

Committee Substitute for Senate Bill No. 430

An act relating to emergency management planning; amending s. 215.559, F.S.; revising the amount of the annual appropriation from the Florida Hurricane Catastrophe Fund; requiring that funds from such appropriation be used for additional purposes; amending s. 235.26, F.S.; deleting an exemption from the requirement that certain educational facilities be constructed as public shelters; amending s. 240.295, F.S.; prescribing duties of the Board of Regents with respect to identifying public hurricane evacuation shelter space on certain campuses; requiring the submission of a capital improvements program; deleting a requirement for the submission of a report; revising a condition precedent to a requirement for specified building construction standards; revising applicability; removing an exemption; amending s. 252.35, F.S.; requiring that the Division of Emergency Management of the Department of Community Affairs adopt the state comprehensive emergency management plan as a rule; authorizing the division to adopt rules to administer and distribute federal financial assistance; amending s. 252.38, F.S.; revising provisions governing the appointment and control of the director of the county emergency management agency; amending s. 252.385, F.S.; revising legislative intent; including certain private facilities within a survey of prospective public hurricane evacuation shelters; including district school boards and community college boards of trustees among those coordinating and implementing such survey; revising completion dates for the retrofitting of specified facilities; exempting the owner or lessee of a shelter scheduled for retrofitting from a requirement to make certain improvements; providing that specified public facilities be made available as public hurricane evacuation shelters; requiring the Department of Management Services to incorporate public hurricane evacuation shelter provisions into lease agreements for state agencies; providing specifications for suitable leased public facilities; requiring that the department assess facilities to identify shelter space for hurricane evacuations; amending s. 252.373, F.S.; providing criteria for prioritizing retrofit projects for hurricane evacuation shelters; providing appropriations; authorizing the Department of Community Affairs to use certain federal mitigation funds for hurricane shelter retrofit projects; amending s. 252.51, F.S.; providing an exception to a limitation on liability; repealing s. 252.855, F.S., relating to reporting forms for specified storage tank registration programs and annual fee payments for reports by certain petroleum distributors and retail outlets; amending s. 252.355, F.S.; revising provisions relating to registration of persons requiring special needs assistance in emergencies; creating s. 381.0303, F.S.; providing for recruitment of health care practitioners for special needs shelters; providing for reimbursement and funding; providing duties of the Department of Health, the county health departments, and the local emergency management agencies; authorizing use of a health care practitioner registry; authorizing

establishment of a special needs shelter interagency committee; providing membership and responsibilities; providing for rules; providing for review of emergency management plans; creating s. 400.492, F.S.; requiring home health agencies to prepare a comprehensive emergency management plan; specifying plan requirements; amending ss. 400.497 and 400.610, F.S.; providing minimum requirements for home health agency and hospice comprehensive emergency management plans; providing for rules; providing for plan review and approval; providing for plan review and approval for home health agencies and hospices operating in more than one county; providing an exception to comprehensive emergency management plan requirements; amending s. 400.506, F.S.; requiring nurse registries to assist at-risk clients with special needs registration and to prepare a comprehensive emergency management plan; specifying plan requirements; providing for plan review; amending s. 400.605, F.S.; requiring the Department of Elderly Affairs to include components for comprehensive emergency management plan in its rules establishing minimum standards for a hospice; amending s. 400.6095, F.S.; requiring that certain emergency care and service information be included in hospice patients' medical records; creating s. 401.273, F.S.; providing for establishment of a registry of emergency medical technicians and paramedics for disasters and emergencies; clarifying the functions of emergency medical technicians and paramedics; amending s. 408.15, F.S.; authorizing the Agency for Health Care Administration to establish uniform standards of care for special needs shelters; creating s. 455.718, F.S.; providing for establishment of a health practitioner registry for disasters and emergencies; requiring emergency and disaster planning provisions in certain state agency provider contracts; specifying minimum contract requirements; providing appropriations; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 215.559, Florida Statutes, are amended to read:

215.559 Hurricane Loss Mitigation Program.—

(1) There is created a Hurricane Loss Mitigation Program. The Legislature shall annually appropriate ~~\$10~~ \$7 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for the purposes set forth in this section.

(2)(a) Seven million dollars in ~~The~~ funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

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

Section 2. Subsection (9) of section 235.26, Florida Statutes, is amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The Commissioner of Education shall adopt a uniform state-wide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees. The code must be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. Whenever the words “Uniform Building Code” appear, they mean the “State Uniform Building Code for Public Educational Facilities Construction.” It is not a purpose of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in revising the code.

(9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.—

(a) The Department of Education shall, in consultation with boards and county and state emergency management offices, amend the State Uniform Building Code for Public Educational Facilities Construction to incorporate public shelter design criteria into the Uniform Building Code. The new criteria must be designed to ensure that appropriate core facility areas in new educational facilities can serve as public shelters for emergency management purposes. The Commissioner of Education shall publish proposed amendments to the State Uniform Building Code for Public Educational Facilities Construction setting forth the public-shelter criteria by July 1, 1995. A facility, or an appropriate core facility area within a facility, for which a design contract is entered into subsequent to the effective date of the inclusion of the public shelter criteria in the code must be built in compliance with the amended code unless the facility or a part thereof is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the Department of Community Affairs. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone is not subject to the requirements of this subsection. If the regional planning council region in which the county is located does not have a hurricane evacuation shelter deficit, as

determined by the Department of Community Affairs, school districts within the planning council region are not ~~If more than one educational facility is being constructed within any 3-mile radius, no more than one facility, which must be selected on the basis of cost-effectiveness and greatest provision of shelter space,~~ is required to incorporate the public shelter criteria into its construction of educational facilities.

(b) By January 31, 1996, and by January 31 every even-numbered year thereafter, the Department of Community Affairs shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. The plan must identify the general location and square footage of existing shelters, by regional planning council region county, and the general location and square footage of needed shelters, by regional planning council region county, in the next 5 years. Such plan must identify the types of public facilities which should be constructed to comply with emergency shelter criteria and must recommend an appropriate, adequate, and dedicated source of funding for the additional cost of constructing emergency shelters within these public facilities. After the approval of the plan, a board may not be required to build more emergency shelter space than identified as needed in the plan, and decisions pertaining to exemptions pursuant to paragraph (a) must be guided by the plan ~~and by this subsection~~.

Section 3. Subsection (4) of section 240.295, Florida Statutes, is amended to read:

240.295 State University System; authorization for fixed capital outlay projects.—

(4) The Board of Regents shall, in consultation with local and state emergency management agencies, assess existing facilities to identify the extent to which each campus has public hurricane evacuation shelter space. The board shall submit to the Governor and the Legislature by August 1 of each year a 5-year capital improvements program that identifies new or retrofitted facilities that will incorporate enhanced hurricane resistance standards and that can be used as public hurricane evacuation shelters. Enhanced hurricane resistance standards include fixed passive protection for window and door applications to provide mitigation protection, security protection with egress, and energy efficiencies that meet standards required in the 130-mile-per-hour wind zone areas. The board must also submit proposed facility retrofit projects to the Department of Community Affairs for assessment and inclusion in the annual report prepared in accordance with s. 252.385(3), adequate to house those students, faculty, and employees expected to seek public shelter prior to or during a disaster and those other persons for which the campus has agreed with the local emergency management agency or other voluntary organization to provide shelter space. The board shall submit a report describing the results of its assessment to the Governor and the Legislature by February 1, 1994. At the discretion of the board, this report may be accompanied by a list of proposed improvements to existing buildings to improve shelter capacity and an estimate of the costs associated with implementing these improvements. Until a regional planning council region in which a campus is located has sufficient public hurricane evacuation shelter space, any campus building for which a design contract is entered

into subsequent to July 1, ~~2001~~ 1994, and which has been identified by the board, with the concurrence of the local emergency management agency or the Department of Community Affairs, to be appropriate for use as a public hurricane evacuation shelter, must be constructed in accordance with public shelter standards ~~unless the board, with the concurrence of the local emergency management agency or the Department of Community Affairs, exempts the building or part thereof from shelter standards because of its location, size, or other characteristic.~~

Section 4. Subsection (2) of section 252.35, Florida Statutes, is amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.91. In performing its duties under ss. 252.31-252.91, the division shall:

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

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

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

3. Include a postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes inter-governmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum: establish the structure of the state's postdisaster response and recovery organization; establish procedures for activating the state's plan; set forth policies used to guide postdisaster response and recovery activities; describe the chain of command during the postdisaster response and recovery period; describe initial and continuous postdisaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish procedures for monitoring mutual aid agreements; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services; ensure the existence of a comprehensive statewide medical care and relief plan administered by the Department of Health; and establish systems for coordinating volunteers and accepting and distributing donated funds and goods.

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

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

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

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

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

The division shall prepare an interim postdisaster response and recovery component that substantially complies with the provisions of this paragraph by June 1, 1993. Each state agency assigned lead responsibility for an emergency support function by the state comprehensive emergency management plan shall also prepare a detailed operational plan needed to implement its responsibilities by June 1, 1993. The complete state comprehensive emergency management plan shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor no

later than February 1, 1994, and on February 1 of every even-numbered year thereafter.

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

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

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

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

1. Emergency management drills, tests, or exercises of whatever nature.
2. Warnings and signals for tests and drills, attacks, or other imminent emergencies or threats thereof and the mechanical 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. 252.31-252.91.

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

(i) Institute statewide public awareness programs. This shall include an intensive public educational campaign on emergency preparedness issues.

(j) Prepare and distribute to appropriate state and local officials catalogs of federal, state, and private assistance programs.

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

(l) Establish a schedule of fees that may be charged by local emergency management agencies for review of emergency management plans on behalf of external agencies and institutions. In establishing such schedule, the division shall consider facility size, review complexity, and other factors.

(m) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local postdisaster response and recovery efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures.

(n) Review periodically emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program.

(o) Make such surveys of industries, resources, and facilities within the state, both public and private, as are necessary to carry out the purposes of ss. 252.31-252.91.

(p) Prepare, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the Governor as are necessary or appropriate for coping with emergencies and disasters.

(q) Cooperate with the Federal Government and any public or private agency or entity in achieving any purpose of ss. 252.31-252.91 and in implementing programs for mitigation, preparation, response, and recovery.

(r) Assist political subdivisions with the creation and training of urban search and rescue teams and promote the development and maintenance of a state urban search and rescue program.

(s) Delegate, as necessary and appropriate, authority vested in it under ss. 252.31-252.91 and provide for the subdelegation of such authority.

(t) 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.

(u) In accordance with chapter 120, create, implement, administer, adopt ~~promulgate~~, amend, and rescind rules, programs, and plans needed to carry

out the provisions of ss. 252.31-252.91 with due consideration for, and in cooperating with, the plans and programs of the Federal Government. In addition, the 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.

(v) Do other things necessary, incidental, or appropriate for the implementation of ss. 252.31-252.91.

Section 5. Paragraph (b) of subsection (1) of section 252.38, Florida Statutes, is amended to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(b) Each county emergency management agency created and established pursuant to ss. 252.31-252.91 shall have a director ~~who shall be appointed and have an annual salary fixed by the board of county commissioners of the county.~~ The director must meet the minimum training and education qualifications established in a job description approved by the county. The director shall be appointed by the board of county commissioners or the chief administrative officer of the county, as described in chapter 125 or the county charter, if applicable, to serve at the pleasure of the appointing authority board, subject to their direction and control, in conformance with applicable resolutions, ordinances, and laws. A county constitutional officer, or an employee of a county constitutional officer, may be appointed as director following prior notification to the division. Each board of county commissioners shall promptly inform the division of the appointment of the director and other personnel. Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency, ~~subject only to the direction and control of the governing body of the county.~~ The director shall coordinate emergency management activities, services, and programs within the county and shall serve as liaison to the division and other local emergency management agencies and organizations.

Section 6. Section 252.385, Florida Statutes, is amended to read:

252.385 Public shelter space.—

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

(2) The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities ~~must~~ shall be given the opportunity to participate in the surveys. The Board of Regents, district school

boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the division or the local emergency management agency.

(3) ~~Beginning no later than September 1, 1994,~~ The division shall annually provide to the President of the Senate, the Speaker of the House of Representatives, and the Governor a list of facilities recommended to be retrofitted using state funds. State funds should be maximized and targeted to regional planning council regions counties with hurricane evacuation shelter deficits. Retrofitting facilities in regions with public hurricane evacuation shelter deficits shall be given first priority and should be completed by 2003 1998. All recommended appropriate facilities should be retrofitted by 2008 2003. The owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

(4)(a) Public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals or nursing homes, which are suitable for use as public hurricane evacuation shelters shall be made available at the request of the local emergency management agencies. Such agencies shall coordinate with the appropriate school board, university, community college, or local governing board when requesting the use of such facilities as public hurricane evacuation shelters.

(b) The Department of Management Services shall incorporate provisions for the use of suitable leased public facilities as public hurricane evacuation shelters into lease agreements for state agencies. Suitable leased public facilities include leased public facilities that are solely occupied by state agencies and have at least 2,000 square feet of net floor area in a single room or in a combination of rooms having a minimum of 400 square feet in each room. The net square footage of floor area must be determined by subtracting from the gross square footage the square footage of spaces such as mechanical and electrical rooms, storage rooms, open corridors, restrooms, kitchens, science or computer laboratories, shop or mechanical areas, administrative offices, records vaults, and crawl spaces.

(c) The Department of Management Services shall, in consultation with local and state emergency management agencies, assess Department of Management Services facilities to identify the extent to which each facility has public hurricane evacuation shelter space. The Department of Management Services shall submit proposed facility retrofit projects that incorporate hurricane protection enhancements to the department for assessment and inclusion in the annual report prepared in accordance with s. 252.385(3).

Section 7. Paragraph (c) of subsection (1) and subsection (2) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.—

(1) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the Department of Community Affairs as follows:

(c) Twenty percent for grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal's Office for coordinating the Florida fire services. The division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this paragraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

(2) The distribution formula provided in subsection (1) may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds.

Section 8. Section 252.51, Florida Statutes, is amended to read:

252.51 Liability.—Any person or organization, public or private, owning or controlling real estate or other premises who voluntarily and without compensation, ~~other than payment or reimbursement of costs and expenses,~~ grants a license or privilege or otherwise permits the designation by the local emergency management agency or use of the whole or any part of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice emergency, together with her or his successor in interest, if any, shall not be liable for the death of, or injury to, any person on or about such real estate or premises during the actual, impending, mock, or practice emergency, or for loss of, or damage to, the property of such person, solely by reason or as a result of such license, privilege, designation, or use, unless the gross negligence or the willful and wanton misconduct of such person owning or controlling such real estate or premises or her or his successor in interest is the proximate cause of such death, injury, loss, or damage occurring during such sheltering period. Any such person or organization who provides such shelter space for compensation shall be deemed to be an instrumentality of the state or its applicable agency or subdivision for the purposes of s. 768.28.

Section 9. Section 252.855, Florida Statutes, is repealed.

Section 10. Subsections (1), (3), and (4) of section 252.355, Florida Statutes, are amended to read:

252.355 Registry of ~~disabled~~ persons with special needs; notice.—

(1) In order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical, mental, or sensory disabilities ~~or mental handicaps~~, each local emergency management agency in the state shall maintain a registry of disabled persons with special needs located within the jurisdiction of the local agency. The registration shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the local emergency management agency in identifying such persons, the Department of Children and Family Services, Department of Health, Agency for Health Care Administration, Department of Labor and Employment Security, and Department of Elderly Affairs shall provide registration information to all of their special needs clients and to all incoming clients as a part of the intake process. The registry shall be updated annually. The registration program shall give disabled persons with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to assure their safety and welfare following disasters.

(3) All records, data, information, correspondence, and communications relating to the registration of disabled persons with special needs as provided in subsection (1) are confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to other emergency response agencies, as determined by the local emergency management director.

(4) All appropriate agencies and community-based service providers, including home health care providers, shall assist emergency management agencies by collecting registration information for persons ~~people~~ with special needs as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating clients about the procedures that may be necessary for their safety during disasters. Clients of state or federally funded service programs with physical, mental, or sensory disabilities ~~or mental handicaps~~ who need assistance in evacuating, or when in shelters, must register as persons ~~people~~ with special needs.

Section 11. Section 381.0303, Florida Statutes, is created to read:

381.0303 Health practitioner recruitment for special needs shelters.—

(1) PURPOSE.—The purpose of this section is to designate the Department of Health, through its county health departments, as the lead agency for coordination of the recruitment of health care practitioners, as defined in s. 455.501(4), to staff special needs shelters in times of emergency or disaster and to provide resources to the department to carry out this responsibility. However, nothing in this section prohibits a county health department from entering into an agreement with a local emergency management agency to assume the lead responsibility for recruiting health care practitioners.

(2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.—Provided funds have been appropriated to support medical services disaster coordinator positions in county health departments, the department shall assume

lead responsibility for the local coordination of local medical and health care providers, the American Red Cross, and other interested parties in developing a plan for the staffing and medical management of special needs shelters. The plan shall be in conformance with the local comprehensive emergency management plan.

(a) County health departments shall, in conjunction with the local emergency management agencies, have the lead responsibility for coordination of the recruitment of health care practitioners to staff local special needs shelters. County health departments shall assign their employees to work in special needs shelters when needed to protect the health of patients.

(b) The appropriate county health department and local emergency management agency shall jointly determine who has responsibility for medical supervision in a special needs shelter.

(c) Local emergency management agencies shall be responsible for the designation and operation of special needs shelters during times of emergency or disaster. County health departments shall assist the local emergency management agency with regard to the management of medical services in special needs shelters.

(3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.—The Department of Health shall reimburse, subject to the availability of funds for this purpose, health care practitioners, as defined in s. 455.501, provided the practitioner is not providing care to a patient under an existing contract, and emergency medical technicians and paramedics licensed pursuant to chapter 401 for medical care provided at the request of the department in special needs shelters or at other locations during times of emergency or major disaster. Reimbursement for health care practitioners, except for physicians licensed pursuant to chapter 458 or chapter 459, shall be based on the average hourly rate that such practitioners were paid according to the most recent survey of Florida hospitals conducted by the Florida Hospital Association. Reimbursement shall be requested on forms prepared by the Department of Health. If a Presidential Disaster Declaration has been made, and the Federal Government makes funds available, the department shall use such funds for reimbursement of eligible expenditures. In other situations, or if federal funds do not fully compensate the department for reimbursement made pursuant to this section, the department shall submit to the Cabinet or Legislature, as appropriate, a budget amendment to obtain reimbursement from the working capital fund. Travel expense and per diem costs shall be reimbursed pursuant to s. 112.061.

(4) HEALTH CARE PRACTITIONER REGISTRY.—The department may use the registries established in ss. 401.273 and 455.718 when health care practitioners are needed to staff special needs shelters or to staff disaster medical assistance teams.

(5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The Department of Health may establish a special needs shelter interagency committee, to be chaired and staffed by the department. The committee shall resolve problems related to special needs shelters not addressed in the

state comprehensive emergency medical plan and shall serve as an oversight committee to monitor the planning and operation of special needs shelters.

(a) The committee may:

1. On or before January 1, 2001, resolve questions concerning the roles and responsibilities of state agencies and other organizations that are necessary to implement the program.

2. On or before January 1, 2001, identify any issues requiring additional legislation and funding.

3. Develop and negotiate any necessary interagency agreements.

4. Undertake other such activities as the department deems necessary to facilitate the implementation of this section.

5. Submit recommendations to the Legislature as necessary.

(b) The special needs shelter interagency committee shall be composed of representatives of emergency management, health, medical, and social services organizations. Membership shall include, but shall not be limited to, the Departments of Community Affairs, Children and Family Services, Elderly Affairs, Labor and Employment Security, and Education; the Agency for Health Care Administration; the Florida Medical Association; the Florida Osteopathic Medical Association; Associated Home Health Industries of Florida, Inc.; the Florida Nurses Association; the Florida Health Care Association; the Florida Assisted Living Association; the Florida Hospital Association; the Florida Statutory Teaching Hospital Council; the Florida Association of Homes for the Aging; the Florida Emergency Preparedness Association; the American Red Cross; Florida Hospices, Inc.; the Association of Community Hospitals and Health Systems; the Florida Association of Health Maintenance Organizations; the Florida League of Health Systems; Private Care Association; and the Salvation Army.

(c) Meetings of the committee shall be held in Tallahassee and members of the committee shall serve at the expense of the agencies or organizations they represent.

(6) RULES.—The department has the authority to adopt rules necessary to implement this section. Rules may include a definition of a special needs patient, specify physician reimbursement, and designate which county health departments will have responsibility for implementation of subsections (2) and (3).

(7) REVIEW OF EMERGENCY MANAGEMENT PLANS.—The submission of emergency management plans to county health departments by home health agencies pursuant to s. 400.497(11)(c) and (d) and by nurse registries pursuant to s. 400.506(16)(e) and by hospice programs pursuant to s. 400.610(1)(b) is conditional upon the receipt of an appropriation by the department to establish medical services disaster coordinator positions in county health departments unless the Secretary of the department and a

local county commission jointly determine to require such plans to be submitted based on a determination that there is a special need to protect public health in the local area during an emergency.

Section 12. Section 400.492, Florida Statutes, is created to read:

400.492 Provision of services during an emergency.—Each home health agency shall prepare and maintain a comprehensive emergency management plan that is consistent with the standards adopted by national accreditation organizations and consistent with the local special needs plan. The plan shall be updated annually and shall provide for continuing home health services during an emergency that interrupts patient care or services in the patient's home. The plan shall describe how the home health agency establishes and maintains an effective response to emergencies and disasters, including: notifying staff when emergency response measures are initiated; providing for communication between staff members, county health departments, and local emergency management agencies, including a backup system; identifying resources necessary to continue essential care or services or referrals to other organizations subject to written agreement; and prioritizing and contacting patients who need continued care or services.

(1) Each patient record for patients who are listed in the registry established pursuant to s. 252.355 shall include a description of how care or services will be continued in the event of an emergency or disaster. The home health agency shall discuss the emergency provisions with the patient and the patient's caregivers, including where and how the patient is to evacuate, procedures for notifying the home health agency in the event that the patient evacuates to a location other than the shelter identified in the patient record, and a list of medications and equipment which must either accompany the patient or will be needed by the patient in the event of an evacuation.

(2) Each home health agency shall maintain a current prioritized list of patients who need continued services during an emergency. The list shall indicate how services shall be continued in the event of an emergency or disaster for each patient and if the patient is to be transported to a special needs shelter, and shall indicate if the patient is receiving skilled nursing services and the patient's medication and equipment needs. The list shall be furnished to county health departments and to local emergency management agencies, upon request.

(3) Home health agencies shall not be required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services, such as when roads are impassable or when patients do not go to the location specified in their patient records.

(4) Notwithstanding the provisions of s. 400.464(2) or any other provision of law to the contrary, a home health agency may provide services in a special needs shelter located in any county.

Section 13. Subsection (1) of section 400.497, Florida Statutes, is amended, and subsection (11) is added to said section, to read:

400.497 Rules establishing minimum standards.—The Agency for Health Care Administration shall adopt, publish, and enforce rules to implement this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(1) Scope of home health services to be provided, which shall include services to be provided during emergency evacuation and sheltering.

(11) Preparation of a comprehensive emergency management plan pursuant to s. 400.492.

(a) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the plan and plan updates, with the concurrence of the Department of Health and in consultation with the Department of Community Affairs.

(b) The rules must address the requirements in s. 400.492. In addition, the rules shall provide for the maintenance of patient-specific medication lists that can accompany patients who are transported from their homes.

(c) The plan is subject to review and approval by the county health department. During its review, the county health department shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan:

1. The local emergency management agency.
2. The Agency for Health Care Administration.
3. The local chapter of the American Red Cross or other lead sheltering agency.
4. The district office of the Department of Children and Family Services.

The county health department shall complete its review within 60 days after receipt of the plan and shall either approve the plan or advise the home health agency of necessary revisions.

(d) For any home health agency that operates in more than one county, the Department of Health shall review the plan, after consulting with all of the county health departments, the agency, and all the local chapters of the American Red Cross or other lead sheltering agencies in the areas of operation for that particular home health agency. The Department of Health shall complete its review within 90 days after receipt of the plan and shall either approve the plan or advise the home health agency of necessary revisions. The Department of Health shall make every effort to avoid imposing differing requirements based on differences between counties on the home health agency.

(e) The requirements in this subsection do not apply to:

1. A facility that is certified under chapter 651 and has a licensed home health agency used exclusively by residents of the facility; or

2. A retirement community that consists of residential units for independent living and either a licensed nursing home or an assisted living facility, and has a licensed home health agency used exclusively by the residents of the retirement community, provided the comprehensive emergency management plan for the facility or retirement community provides for continuous care of all residents with special needs during an emergency.

Section 14. Subsections (15), (16), and (17) of section 400.506, Florida Statutes, are renumbered as subsections (17), (18), and (19), respectively, and new subsections (15) and (16) are added to said section to read:

400.506 Licensure of nurse registries; requirements; penalties.—
(15) Nurse registries shall assist persons who would need assistance and sheltering during evacuations because of physical, mental, or sensory disabilities in registering with the appropriate local emergency management agency pursuant to s. 252.355.

(16) Each nurse registry shall prepare and maintain a comprehensive emergency management plan that is consistent with the criteria in this subsection and with the local special needs plan. The plan shall be updated annually. The plan shall specify how the nurse registry shall facilitate the provision of continuous care by persons referred for contract to persons who are registered pursuant to s. 252.355 during an emergency that interrupts the provision of care or services in private residencies.

(a) All persons referred for contract who care for persons registered pursuant to s. 252.355 must include in the patient record a description of how care will be continued during a disaster or emergency that interrupts the provision of care in the patient's home. It shall be the responsibility of the person referred for contract to ensure that continuous care is provided.

(b) Each nurse registry shall maintain a current prioritized list of patients in private residences who are registered pursuant to s. 252.355 and are under the care of persons referred for contract and who need continued services during an emergency. This list shall indicate, for each patient, if the client is to be transported to a special needs shelter and if the patient is receiving skilled nursing services. Nurse registries shall make this list available to county health departments and to local emergency management agencies upon request.

(c) Each person referred for contract who is caring for a patient who is registered pursuant to s. 252.355 shall provide a list of the patient's medication and equipment needs to the nurse registry. Each person referred for contract shall make this information available to county health departments and to local emergency management agencies upon request.

(d) Each person referred for contract shall not be required to continue to provide care to patients in emergency situations that are beyond the person's control and that make it impossible to provide services, such as when roads are impassable or when patients do not go to the location specified in their patient records.

(e) The comprehensive emergency management plan required by this subsection is subject to review and approval by the county health department. During its review, the county health department shall ensure that, at a minimum, the local emergency management agency, the Agency for Health Care Administration, and the local chapter of the American Red Cross or other lead sheltering agency are given the opportunity to review the plan. The county health department shall complete its review within 60 days after receipt of the plan and shall either approve the plan or advise the nurse registry of necessary revisions.

(f) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates required by this subsection, with the concurrence of the Department of Health and in consultation with the Department of Community Affairs.

Section 15. Paragraph (j) of subsection (1) of section 400.605, Florida Statutes, is amended to read:

400.605 Administration; forms; fees; rules; inspections; fines.—

(1) The department, in consultation with the agency, shall by rule establish minimum standards and procedures for a hospice. The rules must include:

(j) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Department of Elderly Affairs, and the Department of Community Affairs ~~Component of a disaster preparedness plan.~~

Section 16. Paragraph (f) is added to subsection (5) of section 400.6095, Florida Statutes, to read:

400.6095 Patient admission; assessment; plan of care; discharge; death.—

(5) Each hospice, in collaboration with the patient and the patient's primary or attending physician, shall prepare and maintain a plan of care for each patient, and the care provided to a patient must be in accordance with the plan of care. The plan of care shall be made a part of the patient's medical record and shall include, at a minimum:

(f) A description of how needed care and services will be provided in the event of an emergency.

Section 17. Paragraph (b) of subsection (1) of section 400.610, Florida Statutes, is amended to read:

400.610 Administration and management of a hospice.—

(1) A hospice shall have a clearly defined organized governing body, consisting of a minimum of seven persons who are representative of the general population of the community served. The governing body shall have

autonomous authority and responsibility for the operation of the hospice and shall meet at least quarterly. The governing body shall:

(b)1. Prepare and maintain a comprehensive emergency management plan that provides for continuing hospice services in the event of an emergency that is consistent with local special needs plans. The plan shall include provisions for ensuring continuing care to hospice patients who go to special needs shelters. The plan is subject to review and approval by the county health department, except as provided in subparagraph 2. During its review, the county health department shall ensure that the department, the agency, and the local chapter of the American Red Cross or other lead sheltering agency have an opportunity to review and comment on the plan. The county health department shall complete its review within 60 days after receipt of the plan and shall either approve the plan or advise the hospice of necessary revisions Prepare a disaster preparedness plan.

2. For any hospice that operates in more than one county, the Department of Health shall review the plan, after consulting with all of the county health departments, the agency, and all the local chapters of the American Red Cross or other lead sheltering agency in the areas of operation for that particular hospice. The Department of Health shall complete its review within 90 days after receipt of the plan and shall either approve the plan or advise the hospice of necessary revisions. The Department of Health shall make every effort to avoid imposing on the hospice differing requirements based on differences between counties.

Section 18. Section 401.273, Florida Statutes, is created to read:

401.273 Emergency medical technician and paramedic registry for disasters and emergencies.—

(1) The department shall include on its forms for the certification or recertification of emergency medical technicians and paramedics who could assist the department in the event of a disaster a question asking if the practitioner would be available to provide health care services in special needs shelters or to help staff disaster medical assistance teams during times of emergency or major disaster. The names of the emergency medical technicians and paramedics who answer affirmatively shall be maintained by the department as a registry for disasters and emergencies.

(2) A certificateholder may perform the functions of an emergency medical technician or paramedic in a special needs shelter or as a member of a disaster medical assistance team, provided that such functions are performed only under the medical direction of a physician who is licensed under chapter 458 or chapter 459 and who has complied with the formal supervision requirements of s. 458.348.

Section 19. Subsection (12) is added to section 408.15, Florida Statutes, to read:

408.15 Powers of the agency.—In addition to the powers granted to the agency elsewhere in this chapter, the agency is authorized to:

(12) Establish, in coordination with the Department of Health, uniform standards of care to be provided in special needs units or shelters during times of emergency or major disaster.

Section 20. Section 455.718, Florida Statutes, is created to read:

455.718 Health care practitioner registry for disasters and emergencies.—The Department of Health may include on its forms for the licensure or certification of health care practitioners, as defined in s. 455.501, who could assist the department in the event of a disaster a question asking if the practitioner would be available to provide health care services in special needs shelters or to help staff disaster medical assistance teams during times of emergency or major disaster. The names of practitioners who answer affirmatively shall be maintained by the department as a health care practitioner registry for disasters and emergencies.

Section 21. State agencies that contract with providers for the care of persons with disabilities or limitations that make such persons dependent upon the care of others shall include emergency and disaster planning provisions in such contracts at the time the contracts are initiated or upon renewal. These provisions shall include, but shall not be limited to:

(1) The designation of an emergency coordinating officer.

(2) A procedure to contact, prior to or immediately following an emergency or disaster, all persons, on a priority basis, who need assistance and sheltering during evacuations because of physical, mental, or sensory disabilities and whose care is provided under the contract.

(3) A procedure to help persons who would need assistance and sheltering during evacuations because of physical, mental, or sensory disabilities register with the local emergency management agency as provided in section 252.355, Florida Statutes.

(4) A procedure to dispatch the emergency coordinating officer or other staff members to special needs shelters to assist clients with special needs, if necessary.

(5) A procedure for providing the essential services the organization currently provides to special needs clients in preparation for, and during and following, a disaster.

Section 22. (1) There is appropriated \$600,000 for fiscal year 2000-2001 from the General Revenue Fund and two full-time equivalent positions to the Department of Health to implement this act.

(2) Each provision of this act will be implemented to the extent that funds are specifically appropriated for it or that funds are available from federal or local sources for a specific provision.

Section 23. This act shall take effect October 1, 2000.

Approved by the Governor May 24, 2000.

Filed in Office Secretary of State May 24, 2000.