

By Senator Diaz

36-00507B-21

20211924__

1 A bill to be entitled

2 An act relating to limitations on emergency powers of
3 political subdivisions; amending s. 252.38, F.S.;
4 requiring that certain emergency measures issued by a
5 political subdivision be narrowly tailored to a
6 compelling public health or safety purpose; specifying
7 additional requirements for local emergency measures;
8 providing an effective date.

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

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12 Section 1. Paragraph (c) is added to subsection (3) of
13 section 252.38, Florida Statutes, to read:

14 252.38 Emergency management powers of political
15 subdivisions.—Safeguarding the life and property of its citizens
16 is an innate responsibility of the governing body of each
17 political subdivision of the state.

18 (3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

19 (c) Notwithstanding any other law, any emergency order,
20 decree, regulation, or other requirement issued by a political
21 subdivision which curtails or infringes the rights of private
22 individuals must be narrowly tailored to serve a compelling
23 public health or safety purpose. Any such emergency measure must
24 be limited in duration, applicability, and scope in order to
25 reduce any infringement on individual liberty to the greatest
26 extent possible.

27 Section 2. This act shall take effect July 1, 2021.