must ensure
175 that county plans are coordinated and consistent with the state

176 comprehensive emergency management plan. At a minimum, each
177 county emergency management plan must include a fuel contingency
178 plan and require the county to post information online relating
179 to shelters, including, but not limited to, whether a shelter is
180 open, when a shelter reaches capacity, if a shelter accepts
181 pets, and when additional shelters will be opened. If a
182 municipality elects to establish an emergency management
183 program, it must adopt a city emergency management plan that
184 complies with all standards and requirements applicable to
185 county emergency management plans.

186 Section 4. Section 252.375, Florida Statutes, is created
187 to read:

188 252.375 Prohibited public meetings.—If a curfew is imposed
189 during a declared state of emergency, a public entity may not
190 hold a meeting during the curfew to discuss or vote on its
191 budget if such entity is located within the jurisdiction of the
192 curfew.

193 Section 5. Subsection (18) of section 341.302, Florida
194 Statutes, is renumbered as subsection (19), and a new subsection
195 (18) is added to that section to read:

196 341.302 Rail program; duties and responsibilities of the
197 department.—The department, in conjunction with other
198 governmental entities, including the rail enterprise and the
199 private sector, shall develop and implement a rail program of
200 statewide application designed to ensure the proper maintenance,

201 safety, revitalization, and expansion of the rail system to
202 assure its continued and increased availability to respond to
203 statewide mobility needs. Within the resources provided pursuant
204 to chapter 216, and as authorized under federal law, the
205 department shall:

206 (18) In consultation with the rail and fuel industries,
207 conduct a study examining options for using rail tank cars to
208 facilitate the delivery of motor vehicle fuel to areas of the
209 state impacted by hurricane events. The study must address the
210 use of tank cars and mobile fuel transfer systems as temporary
211 storage and dispensing facilities for motor vehicle fuel before,
212 during, and after a hurricane. The report must be submitted to
213 the Governor, the President of the Senate, and the Speaker of
214 the House of Representatives by July 1, 2018.

215 Section 6. The Legislature finds that proper emergency
216 management readiness and response will ensure that the state is
217 prepared to deal with and recover from emergencies and disasters
218 and will reduce the subsequent vulnerabilities that threaten the
219 life, health, and safety of its people. Therefore, the
220 Legislature determines and declares that this act fulfills an
221 important state interest.

222 Section 7. This act shall take effect upon becoming law.