



680134

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/2R

.

04/21/2021 10:35 AM

.

.

Senator Rodriguez moved the following:

Senate Amendment (with title amendment)

Delete lines 821 - 1088

and insert:

intrusive means. This standard of proof does not apply to
evacuation orders and anti-looting-related orders issued in
response to a declared disaster; such orders need only be
justified under a rational basis standard.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental
control and coordination of emergency operations in emergencies



680134

12 within the scope of ss. 252.31-252.90, each county within this
13 state shall be within the jurisdiction of, and served by, the
14 division. Except as otherwise provided in ss. 252.31-252.90,
15 each local emergency management agency shall have jurisdiction
16 over and serve an entire county. Unless part of an
17 interjurisdictional emergency management agreement entered into
18 pursuant to paragraph (3) (b) which is recognized by the Governor
19 by executive order or rule, each county must establish and
20 maintain such an emergency management agency and shall develop a
21 county emergency management plan and program that is coordinated
22 and consistent with the state comprehensive emergency management
23 plan and program. Counties that are part of an
24 interjurisdictional emergency management agreement entered into
25 pursuant to paragraph (3) (b) which is recognized by the Governor
26 by executive order or rule shall cooperatively develop an
27 emergency management plan and program that is coordinated and
28 consistent with the state comprehensive emergency management
29 plan and program.

30 (b) Each county emergency management agency created and
31 established pursuant to ss. 252.31-252.90 shall have a director.
32 The director must meet the minimum training and education
33 qualifications established in a job description approved by the
34 county. The director shall be appointed by the board of county
35 commissioners or the chief administrative officer of the county,
36 as described in chapter 125 or the county charter, if
37 applicable, to serve at the pleasure of the appointing
38 authority, in conformance with applicable resolutions,
39 ordinances, and laws. A county constitutional officer, or an
40 employee of a county constitutional officer, may be appointed as



680134

41 director following prior notification to the division. Each
42 board of county commissioners shall promptly inform the division
43 of the appointment of the director and other personnel. Each
44 director has direct responsibility for the organization,
45 administration, and operation of the county emergency management
46 agency. The director shall coordinate emergency management
47 activities, services, and programs within the county and shall
48 serve as liaison to the division and other local emergency
49 management agencies and organizations.

50 (c) Each county emergency management agency shall perform
51 emergency management functions within the territorial limits of
52 the county within which it is organized and, in addition, shall
53 conduct such activities outside its territorial limits as are
54 required pursuant to ss. 252.31-252.90 and in accordance with
55 state and county emergency management plans and mutual aid
56 agreements. Counties shall serve as liaison for and coordinator
57 of municipalities' requests for state and federal assistance
58 during postdisaster emergency operations.

59 (d) During a declared state or local emergency and upon the
60 request of the director of a local emergency management agency,
61 the district school board or school boards in the affected area
62 shall participate in emergency management by providing
63 facilities and necessary personnel to staff such facilities.
64 Each school board providing transportation assistance in an
65 emergency evacuation shall coordinate the use of its vehicles
66 and personnel with the local emergency management agency.

67 (e) County emergency management agencies may charge and
68 collect fees for the review of emergency management plans on
69 behalf of external agencies and institutions. Fees must be



680134

70 reasonable and may not exceed the cost of providing a review of
71 emergency management plans in accordance with fee schedules
72 established by the division.

73 (2) MUNICIPALITIES.—Legally constituted municipalities are
74 authorized and encouraged to create municipal emergency
75 management programs. Municipal emergency management programs
76 shall coordinate their activities with those of the county
77 emergency management agency. Municipalities without emergency
78 management programs shall be served by their respective county
79 agencies. If a municipality elects to establish an emergency
80 management program, it must comply with all laws, rules, and
81 requirements applicable to county emergency management agencies.
82 Each municipal emergency management plan must be consistent with
83 and subject to the applicable county emergency management plan.
84 In addition, each municipality must coordinate requests for
85 state or federal emergency response assistance with its county.
86 This requirement does not apply to requests for reimbursement
87 under federal public disaster assistance programs.

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

89 (a) In carrying out the provisions of ss. 252.31-252.90,
90 each political subdivision shall have the power and authority:

91 1. To appropriate and expend funds; make contracts; obtain
92 and distribute equipment, materials, and supplies for emergency
93 management purposes; provide for the health and safety of
94 persons and property, including emergency assistance to the
95 victims of any emergency; and direct and coordinate the
96 development of emergency management plans and programs in
97 accordance with the policies and plans set by the federal and
98 state emergency management agencies.



680134

99 2. To appoint, employ, remove, or provide, with or without
100 compensation, coordinators, rescue teams, fire and police
101 personnel, and other emergency management workers.

102 3. To establish, as necessary, a primary and one or more
103 secondary emergency operating centers to provide continuity of
104 government and direction and control of emergency operations.

105 4. To assign and make available for duty the offices and
106 agencies of the political subdivision, including the employees,
107 property, or equipment thereof relating to firefighting,
108 engineering, rescue, health, medical and related services,
109 police, transportation, construction, and similar items or
110 services for emergency operation purposes, as the primary
111 emergency management forces of the political subdivision for
112 employment within or outside the political limits of the
113 subdivision.

114 5. To request state assistance or invoke emergency-related
115 mutual-aid assistance by declaring a state of local emergency in
116 the event of an emergency affecting only one political
117 subdivision. The duration of each state of emergency declared
118 locally is limited to 7 days; it may be extended, as necessary,
119 in 7-day increments. Further, the political subdivision has the
120 power and authority to waive the procedures and formalities
121 otherwise required of the political subdivision by law
122 pertaining to:

123 a. Performance of public work and taking whatever prudent
124 action is necessary to ensure the health, safety, and welfare of
125 the community.

126 b. Entering into contracts.

127 c. Incurring obligations.



680134

128 d. Employment of permanent and temporary workers.

129 e. Utilization of volunteer workers.

130 f. Rental of equipment.

131 g. Acquisition and distribution, with or without
132 compensation, of supplies, materials, and facilities.

133 h. Appropriation and expenditure of public funds.

134 (b) Upon the request of two or more adjoining counties, or
135 if the Governor finds that two or more adjoining counties would
136 be better served by an interjurisdictional arrangement than by
137 maintaining separate emergency management agencies and services,
138 the Governor may delineate by executive order or rule an
139 interjurisdictional area adequate to plan for, prevent,
140 mitigate, or respond to emergencies in such area and may direct
141 steps to be taken as necessary, including the creation of an
142 interjurisdictional relationship, a joint emergency plan, a
143 provision for mutual aid, or an area organization for emergency
144 planning and services. A finding of the Governor pursuant to
145 this paragraph shall be based on one or more factors related to
146 the difficulty of maintaining an efficient and effective
147 emergency prevention, mitigation, preparedness, response, and
148 recovery system on a unijurisdictional basis, such as:

149 1. Small or sparse population.

150 2. Limitations on public financial resources severe enough
151 to make maintenance of a separate emergency management agency
152 and services unreasonably burdensome.

153 3. Unusual vulnerability to emergencies as evidenced by a
154 past history of emergencies, topographical features, drainage
155 characteristics, emergency potential, and presence of emergency-
156 prone facilities or operations.



680134

157 4. The interrelated character of the counties in a
158 multicounty area.

159 5. Other relevant conditions or circumstances.

160 (4) INVALIDATION OF CERTAIN EMERGENCY MEASURES.—The
161 Governor, or the Legislature by concurrent resolution, may at
162 any time invalidate an order, an ordinance, a proclamation, a
163 rule, or any other measure issued by a political subdivision to
164 address a purported emergency if the Governor or the Legislature
165 determines that such order unnecessarily restricts a
166 constitutional right, a fundamental liberty, or a statutory
167 right.

168 Section 13. Subsections (1), (2), and (3) of section
169 252.385, Florida Statutes, are amended to read:

170 252.385 Public shelter space.—

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

174 (2) (a) The division shall administer a program to survey
175 existing schools, universities, community colleges, and other
176 state-owned, municipally owned, and county-owned public
177 buildings and any private facility that the owner, in writing,
178 agrees to provide for use as a public hurricane evacuation
179 shelter to identify those that are appropriately designed and
180 located to serve as such shelters. The owners of the facilities
181 must be given the opportunity to participate in the surveys. The
182 state university boards of trustees, district school boards,
183 community college boards of trustees, and the Department of
184 Education are responsible for coordinating and implementing the
185 survey of public schools, universities, and community colleges



680134

186 with the division or the local emergency management agency.

187 (b) By January 31 of each even-numbered year, the division
188 shall prepare and submit a statewide emergency shelter plan to
189 the Governor and Cabinet for approval, subject to the
190 requirements for approval in s. 1013.37(2). The emergency
191 shelter plan must project, for each of the next 5 years, the
192 hurricane shelter needs of the state, including periods of time
193 during which a concurrent public health emergency may
194 necessitate more space for each individual to accommodate
195 physical distancing. In addition to information on the general
196 shelter needs throughout this state, the plan must shall
197 identify the general location and square footage of special
198 needs shelters, by regional planning council region, ~~during the~~
199 ~~next 5 years~~. The plan must shall also include information on
200 the availability of shelters that accept pets. The Department of
201 Health shall assist the division in determining the estimated
202 need for special needs shelter space and the adequacy of
203 facilities to meet the needs of persons with special needs based
204 on information from the registries of persons with special needs
205 and other information.

206 (3) The division shall annually provide to the President of
207 the Senate, the Speaker of the House of Representatives, and the
208 Governor a list of facilities recommended to be retrofitted
209 using state funds. State funds should be maximized and targeted
210 to regional planning council regions with hurricane evacuation
211 shelter deficits. ~~Retrofitting facilities in regions with public~~
212 ~~hurricane evacuation shelter deficits shall be given first~~
213 ~~priority and should be completed by 2003. All recommended~~
214 ~~facilities should be retrofitted by 2008.~~ The owner or lessee of



680134

215 a public hurricane evacuation shelter that is included on the
216 list of facilities recommended for retrofitting is not required
217 to perform any recommended improvements.

218 Section 14. Subsection (1) of section 252.44, Florida
219 Statutes, is amended to read:

220 252.44 Emergency mitigation.—

221 (1) In addition to prevention measures included in the
222 state and local comprehensive emergency management plans, the
223 Governor shall consider on a continuing basis steps that could
224 be taken to mitigate the harmful consequences of emergencies. At
225 the Governor's direction and pursuant to any other authority and
226 competence they have, state agencies, including, but not limited
227 to, those charged with responsibilities in connection with
228 protecting and maintaining the public health, flood plain
229 management, stream encroachment and flow regulation, weather
230 modification, fire prevention and control, air quality, public
231 works, land use and land use planning, and construction
232 standards, shall make studies of emergency-mitigation-related
233 matters. The Governor, from time to time, shall make such
234 recommendations to the Legislature, local governments, and other
235 appropriate public and private entities as may facilitate
236 measures for mitigation of the harmful consequences of
237 emergencies.

238 Section 15. Present subsection (3) of section 252.46,
239 Florida Statutes, is redesignated as subsection (6), a new
240 subsection (3) and subsections (4) and (5) are added to that
241 section, and subsection (2) of that section is amended, to read:

242 252.46 Orders and rules.—

243 (2) All orders and rules adopted by the division or any



680134

244 political subdivision or other agency authorized by ss. 252.31-
245 252.90 to make orders and rules have full force and effect of
246 law after adoption in accordance with ~~the provisions of~~ chapter
247 120 in the event of issuance by the division or any state agency
248 or, if adopted ~~promulgated~~ by a political subdivision of the
249 state or agency thereof, when filed in the office of the clerk
250 or recorder of the political subdivision or agency adopting
251 ~~promulgating~~ the same. Failure of a political subdivision to
252 file any such order or rule with the office of the clerk or
253 recorder within 3 days after issuance voids the order or rule.
254 All existing laws, ordinances, and rules inconsistent with ~~the~~
255 ~~provisions of~~ ss. 252.31-252.90, or any order or rule issued
256 under the authority of ss. 252.31-252.90, must ~~shall~~ be
257 suspended during the period of time and to the extent that such
258 conflict exists.

259 (3) Emergency ordinances, declarations, and orders adopted
260 by a political subdivision under the authority of ss. 252.31-
261 252.90, including those enacted by a municipality pursuant to s.
262 166.041(3)(b), must be available on a dedicated webpage
263 accessible through a conspicuous link on the political
264 subdivision's homepage. The dedicated webpage must identify the
265 emergency ordinances, declarations, and orders currently in
266 effect. Each political subdivision adopting emergency
267 ordinances, declarations, or orders must provide the division
268 with the link to the political subdivision's dedicated webpage.
269 The division must include these links in an easily identifiable
270 format on its website.

271 (4) An order issued by a political subdivision
272 automatically expires 10 days after its issuance; however, such



680134

273 an order may be extended before its expiration by a majority
274 vote of the governing body of the political subdivision if
275 deemed necessary. Governing bodies conducting such a vote may
276 convene by means of communications media technology as defined
277 in s. 120.54(5)(b) to establish a quorum, if necessary. Upon the
278 expiration of an order, a political

279
280 ===== T I T L E A M E N D M E N T =====

281 And the title is amended as follows:

282 Delete line 118

283 and insert:

284 met; authorizing governing bodies to convene by means
285 of communications media technology to establish a
286 quorum; prohibiting a political subdivision from
287 issuing