

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 an  
 4           employee of a state agency may be authorized a leave  
 5           of absence during a disaster; amending s. 215.559,  
 6           F.S.; allowing for Florida Hurricane Catastrophe Funds  
 7           to be used for local projects to enhance emergency  
 8           power generation and to provide functional and access  
 9           needs to ensure compliance with the Americans with  
 10          Disabilities Act; amending s. 252.35, F.S.; requiring  
 11          the state emergency management plan to contain a fuel  
 12          contingency plan and require certain personnel consult  
 13          with a representative of the passenger rail industry;  
 14          directing the Division of Emergency Management to  
 15          require that a qualified interpreter is included in  
 16          certain emergency broadcasts; defining the term  
 17          "qualified interpreter"; requiring the state emergency  
 18          management plan to provide for the activation of a  
 19          dedicated emergency private sector hotline during a  
 20          major disaster; requiring county emergency management  
 21          plans to include a fuel contingency plan and to  
 22          provide certain information online about shelters;  
 23          creating s. 252.375, F.S.; prohibiting public entities  
 24          from holding certain meetings during a declared state  
 25          or local emergency during an imposed curfew; amending

26 s. 341.302, F.S.; requiring the Department of  
 27 Transportation to conduct a study examining options  
 28 for using railroad tanker cars to facilitate the  
 29 delivery of motor vehicle fuels to areas of the state  
 30 impacted by a hurricane; requiring the report to be  
 31 submitted to the Governor and Legislature by a  
 32 specified date; providing that the act fulfills an  
 33 important state interest; providing an effective date.  
 34

35 Be It Enacted by the Legislature of the State of Florida:  
 36

37 Section 1. Subsection (3) of section 110.120, Florida  
 38 Statutes, is amended to read:

39 110.120 Administrative leave for disaster service  
 40 volunteers.—

41 (3) LEAVE OF ABSENCE.—An employee of a state agency who is  
 42 a certified disaster service volunteer of the American Red Cross  
 43 may be granted a leave of absence with pay for not more than 20  
 44 ~~15~~ working days in any 12-month period to participate in  
 45 specialized disaster relief services for the American Red Cross.  
 46 Such leave of absence may be granted upon the request of the  
 47 American Red Cross and upon the approval of the employee's  
 48 employing agency. An employee granted leave under this section  
 49 shall not be deemed to be an employee of the state for purposes  
 50 of workers' compensation. Leave under this act may be granted

51 only for services related to a disaster occurring within the  
 52 boundaries of the State of Florida, except that, with the  
 53 approval of the Governor and Cabinet, leave may be granted for  
 54 services in response to a disaster occurring within the  
 55 boundaries of the United States.

56 Section 2. Subsection (1) of section 215.559, Florida  
 57 Statutes, is amended to read:

58 215.559 Hurricane Loss Mitigation Program.—A Hurricane  
 59 Loss Mitigation Program is established in the Division of  
 60 Emergency Management.

61 (1) The Legislature shall annually appropriate \$10 million  
 62 of the moneys authorized for appropriation under s.  
 63 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the  
 64 division for the purposes set forth in this section. Of the  
 65 amount:

66 (a) Seven million dollars in funds shall be used for  
 67 programs to improve the wind resistance of residences and mobile  
 68 homes, including loans, subsidies, grants, demonstration  
 69 projects, and direct assistance; educating persons concerning  
 70 the Florida Building Code cooperative programs with local  
 71 governments and the Federal Government; local projects to  
 72 enhance emergency power generation; projects to ensure  
 73 compliance with the Americans with Disabilities Act to provide  
 74 for functional and access needs; and other efforts to prevent or  
 75 reduce losses or reduce the cost of rebuilding after a disaster.

76 (b) Three million dollars in funds shall be used to  
 77 retrofit existing facilities used as public hurricane shelters.  
 78 Each year the division shall prioritize the use of these funds  
 79 for projects included in the annual report of the Shelter  
 80 Retrofit Report prepared in accordance with s. 252.385(3). The  
 81 division must give funding priority to projects in regional  
 82 planning council regions that have shelter deficits and to  
 83 projects that maximize the use of state funds.

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

86 252.35 Emergency management powers; Division of Emergency  
 87 Management.—

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

91 (a) Prepare a state comprehensive emergency management  
 92 plan, which shall be integrated into and coordinated with the  
 93 emergency management plans and programs of the Federal  
 94 Government. The division must adopt the plan as a rule in  
 95 accordance with chapter 120. The plan shall be implemented by a  
 96 continuous, integrated comprehensive emergency management  
 97 program. The plan must contain provisions to ensure that the  
 98 state is prepared for emergencies and minor, major, and  
 99 catastrophic disasters, and the division shall work closely with  
 100 local governments and agencies and organizations with emergency

101 management responsibilities in preparing and maintaining the  
102 plan. The state comprehensive emergency management plan shall be  
103 operations oriented and:

104 1. Include an evacuation component that includes specific  
105 regional and interregional planning provisions and promotes  
106 intergovernmental coordination of evacuation activities. This  
107 component must, at a minimum: contain guidelines for lifting  
108 tolls on state highways; ensure coordination pertaining to  
109 evacuees crossing county lines; set forth procedures for  
110 directing people caught on evacuation routes to safe shelter;  
111 contain a fuel contingency plan and establish strategies for  
112 ensuring sufficient, reasonably priced fueling locations along  
113 evacuation routes; and establish policies and strategies for  
114 emergency medical evacuations.

115 2. Include a shelter component that includes specific  
116 regional and interregional planning provisions and promotes  
117 coordination of shelter activities between the public, private,  
118 and nonprofit sectors. This component must, at a minimum:  
119 contain strategies to ensure the availability of adequate public  
120 shelter space in each region of the state; establish strategies  
121 for refuge-of-last-resort programs; provide strategies to assist  
122 local emergency management efforts to ensure that adequate  
123 staffing plans exist for all shelters, including medical and  
124 security personnel; provide for a postdisaster communications  
125 system for public shelters; establish model shelter guidelines

126 | for operations, registration, inventory, power generation  
 127 | capability, information management, and staffing; and set forth  
 128 | policy guidance for sheltering people with special needs.

129 |         3. Include a postdisaster response and recovery component  
 130 | that includes specific regional and interregional planning  
 131 | provisions and promotes intergovernmental coordination of  
 132 | postdisaster response and recovery activities. This component  
 133 | must provide for postdisaster response and recovery strategies  
 134 | according to whether a disaster is minor, major, or  
 135 | catastrophic. The postdisaster response and recovery component  
 136 | must, at a minimum: establish the structure of the state's  
 137 | postdisaster response and recovery organization; establish  
 138 | procedures for activating the state's plan; set forth policies  
 139 | used to guide postdisaster response and recovery activities;  
 140 | describe the chain of command during the postdisaster response  
 141 | and recovery period; describe initial and continuous  
 142 | postdisaster response and recovery actions; identify the roles  
 143 | and responsibilities of each involved agency and organization;  
 144 | provide for a comprehensive communications plan; establish  
 145 | procedures for monitoring mutual aid agreements; provide for  
 146 | rapid impact assessment teams; ensure the availability of an  
 147 | effective statewide urban search and rescue program coordinated  
 148 | with the fire services; ensure the existence of a comprehensive  
 149 | statewide medical care and relief plan administered by the  
 150 | Department of Health; and establish systems for coordinating

151 volunteers and accepting and distributing donated funds and  
 152 goods.

153 4. Include additional provisions addressing aspects of  
 154 preparedness, response, recovery, and mitigation as determined  
 155 necessary by the division.

156 5. Address the need for coordinated and expeditious  
 157 deployment of state resources, including the Florida National  
 158 Guard. In the case of an imminent major disaster, procedures  
 159 should address predeployment of the Florida National Guard, and,  
 160 in the case of an imminent catastrophic disaster, procedures  
 161 should address predeployment of the Florida National Guard and  
 162 the United States Armed Forces.

163 6. Establish a system of communications and warning to  
 164 ensure that the state's population and emergency management  
 165 agencies are warned of developing emergency situations and can  
 166 communicate emergency response decisions. Such system must  
 167 require that a qualified interpreter is included in any  
 168 televised broadcast of a developing weather emergency. As used  
 169 in this subparagraph, the term "qualified interpreter" means a  
 170 person who is certified by the National Registry of Interpreters  
 171 for the Deaf or the Florida Registry of Interpreters for the  
 172 Deaf.

173 7. Establish guidelines and schedules for annual exercises  
 174 that evaluate the ability of the state and its political  
 175 subdivisions to respond to minor, major, and catastrophic

176 disasters and support local emergency management agencies. Such  
 177 exercises shall be coordinated with local governments and, to  
 178 the extent possible, the Federal Government.

179 8. Assign lead and support responsibilities to state  
 180 agencies and personnel for emergency support functions and other  
 181 support activities. An assignment for support responsibilities  
 182 related to transportation must require the assigned agencies and  
 183 personnel to consult, as appropriate, with representatives of  
 184 the passenger rail industry.

185 9. Require the activation of a dedicated emergency private  
 186 sector hotline for drivers distributing fuel and other emergency  
 187 cargo to use as needed in communicating with emergency  
 188 management officials during a major disaster. Appropriate  
 189 hotline numbers must be made available at Florida seaports to  
 190 all drivers departing with critical emergency goods and  
 191 supplies.

192  
 193 The complete state comprehensive emergency management plan shall  
 194 be submitted to the President of the Senate, the Speaker of the  
 195 House of Representatives, and the Governor on February 1 of  
 196 every even-numbered year.

197 (b) Adopt standards and requirements for county emergency  
 198 management plans. The standards and requirements must ensure  
 199 that county plans are coordinated and consistent with the state  
 200 comprehensive emergency management plan. At a minimum, each



201 county emergency management plan must include a fuel contingency  
 202 plan and require the county to post information relating to  
 203 shelters online, specifying whether a shelter is open, when a  
 204 shelter reaches capacity, if a shelter accepts pets, and when  
 205 additional shelters will be opened. If a municipality elects to  
 206 establish an emergency management program, it must adopt a city  
 207 emergency management plan that complies with all standards and  
 208 requirements applicable to county emergency management plans.

209 Section 4. Section 252.375, Florida Statutes, is created  
 210 to read:

211 252.375 Prohibited public meetings.—During a declared  
 212 state or local emergency, a public entity may not hold a meeting  
 213 for purposes of discussing or voting on the entity's budget  
 214 during an imposed curfew if such entity is within the  
 215 jurisdiction of the imposed curfew.

216 Section 5. Subsection (18) of section 341.302, Florida  
 217 Statutes, is renumbered as subsection (19), respectively, and  
 218 subsection (18) is added to that section, to read:

219 341.302 Rail program; duties and responsibilities of the  
 220 department.—The department, in conjunction with other  
 221 governmental entities, including the rail enterprise and the  
 222 private sector, shall develop and implement a rail program of  
 223 statewide application designed to ensure the proper maintenance,  
 224 safety, revitalization, and expansion of the rail system to  
 225 assure its continued and increased availability to respond to

226 statewide mobility needs. Within the resources provided pursuant  
227 to chapter 216, and as authorized under federal law, the  
228 department shall:

229 (18) In consultation with the railroad and fuel  
230 industries, conduct a study examining options for using railroad  
231 tanker cars to facilitate the delivery of motor vehicle fuel to  
232 areas of the state impacted by hurricane events. The study must  
233 address the use of tanker cars and mobile fuel transfer systems  
234 as temporary storage and dispensing facilities for motor vehicle  
235 fuels before, during, and after a hurricane. The report must be  
236 submitted to the Governor, the President of the Senate, and the  
237 Speaker of the House of Representatives by July 1, 2018.

238 Section 6. The Legislature finds that proper emergency  
239 management readiness and response will ensure that the state is  
240 prepared to deal with and recover from emergencies and disasters  
241 and will reduce the vulnerabilities that threaten the life,  
242 health, and safety of its people. Therefore, the Legislature  
243 determines and declares that this act fulfills an important  
244 state interest.

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