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LEGISLATIVE ACTION

Senate

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House

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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



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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



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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



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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



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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



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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.