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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

04/21/2021 11:15 AM

Senator Burgess moved the following:

Senate Amendment (with title amendment)

Delete lines 659 - 1251

and insert:

order, proclamation, or rule thereunder. Upon such concurrent resolution, the Governor shall issue an executive order or proclamation consistent with the concurrent resolution.

(b) Notwithstanding s. 252.46(2), all emergency declarations and orders, regardless of how titled, issued under the authority of this part by the Governor or any agency, whether by direct, delegated, or subdelegated authority, before,



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12 during, or after a declared emergency, must be immediately filed
13 with the Division of Administrative Hearings. Failure to file
14 any such declaration or order with the division within 5 days
15 after issuance voids the declaration or order. The division
16 shall index all such declarations and orders and make them
17 available in searchable format on its website within 3 days of
18 filing. The searchable format must include, but is not limited
19 to, searches by term, referenced statutes, and rules and must
20 include a search category that specifically identifies emergency
21 orders in effect at any given time. A link to the division's
22 index must be placed in a conspicuous location on the Division
23 of Emergency Management's website. This subsection applies
24 retroactively to all executive emergency declarations and orders
25 in effect on July 1, 2021.

26 (6)~~(5)~~ In addition to any other powers conferred upon the
27 Governor by law, she or he may:

28 (c) Transfer the direction, personnel, or functions of
29 state departments and agencies or units thereof for the purpose
30 of performing or facilitating emergency services. The transfer
31 of the direction, personnel, or functions of state departments
32 and agencies must be reported monthly on a cumulative basis to
33 the President of the Senate and the Speaker of the House of
34 Representatives.

35 Section 9. Section 252.3611, Florida Statutes, is created
36 to read:

37 252.3611 Transparency; audits.—

38 (1) Each order, proclamation, or rule issued by the
39 Governor, the division, or any agency must specify the statute
40 or rule being amended or waived, if applicable, and the



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41 expiration date for the order, proclamation, or rule.

42 (2) When the duration of an emergency exceeds 90 days:

43 (a) Within 72 hours of executing a contract executed with
44 moneys authorized for expenditure to support the response to the
45 declared state of emergency, the Executive Office of the
46 Governor or the appropriate agency shall submit a copy of such
47 contract to the Legislature. For contracts executed during the
48 first 90 days of the emergency, the Executive Office of the
49 Governor or the appropriate agency shall submit a copy to the
50 Legislature within the first 120 days of the declared emergency.

51 (b) The Executive Office of the Governor or the appropriate
52 agency shall submit monthly reports to the Legislature of all
53 state expenditures, revenues received, and funds transferred by
54 an agency during the previous month to support the declared
55 state of emergency.

56 (3) Once an emergency exceeds 1 year, the Auditor General
57 shall conduct a financial audit of all associated expenditures
58 and a compliance audit of all associated contracts entered into
59 during the declared emergency. The Auditor General must update
60 the audit annually until the emergency is declared to be ended.

61 (4) Following the expiration or termination of a state of
62 emergency, the Auditor General shall conduct a financial audit
63 of all associated expenditures and a compliance audit of all
64 associated contracts entered into during the state of emergency.

65 Section 10. Subsection (3) of section 252.365, Florida
66 Statutes, is amended to read:

67 252.365 Emergency coordination officers; disaster-
68 preparedness plans.-

69 (3) Emergency coordination officers shall ensure These



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70 ~~individuals shall be responsible for ensuring~~ that each state
71 agency and facility, such as a prison, office building, or
72 university, has a disaster preparedness plan that is coordinated
73 with the applicable local emergency-management agency and
74 approved by the division.

75 (a) The disaster-preparedness plan must outline a
76 comprehensive and effective program to ensure continuity of
77 essential state functions under all circumstances, including,
78 but not limited to, a pandemic or other public health emergency.
79 The plan must identify a baseline of preparedness for a full
80 range of potential emergencies to establish a viable capability
81 to perform essential functions during any emergency or other
82 situation that disrupts normal operations. This baseline must
83 consider and include preparedness for rapid and large-scale
84 increases in the public's need to access government services
85 through technology or other means during an emergency,
86 including, but not limited to, a public health emergency.

87 (b) The plan must include, at a minimum, the following
88 elements: identification of essential functions, programs, and
89 personnel; procedures to implement the plan and personnel
90 notification and accountability; delegations of authority and
91 lines of succession; identification of alternative facilities
92 and related infrastructure, including those for communications;
93 identification and protection of vital records and databases;
94 provisions regarding the availability of, and distribution plans
95 for, personal protective equipment; and schedules and procedures
96 for periodic tests, training, and exercises.

97 (c) The division shall develop and distribute guidelines
98 for developing and implementing the plan. By December 31, 2022,



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99 each agency must update its plan to include provisions related
100 to preparation for pandemics and other public health emergencies
101 consistent with the plan developed pursuant to s. 381.00315.
102 Each agency plan must be updated as needed to remain consistent
103 with the state public health emergency management plan.

104 Section 11. Subsections (7) and (8) are added to section
105 252.37, Florida Statutes, and subsection (2) of that section is
106 amended, contingent upon SB 1892 or similar legislation creating
107 the Emergency Preparedness and Response Fund taking effect, to
108 read:

109 252.37 Financing.—

110 (2) (a) It is the legislative intent that the first recourse
111 be made to funds specifically ~~regularly~~ appropriated to state
112 and local agencies for disaster relief or response.

113 (b) If the Governor finds that the demands placed upon
114 these funds in coping with a particular disaster declared by the
115 Governor as a state of emergency are unreasonably great, she or
116 he may make funds available by transferring and expending moneys
117 ~~appropriated for other purposes,~~ from the Emergency Preparedness
118 and Response Fund.

119 (c) If additional funds are needed, the Governor may make
120 funds available by transferring and expending moneys out of any
121 unappropriated surplus funds, or from the Budget Stabilization
122 Fund if the transfers and expenditures are directly related to
123 the declared disaster or emergency. Notice of such action, as
124 provided in s. 216.177, must be delivered at least 7 days before
125 the effective date of the action, unless a shorter period is
126 agreed to in writing by the President of the Senate and the
127 Speaker of the House of Representatives. If the President of the



128 Senate and the Speaker of the House of Representatives timely
129 advise in writing that the parties object to the transfer, the
130 Governor must void such action.

131 (d) Following the expiration or termination of the state of
132 emergency, the Governor may transfer moneys with a budget
133 amendment, subject to approval by the Legislative Budget
134 Commission, to satisfy the budget authority granted for such
135 emergency. The transfers and expenditures supporting the
136 amendment must be directly related to the declared disaster or
137 emergency.

138 (7) An agency or political subdivision shall submit in
139 advance a detailed spending plan for any grants, gifts, loans,
140 funds, payments, services, equipment, supplies, or materials in
141 aid of or for the purposes of emergency prevention, recovery,
142 mitigation, preparedness, and management, other than emergency
143 response, received under this section to the President of the
144 Senate, the Speaker of the House of Representatives, and the
145 chairs of the legislative appropriations committees. This
146 paragraph does not apply to the receipt of any funds from an
147 agency, department, or other affiliated entity of the Federal
148 Government as part of an expedited project worksheet in
149 anticipation of emergency response expenditures. If an emergency
150 situation precludes the timely advanced submission of a detailed
151 spending plan, the plan must be submitted as soon as
152 practicable, but not later than 30 days after initiation of any
153 expenditures, and be resubmitted every 30 days as long as the
154 emergency continues and funds continue to be disbursed.

155 (8) For emergency response activities, including an
156 emergency response that includes emergency protective measures



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157 or debris removal, the agency or political subdivision is not
158 required to provide a detailed spending plan in advance of
159 expenditures, but must provide notice to the President of the
160 Senate, the Speaker of the House of Representatives, and the
161 chairs of the legislative appropriations committees of all
162 expenditures in aggregate categories incurred in the emergency
163 response no later than 30 days after the expenditure is
164 incurred, and a copy of any project worksheet submitted to the
165 Federal Emergency Management Agency must be submitted to the
166 same parties no later than 7 days after it is submitted to the
167 Federal Emergency Management Agency.

168 Section 12. Section 252.38, Florida Statutes, is amended to
169 read:

170 252.38 Emergency management powers of political
171 subdivisions.—Safeguarding the life and property of its citizens
172 is an innate responsibility of the governing body of each
173 political subdivision of the state. However, political
174 subdivisions are given police powers to preserve, not impair,
175 private rights. Therefore, a political subdivision that deprives
176 any person of a constitutional right, a fundamental liberty, a
177 statutory right, or property to address a purported emergency
178 bears the burden of proving that the exercise of police power is
179 narrowly tailored, serves a compelling governmental interest,
180 and accomplishes the intended goal through the use of the least
181 intrusive means.

182 (1) COUNTIES.—

183 (a) In order to provide effective and orderly governmental
184 control and coordination of emergency operations in emergencies
185 within the scope of ss. 252.31-252.90, each county within this



186 state shall be within the jurisdiction of, and served by, the
187 division. Except as otherwise provided in ss. 252.31-252.90,
188 each local emergency management agency shall have jurisdiction
189 over and serve an entire county. Unless part of an
190 interjurisdictional emergency management agreement entered into
191 pursuant to paragraph (3) (b) which is recognized by the Governor
192 by executive order or rule, each county must establish and
193 maintain such an emergency management agency and shall develop a
194 county emergency management plan and program that is coordinated
195 and consistent with the state comprehensive emergency management
196 plan and program. Counties that are part of an
197 interjurisdictional emergency management agreement entered into
198 pursuant to paragraph (3) (b) which is recognized by the Governor
199 by executive order or rule shall cooperatively develop an
200 emergency management plan and program that is coordinated and
201 consistent with the state comprehensive emergency management
202 plan and program.

203 (b) Each county emergency management agency created and
204 established pursuant to ss. 252.31-252.90 shall have a director.
205 The director must meet the minimum training and education
206 qualifications established in a job description approved by the
207 county. The director shall be appointed by the board of county
208 commissioners or the chief administrative officer of the county,
209 as described in chapter 125 or the county charter, if
210 applicable, to serve at the pleasure of the appointing
211 authority, in conformance with applicable resolutions,
212 ordinances, and laws. A county constitutional officer, or an
213 employee of a county constitutional officer, may be appointed as
214 director following prior notification to the division. Each



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215 board of county commissioners shall promptly inform the division
216 of the appointment of the director and other personnel. Each
217 director has direct responsibility for the organization,
218 administration, and operation of the county emergency management
219 agency. The director shall coordinate emergency management
220 activities, services, and programs within the county and shall
221 serve as liaison to the division and other local emergency
222 management agencies and organizations.

223 (c) Each county emergency management agency shall perform
224 emergency management functions within the territorial limits of
225 the county within which it is organized and, in addition, shall
226 conduct such activities outside its territorial limits as are
227 required pursuant to ss. 252.31-252.90 and in accordance with
228 state and county emergency management plans and mutual aid
229 agreements. Counties shall serve as liaison for and coordinator
230 of municipalities' requests for state and federal assistance
231 during postdisaster emergency operations.

232 (d) During a declared state or local emergency and upon the
233 request of the director of a local emergency management agency,
234 the district school board or school boards in the affected area
235 shall participate in emergency management by providing
236 facilities and necessary personnel to staff such facilities.
237 Each school board providing transportation assistance in an
238 emergency evacuation shall coordinate the use of its vehicles
239 and personnel with the local emergency management agency.

240 (e) County emergency management agencies may charge and
241 collect fees for the review of emergency management plans on
242 behalf of external agencies and institutions. Fees must be
243 reasonable and may not exceed the cost of providing a review of



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244 emergency management plans in accordance with fee schedules
245 established by the division.

246 (2) MUNICIPALITIES.—Legally constituted municipalities are
247 authorized and encouraged to create municipal emergency
248 management programs. Municipal emergency management programs
249 shall coordinate their activities with those of the county
250 emergency management agency. Municipalities without emergency
251 management programs shall be served by their respective county
252 agencies. If a municipality elects to establish an emergency
253 management program, it must comply with all laws, rules, and
254 requirements applicable to county emergency management agencies.
255 Each municipal emergency management plan must be consistent with
256 and subject to the applicable county emergency management plan.
257 In addition, each municipality must coordinate requests for
258 state or federal emergency response assistance with its county.
259 This requirement does not apply to requests for reimbursement
260 under federal public disaster assistance programs.

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

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

264 1. To appropriate and expend funds; make contracts; obtain
265 and distribute equipment, materials, and supplies for emergency
266 management purposes; provide for the health and safety of
267 persons and property, including emergency assistance to the
268 victims of any emergency; and direct and coordinate the
269 development of emergency management plans and programs in
270 accordance with the policies and plans set by the federal and
271 state emergency management agencies.

272 2. To appoint, employ, remove, or provide, with or without



273 compensation, coordinators, rescue teams, fire and police
274 personnel, and other emergency management workers.

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

278 4. To assign and make available for duty the offices and
279 agencies of the political subdivision, including the employees,
280 property, or equipment thereof relating to firefighting,
281 engineering, rescue, health, medical and related services,
282 police, transportation, construction, and similar items or
283 services for emergency operation purposes, as the primary
284 emergency management forces of the political subdivision for
285 employment within or outside the political limits of the
286 subdivision.

287 5. To request state assistance or invoke emergency-related
288 mutual-aid assistance by declaring a state of local emergency in
289 the event of an emergency affecting only one political
290 subdivision. The duration of each state of emergency declared
291 locally is limited to 7 days; it may be extended, as necessary,
292 in 7-day increments. Further, the political subdivision has the
293 power and authority to waive the procedures and formalities
294 otherwise required of the political subdivision by law
295 pertaining to:

296 a. Performance of public work and taking whatever prudent
297 action is necessary to ensure the health, safety, and welfare of
298 the community.

299 b. Entering into contracts.

300 c. Incurring obligations.

301 d. Employment of permanent and temporary workers.



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- 302 e. Utilization of volunteer workers.
303 f. Rental of equipment.
304 g. Acquisition and distribution, with or without
305 compensation, of supplies, materials, and facilities.
306 h. Appropriation and expenditure of public funds.
- 307 (b) Upon the request of two or more adjoining counties, or
308 if the Governor finds that two or more adjoining counties would
309 be better served by an interjurisdictional arrangement than by
310 maintaining separate emergency management agencies and services,
311 the Governor may delineate by executive order or rule an
312 interjurisdictional area adequate to plan for, prevent,
313 mitigate, or respond to emergencies in such area and may direct
314 steps to be taken as necessary, including the creation of an
315 interjurisdictional relationship, a joint emergency plan, a
316 provision for mutual aid, or an area organization for emergency
317 planning and services. A finding of the Governor pursuant to
318 this paragraph shall be based on one or more factors related to
319 the difficulty of maintaining an efficient and effective
320 emergency prevention, mitigation, preparedness, response, and
321 recovery system on a unijurisdictional basis, such as:
- 322 1. Small or sparse population.
 - 323 2. Limitations on public financial resources severe enough
324 to make maintenance of a separate emergency management agency
325 and services unreasonably burdensome.
 - 326 3. Unusual vulnerability to emergencies as evidenced by a
327 past history of emergencies, topographical features, drainage
328 characteristics, emergency potential, and presence of emergency-
329 prone facilities or operations.
 - 330 4. The interrelated character of the counties in a



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331 multicounty area.

332 5. Other relevant conditions or circumstances.

333 Section 13. Subsections (1), (2), and (3) of section
334 252.385, Florida Statutes, are amended to read:

335 252.385 Public shelter space.—

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

339 (2)(a) The division shall administer a program to survey
340 existing schools, universities, community colleges, and other
341 state-owned, municipally owned, and county-owned public
342 buildings and any private facility that the owner, in writing,
343 agrees to provide for use as a public hurricane evacuation
344 shelter to identify those that are appropriately designed and
345 located to serve as such shelters. The owners of the facilities
346 must be given the opportunity to participate in the surveys. The
347 state university boards of trustees, district school boards,
348 community college boards of trustees, and the Department of
349 Education are responsible for coordinating and implementing the
350 survey of public schools, universities, and community colleges
351 with the division or the local emergency management agency.

352 (b) By January 31 of each even-numbered year, the division
353 shall prepare and submit a statewide emergency shelter plan to
354 the Governor and Cabinet for approval, subject to the
355 requirements for approval in s. 1013.37(2). The emergency
356 shelter plan must project, for each of the next 5 years, the
357 hurricane shelter needs of the state, including periods of time
358 during which a concurrent public health emergency may
359 necessitate more space for each individual to accommodate



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360 physical distancing. In addition to information on the general
361 shelter needs throughout this state, the plan must ~~shall~~
362 identify the general location and square footage of special
363 needs shelters, by regional planning council region, ~~during the~~
364 ~~next 5 years~~. The plan must ~~shall~~ also include information on
365 the availability of shelters that accept pets. The Department of
366 Health shall assist the division in determining the estimated
367 need for special needs shelter space and the adequacy of
368 facilities to meet the needs of persons with special needs based
369 on information from the registries of persons with special needs
370 and other information.

371 (3) The division shall annually provide to the President of
372 the Senate, the Speaker of the House of Representatives, and the
373 Governor a list of facilities recommended to be retrofitted
374 using state funds. State funds should be maximized and targeted
375 to regional planning council regions with hurricane evacuation
376 shelter deficits. ~~Retrofitting facilities in regions with public~~
377 ~~hurricane evacuation shelter deficits shall be given first~~
378 ~~priority and should be completed by 2003. All recommended~~
379 ~~facilities should be retrofitted by 2008.~~ The owner or lessee of
380 a public hurricane evacuation shelter that is included on the
381 list of facilities recommended for retrofitting is not required
382 to perform any recommended improvements.

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

385 252.44 Emergency mitigation.—

386 (1) In addition to prevention measures included in the
387 state and local comprehensive emergency management plans, the
388 Governor shall consider on a continuing basis steps that could



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389 be taken to mitigate the harmful consequences of emergencies. At
390 the Governor's direction and pursuant to any other authority and
391 competence they have, state agencies, including, but not limited
392 to, those charged with responsibilities in connection with
393 protecting and maintaining the public health, flood plain
394 management, stream encroachment and flow regulation, weather
395 modification, fire prevention and control, air quality, public
396 works, land use and land use planning, and construction
397 standards, shall make studies of emergency-mitigation-related
398 matters. The Governor, from time to time, shall make such
399 recommendations to the Legislature, local governments, and other
400 appropriate public and private entities as may facilitate
401 measures for mitigation of the harmful consequences of
402 emergencies.

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

407 252.46 Orders and rules.—

408 (2) All orders and rules adopted by the division or any
409 political subdivision or other agency authorized by ss. 252.31-
410 252.90 to make orders and rules have full force and effect of
411 law after adoption in accordance with ~~the provisions of~~ chapter
412 120 in the event of issuance by the division or any state agency
413 or, if adopted ~~promulgated~~ by a political subdivision of the
414 state or agency thereof, when filed in the office of the clerk
415 or recorder of the political subdivision or agency adopting
416 ~~promulgating~~ the same. Failure of a political subdivision to
417 file any such order or rule with the office of the clerk or



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418 recorder within 3 days after issuance voids the order or rule.
419 All existing laws, ordinances, and rules inconsistent with the
420 provisions of ss. 252.31-252.90, or any order or rule issued
421 under the authority of ss. 252.31-252.90, ~~must~~ shall be
422 suspended during the period of time and to the extent that such
423 conflict exists.

424 (3) Emergency ordinances, declarations, and orders adopted
425 by a political subdivision under the authority of ss. 252.31-
426 252.90, including those enacted by a municipality pursuant to s.
427 166.041(3)(b), must be available on a dedicated webpage
428 accessible through a conspicuous link on the political
429 subdivision's homepage. The dedicated webpage must identify the
430 emergency ordinances, declarations, and orders currently in
431 effect. Each political subdivision adopting emergency
432 ordinances, declarations, or orders must provide the division
433 with the link to the political subdivision's dedicated webpage.
434 The division must include these links in an easily identifiable
435 format on its website.

436 (4) (a) An emergency order issued by a political subdivision
437 automatically expires 10 days after its issuance; however, such
438 an order may be extended before its expiration for 10-day
439 periods, subject to ratification by a majority vote of the
440 governing body of the political subdivision. In the event the
441 governing body of the political subdivision is unable to convene
442 before the expiration of the emergency order due to the impacts
443 of a hurricane or other weather-related natural disaster, the
444 10-day period is tolled until the governing body is able to
445 convene. However, an emergency order issued under this section
446 may not be in effect for more than 30 days unless the governing



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447 body approves an extension of the order. The governing body must
448 ratify the extension of such order before it expires. Once
449 ratified, the emergency order may not be amended or replaced by
450 the chief elected officer or chief administrative officer, as
451 applicable, without the ratification of the political
452 subdivision's governing body. In the event the governing body
453 fails to ratify the extension of the emergency order, the chief
454 elected officer or chief administrative officer, as applicable,
455 may not reissue the order in response to the same emergency.

456 (b) As used in this subsection, the term:

457 1. "Chief elected officer" means a mayor, chairperson, or
458 other separately elected official designated by a charter
459 provision or ordinance of the political subdivision to exercise
460 emergency management authority.

461 2. "Chief administrative officer" means the county
462 administrator, county manager, or such other individual
463 designated by ordinance of the political subdivision to exercise
464 emergency management authority.

465 (c) When meeting in one physical location is prohibited or
466 not feasible due to the conditions directly related to the
467 declared state of emergency, a public meeting of the governing
468 body of a political subdivision held for the limited purpose of
469 ratifying the extension of an emergency order under this
470 subsection may be conducted via telephone, real-time
471 videoconferencing, or similar real-time electronic or video
472 communication technology. Any communication technology used must
473 be sufficient to permit all interested persons to remotely
474 attend the meeting. Any law, charter provision, or ordinance
475 requiring a quorum to be present in person or requiring the



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476 governing body of any political subdivision to meet at a
477 specific public place shall be suspended for purposes of such
478 meeting. If the public meeting will be held via telephone, real-
479 time videoconferencing, or similar real-time electronic or video
480 communication technology, the meeting notice must include
481 information necessary for persons interested in attending the
482 meeting to do so, including the places where facilities
483 necessary to allow attendance will be available.

484 (5) An order issued by a political subdivision pursuant to
485 this section which imposes a curfew restricting the travel or
486 movement of persons during designated times must nonetheless
487 allow persons to travel during the curfew to their places of
488 employment to report for work and to return to their residences
489 after their work has concluded.

490 Section 16. Paragraph (a) of subsection (2) of section
491 377.703, Florida Statutes, is amended to read:

492 377.703 Additional functions of the Department of
493 Agriculture and Consumer Services.—

494 (2) DUTIES.—The department shall perform the following
495 functions, unless as otherwise provided, consistent with the
496 development of a state energy policy:

497 (a) The Division of Emergency Management is responsible for
498 the development of an energy emergency contingency plan to
499 respond to serious shortages of primary and secondary energy
500 sources. Upon a finding by the Governor, implementation of any
501 emergency program shall be upon order of the Governor that a
502 particular kind or type of fuel is, or that the occurrence of an
503 event which is reasonably expected within 30 days will make the
504 fuel, in short supply. The Division of Emergency Management



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505 shall then respond by instituting the appropriate measures of
506 the contingency plan to meet the given emergency or energy
507 shortage. The Governor may utilize the provisions of s.
508 252.36(6) ~~s. 252.36(5)~~ to carry out any emergency actions
509 required by a serious shortage of energy sources.

510 Section 17. Paragraph (c) of subsection (1) and subsection
511 (2) of section 381.00315, Florida Statutes, are amended to read:

512 381.00315 Public health advisories; public health
513 emergencies; isolation and quarantines.—The State Health Officer
514 is responsible for declaring public health emergencies, issuing
515 public health advisories, and ordering isolation or quarantines.

516 (1) As used in this section, the term:

517 (c) "Public health emergency" means any occurrence, or
518 threat thereof, whether natural or manmade, which results or may
519 result in substantial injury or harm to the public health from
520 infectious disease, chemical agents, nuclear agents, biological
521 toxins, or situations involving mass casualties or natural
522 disasters.

523 (2) (a) The department shall prepare and maintain a state
524 public health emergency management plan to serve as a
525 comprehensive guide to public health emergency response in this
526 state. The department shall develop the plan in collaboration
527 with the Division of Emergency Management, other executive
528 agencies with functions relevant to public health emergencies,
529 district medical examiners, and national and state public health
530 experts and ensure that it integrates and coordinates with the
531 public health emergency management plans and programs of the
532 Federal Government. The plan must address each element of public
533 health emergency planning and incorporate public health and



534 epidemiological best practices to ensure that the state is
535 prepared for every foreseeable public health emergency. The plan
536 must include an assessment of state and local public health
537 infrastructure, including information systems, physical plant,
538 commodities, and human resources, and an analysis of the
539 infrastructure necessary to achieve the level of readiness
540 proposed by the plan for short-term and long-term public
541 emergencies. Beginning July 1, 2022, the department shall submit
542 the plan to the Division of Emergency Management for inclusion
543 in the state comprehensive emergency management plan pursuant to
544 s. 252.35. The department shall review the plan after the
545 declared end of each public health emergency, and, in any event,
546 at least every 5 years, and update its terms as necessary to
547 ensure continuous planning.

548 (b) Before declaring a public health emergency, the State
549 Health Officer shall, to the extent possible, consult with the
550 Governor and shall notify the Chief of Domestic Security. The
551 declaration of a public health emergency shall continue until
552 the State Health Officer finds that the threat or danger has
553 been dealt with to the extent that the emergency conditions no
554 longer exist and he or she terminates the declaration. However,
555 a declaration of a public health emergency may not continue for
556 longer than 60 days unless the Governor concurs in the renewal
557 of the declaration.

558 (c) The State Health Officer, upon declaration of a public
559 health emergency, shall establish by order the method and
560 procedure for identifying and reporting cases and deaths
561 involving the infectious disease or other occurrence identified
562 as the basis for the declared public health emergency. The



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563 method and procedure must be consistent with any standards
564 developed by the Federal Government specific to the declared
565 emergency or, if federal standards do not exist, must be
566 consistent with public health best practices as identified by
567 the State Health Officer. During the pendency of a public health
568 emergency, the department is the sole entity responsible for the
569 collection and official reporting and publication of cases and
570 deaths. The State Health Officer, by order or emergency rule,
571 may ensure necessary assistance from licensed health care
572 providers in carrying out this function and may request the
573 assistance of district medical examiners in performing this
574 function.

575 (d) The State Health Officer, upon declaration of a public
576 health emergency, may take actions that are necessary to protect
577 the public health. Such actions include, but are not limited to:

578 1. Establishing screening protocols consistent with s.
579 381.00316.

580 2. Directing manufacturers of prescription drugs or over-
581 the-counter drugs who are permitted under chapter 499 and
582 wholesalers of prescription drugs located in this state who are
583 permitted under chapter 499 to give priority to the shipping of
584 specified drugs to pharmacies and health care providers within
585 geographic areas ~~that have been~~ identified by the State Health
586 Officer. The State Health Officer must identify the drugs to be
587 shipped. Manufacturers and wholesalers located in the state must
588 respond to the State Health Officer's priority shipping
589 directive before shipping the specified drugs.

590 3.2. Notwithstanding chapters 465 and 499 and rules adopted
591 thereunder, directing pharmacists employed by the department to



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592 compound bulk prescription drugs and provide these bulk
593 prescription drugs to physicians and nurses of county health
594 departments or any qualified person authorized by the State
595 Health Officer for administration to persons as part of a
596 prophylactic or treatment regimen.

597 ~~4.3.~~ Notwithstanding s. 456.036, temporarily reactivating
598 the inactive license of the following health care practitioners,
599 when such practitioners are needed to respond to the public
600 health emergency: physicians licensed under chapter 458 or
601 chapter 459; physician assistants licensed under chapter 458 or
602 chapter 459; licensed practical nurses, registered nurses, and
603 advanced practice registered nurses licensed under part I of
604 chapter 464; respiratory therapists licensed under part V of
605 chapter 468; and emergency medical technicians and paramedics
606 certified under part III of chapter 401. Only those health care
607 practitioners specified in this paragraph who possess an
608 unencumbered inactive license and who request that such license
609 be reactivated are eligible for reactivation. An inactive
610 license that is reactivated under this paragraph shall return to
611 inactive status when the public health emergency ends or before
612 the end of the public health emergency if the State Health
613 Officer determines that the health care practitioner is no
614 longer needed to provide services during the public health
615 emergency. Such licenses may only be reactivated for a period
616 not to exceed 90 days without meeting the requirements of s.
617 456.036 or chapter 401, as applicable.

618 ~~5.4.~~ Ordering an individual to be examined, tested,
619 vaccinated, treated, isolated, or quarantined for communicable
620 diseases that have significant morbidity or mortality and



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621 present a severe danger to public health. Individuals who are
622 unable or unwilling to be examined, tested, vaccinated, or
623 treated for reasons of health, religion, or conscience may be
624 subjected to isolation or quarantine.

625 a. Examination, testing, vaccination, or treatment may be
626 performed by any qualified person authorized by the State Health
627 Officer.

628 b. If the individual poses a danger to the public health,
629 the State Health Officer may subject the individual to isolation
630 or quarantine. If there is no practical method to isolate or
631 quarantine the individual, the State Health Officer may use any
632 means necessary to vaccinate or treat the individual.

633 c. Any order of the State Health Officer given to
634 effectuate this paragraph is ~~shall be~~ immediately enforceable by
635 a law enforcement officer under s. 381.0012.

636 (e)(2) Individuals who assist the State Health Officer at
637 his or her request on a volunteer basis during a public health
638 emergency are entitled to the benefits specified in s.
639 110.504(2), (3), (4), and (5).

640 Section 18. Section 381.00316, Florida Statutes, is created
641 to read:

642 381.00316 COVID-19 vaccine documentation.-

643 (1) A business entity, as defined in s. 768.38 to include
644 any business operating in this state, may not require patrons or
645 customers to provide any documentation certifying COVID-19
646 vaccination or post-infection recovery to gain access to, entry
647 upon, or service from the business operations in this state.

648 This subsection does not otherwise restrict businesses from
649 instituting screening protocols in accordance with state or



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650 federal law to protect public health.

651 (2) A governmental entity as defined in s. 768.38 may not
652 require persons to provide any documentation certifying COVID-19
653 vaccination or post-infection recovery to gain access to, entry
654 upon, or service from the governmental entity's operations in
655 this state. This subsection does not otherwise restrict
656 governmental entities from instituting screening protocols in
657 accordance with state or federal law to protect public health.

658 (3) An educational institution as defined in s. 768.38 may
659 not require students or residents to provide any documentation
660 certifying COVID-19 vaccination or post-infection recovery for
661 attendance or enrollment, or to gain access to, entry upon, or
662 service from such educational institution in this state. This
663 subsection does not otherwise restrict educational institutions
664 from instituting screening protocols in accordance with state or
665 federal law to protect public health.

666 (4) The department may impose a fine not to exceed \$5,000
667 per violation.

668 (5) This section does not apply to a health care provider
669 as defined in s. 768.38; a service provider licensed or
670 certified under s. 393.17, part III of chapter 401, or part IV
671 of chapter 468; or a provider with an active health care clinic
672 exemption under s. 400.9935.

673 (6) The department may adopt rules pursuant to ss. 120.536
674 and 120.54 to implement this section.

675
676 ===== T I T L E A M E N D M E N T =====

677 And the title is amended as follows:

678 Delete lines 87 - 136



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679 and insert:

680 Preparedness and Response Fund, surplus funds, or the
681 Budget Stabilization Fund under specified conditions;
682 requiring notice of certain actions within a specified
683 timeframe unless specific conditions exist; requiring
684 the Governor to void such action if the Legislature
685 timely objects to such transfer in writing;
686 authorizing the Governor to transfer additional
687 moneys, subject to approval by the Legislative Budget
688 Commission, if specified conditions exist; requiring
689 an agency or political subdivision to submit in
690 advance a detailed spending plan for certain emergency
691 funds to the Legislature; providing an exception;
692 requiring an agency or political subdivision to submit
693 a certain notice and a project worksheet to the
694 Legislature under specified conditions within a
695 specified timeframe; amending s. 252.38, F.S.;
696 specifying that a political subdivision has the burden
697 of proving the proper exercise of its police power in
698 the issuance of certain emergency orders; amending s.
699 252.385, F.S.; requiring the division's hurricane
700 shelter plan to address projected hurricane shelter
701 needs during public health emergencies; amending s.
702 252.44, F.S.; requiring emergency mitigation planning
703 by state agencies to include agencies with
704 jurisdiction over public health; amending s. 252.46,
705 F.S.; providing that a failure by a political
706 subdivision to file certain orders and rules with
707 specified entities within a specified timeframe voids



708 the issued orders or rules; requiring that certain
709 orders be available on a dedicated webpage; requiring
710 the division to provide links to such webpage on its
711 website in a specified format; providing for the
712 automatic expiration of emergency orders issued by a
713 political subdivision; providing for the tolling of
714 the expiration of such orders under certain conditions
715 for a specified time; authorizing the extension of an
716 emergency order by a majority vote of the governing
717 body of the political subdivision; requiring the
718 political subdivision to ratify the emergency order;
719 prohibiting the chief elected officer or chief
720 administrative officer from amending or replacing such
721 order once ratified without approval from the
722 governing body; prohibiting the chief elected officer
723 or chief administrative officer from issuing a
724 subsequent order in response to the same emergency
725 unless ratified by the governing body; defining terms;
726 authorizing the governing body of a political
727 subdivision to convene, for a limited purpose, by
728 specified means; suspending quorum requirements under
729 specified conditions; requiring the meeting notice to
730 contain specified information; requiring that orders
731 issued by a political subdivision which impose a
732 curfew restricting travel or movement allow persons to
733 travel during the curfew to and from their places of
734 employment; amending s. 377.703, F.S.; conforming a
735 cross-reference; amending s. 381.00315, F.S.; revising
736 a definition; directing the Department of Health, in



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737 collaboration with specified entities, to develop a
738 specified public health emergency plan; requiring the
739 department to submit the plan to the division;
740 requiring the department to review and update the plan
741 as necessary; directing the State Health Officer to
742 establish methods of reporting certain data;
743 authorizing the State Health Officer to order and
744 request assistance with specified duties; revising the
745 duties of the State Health Officer during a declared
746 public health emergency; creating s. 381.00316, F.S.;

747 prohibiting a business entity from requiring patrons
748 or customers to provide documentation certifying
749 vaccination against or recovery from COVID-19;
750 prohibiting governmental entities from requiring
751 persons to provide documentation certifying
752 vaccination against or recovery from COVID-19;
753 prohibiting educational institutions from requiring
754 students or residents to provide documentation
755 certifying vaccination against or recovery from COVID-
756 19; authorizing specified screening protocols;
757 providing application; providing noncriminal
758 penalties; authorizing the department to adopt rules;
759 amending s.