

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 1760

INTRODUCER: Senator Albritton

SUBJECT: Personal Protective Equipment

DATE: March 15, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Caldwell	MS	Pre-meeting
2.	_____	_____	GO	_____
3.	_____	_____	AP	_____

I. Summary:

SB 1760 requires the Division of Emergency Management to ensure that doctors, nurses, and other health care practitioners will be able to purchase personal protective equipment in the event of a declared emergency caused by an infectious or communicable disease. Examples of personal protective equipment include respirators, gloves, gowns, and masks.

In order to ensure the availability of these items, the division must complete an inventory of the personal protective equipment “held in reserve.” In light of this inventory, the division must procure additional equipment or arrange by contract for it to be sold to health care workers in the event of a health emergency.

The equipment must be available for purchase by the health care workers or their employers at the cost for which it was procured, and the equipment may not be resold at a higher price.

The bill takes effect July 1, 2021.

II. Present Situation:

Florida Division of Emergency Management

In the State Emergency Management Act, the Legislature created the Division of Emergency Management within the Executive Office of the Governor.¹ The division is responsible for “maintaining a comprehensive statewide program of emergency management.”² The division is also “responsible for coordination with efforts of the Federal Government with other departments

¹ See ss. 252.32(1) and 252.34(3), F.S.

² Section 252.35(1), F.S.

and agencies of state government, with county and municipal governments and school boards, and with private agencies that have a role in emergency management.”³

Additionally, the division is responsible for “carrying out” the State Emergency Management Act.⁴ The Act provides that this responsibility includes a list of more than 20 particular duties.⁵

Several of these duties relate to the creation and updating of the state’s comprehensive emergency plan or the emergency plans of counties, executive departments, or other entities. More particularly, the division must:

- Create a state comprehensive emergency plan. The plan must be integrated into and coordinated with the plans and programs of the federal government.
- 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.
- Assist political subdivisions in preparing and maintaining emergency management plans.
- Review periodically political subdivision emergency management plans for consistency with the state comprehensive emergency management plan and standards and requirements adopted under this section.⁶

Other duties of the division include cooperating with various partners in emergency management and coordinating several aspects of the state’s emergency management apparatus. In more detail, the division must:

- 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.
- Coordinate federal, state, and local emergency management activities and take all other steps to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters.
- Cooperate with the Federal Government and any public or private entity in achieving any purpose of the State Emergency Management Act and in implementing programs for mitigation, preparation, response, and recovery.⁷

The division is also responsible for various educational and outreach tasks. The division must:

- Institute statewide public awareness programs. This must include an intensive public educational campaign on emergency preparedness issues, including, but not limited to, the personal responsibility of individual citizens to be self-sufficient for up to 72 hours following a natural or manmade disaster.
- In cooperation with the Department of Education, coordinate with the Agency for Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

³ *Id.*

⁴ Section 252.35(2), F.S.

⁵ *See Id.*

⁶ Section 252.35(2), F.S.

⁷ *Id.*

- 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.⁸

Finally, the division is responsible for keeping inventories of equipment that may be needed during an emergency. In this area, the division must:

- 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.
 - Use and employ from time to time any of the property, services, and resources within the state in accordance with the State Emergency Management Act.
- Complete an inventory of portable generators owned by the state and local governments which are capable of operating during a major disaster. The inventory must identify, at a minimum the:
 - Location of each generator.
 - Number of generators stored at each specific location.
 - Agency to which each generator belongs.
 - Primary use of the generator by the owner agency.
 - Names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the division during a declared emergency.
- Maintain an inventory list of generators owned by the state and local governments. In addition, the division may keep a list of private entities, along with appropriate contact information, which offer generators for sale or lease.⁹

III. Effect of Proposed Changes:

The bill requires the Division of Emergency Management to ensure that doctors, nurses, and other health care practitioners or their employers will be able to purchase personal protective equipment in the event of a declared emergency caused by an infectious or communicable disease. Personal protective equipment for infectious or communicable diseases includes items such as respirators, gloves, gowns, and masks.

In order to ensure the availability of these items, the division must complete an inventory of the personal protective equipment “held in reserve.” In light of this inventory, the division must procure additional equipment or arrange by contract for it to be sold to health care workers in the event of a health emergency.

The equipment must be available for purchase by the health care workers or their employers at the cost for which it was procured, and the equipment may not be resold at a higher price.

The bill takes effect July 1, 2021.

⁸ *Id.*

⁹ *Id.*

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may have a positive fiscal impact because it ensures that health care practitioners and their employers will have the personal protective equipment necessary to conduct their practices.

C. Government Sector Impact:

The bill may have a positive fiscal impact because it ensures that government-sector health care practitioners and their employers will have the personal protective equipment necessary to conduct their practices.

VI. Technical Deficiencies:

The bill changes s. 252.35(2), F.S., by adding a paragraph (z) as the last item on a list of duties of the Division of Emergency Management. However, the current final item on this list is a catch-all, and the paragraph before it appears to be procedural. Accordingly, the Legislature may wish to insert the bill language before these two paragraphs, where it would appear as the last of a list of substantive duties of the division.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 252.35 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
