

Fla. Stat. § 252.355

Current through the 2022 regular and extra sessions.

LexisNexis® Florida Annotated Statutes > Title XVII. Military Affairs and Related Matters. (Chs. 250 — 252) > Chapter 252. Emergency Management. (Pts. I — IV) > Part I. General Provisions. (§§ 252.31 — 252.64)

§ 252.355. Registry of persons with special needs; notice; registration program.

(1) In order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical, mental, cognitive impairment, or sensory disabilities, the division, in coordination with each local emergency management agency in the state, shall maintain a registry of 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.

(2) In order to ensure that all persons with special needs may register, the division shall develop and maintain a special needs shelter registration program. During a public health emergency in which physical distancing is necessary, as determined by the State Health Officer, the division must maintain information on special needs shelter options that mitigate the threat of the spread of infectious diseases.

(a) The registration program shall include, at a minimum, a uniform electronic registration form and a database for uploading and storing submitted registration forms that may be accessed by the appropriate local emergency management agency. The link to the registration form shall be easily accessible on each local emergency management agency's website. Upon receipt of a paper registration form, the local emergency management agency shall enter the person's registration information into the database.

(b) To assist in identifying persons with special needs, home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Department of Education, the Agency for Persons with Disabilities, the Department of Elderly Affairs, and memory disorder clinics shall, and any physician licensed under chapter 458 or chapter 459 and any pharmacy licensed under chapter 465 may, annually provide registration information to all of their special needs clients or their caregivers. The division shall develop a brochure that provides information regarding special needs shelter registration procedures. The brochure must be easily accessible on the division's website. All appropriate agencies and community-based service providers, including aging and disability resource centers, memory disorder clinics, home health care providers, hospices, nurse registries, and home medical equipment providers, shall, and any physician licensed under chapter 458 or chapter 459 may, assist emergency management agencies by annually registering persons with special needs for special needs shelters, collecting registration information for persons with special needs as part of the program intake process, and establishing programs to educate clients about the registration process and disaster preparedness safety procedures. A client of a state-funded or federally funded service program who has a physical, mental, or cognitive impairment or sensory disability and who needs assistance in evacuating, or when in a shelter, must register as a person with special needs. The registration program shall give persons with special needs the option of preauthorizing emergency response

personnel to enter their homes during search and rescue operations if necessary to ensure their safety and welfare following disasters.

(c) The division 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.

(d) On or before May 31 of each year, each electric utility in the state shall annually notify residential customers in its service area of the availability of the registration program available through their local emergency management agency by:

1. An initial notification upon the activation of new residential service with the electric utility, followed by one annual notification between January 1 and May 31; or
2. Two separate annual notifications between January 1 and May 31.

The notification may be made by any available means, including, but not limited to, written, electronic, or verbal notification, and may be made concurrently with any other notification to residential customers required by law or rule.

(3) A person with special needs must be allowed to bring his or her service animal into a special needs shelter in accordance with [s. 413.08](#).

(4) All records, data, information, correspondence, and communications relating to the registration of persons with special needs as provided in subsection (1) are confidential and exempt from [s. 119.07\(1\)](#), except that such information shall be available to other emergency response agencies, as determined by the local emergency management director. Local law enforcement agencies shall be given complete shelter roster information upon request.

History

SS. 1, 2, 3, 4, ch. 80-191; s. 18, ch. 83-334; s. 1, [ch. 89-184](#); s. 85, [ch. 90-360](#); s. 15, [ch. 93-211](#); s. 107, [ch. 96-406](#); s. 46, [ch. 99-8](#); s. 10, [ch. 2000-140](#); s. 16, [ch. 2006-71](#), eff. July 1, 2006; s. 100, [ch. 2011-142](#), eff. July 1, 2011; s. 48, [ch. 2014-19](#), effective July 1, 2014; s. 1, [ch. 2014-163](#), effective July 1, 2014; s. 14, [ch. 2021-51](#), effective June 29, 2021; s. 5, [ch. 2021-8](#), effective July 1, 2021.

Annotations

Notes

Amendments.

The 2006 amendment by s. 16, ch. 2006-71, effective July 1, 2006, in (1), inserted “cognitive impairment” in the first sentence, and in the third sentence inserted “home health agencies, hospices, nurse registries, home medical equipment providers” and substituted “Department of Education, Agency for Persons with Disabilities” for “Department of Labor and Employment Security” and “persons with special needs to receive services” for “incoming clients as a part of the intake process”; added (2) and (3), and redesignated the remaining subsections accordingly; in (4)(a), substituted “May 31” for “May 1” and added 1. and 2. and made a related change; added (4)(b); added the last sentence in (5); and in (6), inserted “hospices, nurse registries, and home medical equipment providers” in the first sentence and “cognitive impairment” in the second sentence.

The 2011 amendment substituted “division” for “Department of Community Affairs” in (2).

The 2014 amendment by s. 48, ch. 2014–19, effective July 1, 2014, substituted “Department of Children and Families” for “Department of Children and Family Services” in the third sentence of (1).

The 2014 amendment by s. 1, ch. 2014–163, effective July 1, 2014, added “registration program” in the section heading; added “the division, in coordination with” in the first sentence of (1); rewrote (2); redesignated former (5) as (4); deleted “the provisions of” following “exempt from” in the first sentence of (4); deleted former (6), which read: “All appropriate agencies and community-based service providers, including home health care providers, hospices, nurse registries, and home medical equipment providers, shall assist emergency management agencies by collecting registration information for persons 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, cognitive impairment, or sensory disabilities who need assistance in evacuating, or when in shelters, must register as persons with special needs”; and made a related change.

Research References & Practice Aids

RESEARCH REFERENCES & PRACTICE AIDS

Florida Statutes references.

Chapter 252. Emergency Management, [F.S. § 252.356](#). Emergency and disaster planning provisions to assist persons with disabilities or limitations.

Chapter 400. Nursing Homes and Related Health Care Facilities, [F.S. § 400.492](#). Provision of services during an emergency.

Chapter 400. Nursing Homes and Related Health Care Facilities, [F.S. § 400.506](#). Licensure of nurse registries; requirements; penalties.

Florida Administrative Code references.

Chapter 58A-2 Hospice, [F.A.C. 58A-2.026](#) Comprehensive Emergency Management Plan.

Chapter 59A-8 Minimum Standards for Home Health Agencies, [F.A.C. 59A-8.002](#) Definitions.

Chapter 59A-8 Minimum Standards for Home Health Agencies, [F.A.C. 59A-8.027](#) Emergency Management Plans.

Chapter 59A-18 Nurse Registries Standards and Licensing, [F.A.C. 59A-18.018](#) Emergency Management Plans.

Chapter 59A-25 Minimum Standards for Home Medical Equipment Providers, [F.A.C. 59A-25.006](#) Emergency Management Planning.

Chapter 64-3 Special Needs Shelter (R. 12/08), [F.A.C. 64-3.050](#) Special Needs Shelter Registration.

Law Reviews & Journals

Local Government Law Symposium: “When The Wind Blows”: The Role of the Local Government Attorney Before, During, and in the Aftermath of a Disaster, Joseph G. Jarret and Michele L. Lieberman, Winter 2007, [36 Stetson L. Rev. 293](#).

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