

By the Committees on Rules; and Appropriations; and Senator Burgess

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1 A bill to be entitled
2 An act relating to emergency management; amending s.
3 11.90, F.S.; authorizing the Legislative Budget
4 Commission to convene to transfer certain funds to the
5 Emergency Preparedness and Response Fund; amending s.
6 252.311, F.S.; revising legislative intent with
7 respect to the State Emergency Management Act;
8 amending s. 252.34, F.S.; defining terms; amending s.
9 252.35, F.S.; requiring that the state comprehensive
10 emergency management plan provide for certain public
11 health emergency communications and include the
12 Department of Health's public health emergency plan;
13 requiring the Division of Emergency Management to
14 cooperate with federal and state health agencies;
15 requiring statewide awareness and education programs
16 to include education on public health emergency
17 preparedness and mitigation; requiring the division to
18 complete and maintain an inventory of personal
19 protective equipment; directing the division to submit
20 a specified annual report to the Governor, the
21 Legislature, and the Chief Justice of the Supreme
22 Court; providing limitations on the timeframe for
23 delegation of certain authorities by the division;
24 requiring the division to submit a specified biennial
25 report to the Chief Justice of the Supreme Court;
26 amending s. 252.355, F.S.; requiring the division to
27 maintain certain information on special needs shelter
28 options during certain public health emergencies;
29 deleting obsolete language; amending s. 252.356, F.S.;

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30 requiring state agencies that contract with providers
31 for the care of persons with certain disabilities or
32 limitations to include in such contracts a procedure
33 for providing essential services in preparation for,
34 during, and following public health emergencies;
35 amending s. 252.359, F.S.; redefining the term
36 "essentials" to include personal protective equipment
37 used during public health emergencies; amending s.
38 252.36, F.S.; limiting the duration of emergency
39 orders, proclamations, and rules issued by the
40 Governor; providing legislative intent; providing a
41 presumption that K-12 public schools should remain
42 open, if possible, during an extended public health
43 emergency; providing a presumption that businesses
44 should remain open, if possible, during an extended
45 public health emergency; requiring the Governor to
46 include specific reasons for closing or restricting
47 in-person attendance at K-12 public schools and for
48 closing or restricting operations of businesses during
49 an extended public health emergency; requiring the
50 Governor to provide specific reasons if such schools
51 or businesses are closed as part of an emergency
52 declaration; requiring the Governor to regularly
53 review and reassess any issued emergency declarations;
54 requiring the Governor to provide notice of
55 declarations of emergencies to the Legislature;
56 expanding the Legislature's authority to terminate
57 states of emergency; requiring that all emergency
58 declarations and orders be filed with the Division of

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59 Administrative Hearings within a specified timeframe;
60 specifying that failure to timely file such
61 declarations or orders results in their being voided;
62 requiring the division to index such emergency orders
63 and make them available on its website within a
64 specified timeframe; requiring such orders to be
65 searchable by specified criteria; requiring that the
66 Division of Emergency Management publish a link to the
67 index on its website; providing for retroactive
68 application; directing the Governor to report certain
69 department and agency activities to the Legislature
70 during a state of emergency; creating s. 252.3611,
71 F.S.; requiring specified information to be included
72 in orders, proclamations, and rules issued by the
73 Governor, the division, or an agency; directing
74 specified entities to submit specified contracts and
75 reports to the Legislature; directing the Auditor
76 General to conduct specified financial audits;
77 amending s. 252.365, F.S.; requiring that disaster-
78 preparedness plans of specified agencies address
79 pandemics and other public health emergencies and
80 include certain increases in public access of
81 government services and availability and distribution
82 of personal protective equipment during an emergency;
83 directing agencies to update disaster preparedness
84 plans by a specified date; amending s. 252.37, F.S.;
85 revising legislative intent; authorizing the Governor
86 to transfer and expend moneys from the Emergency
87 Preparedness and Response Fund; authorizing the

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88 Governor to request that additional funds be
89 appropriated to the Emergency Preparedness and
90 Response Fund, subject to approval by the Legislative
91 Budget Commission; providing construction; requiring
92 state agencies to submit to the Legislature a spending
93 plan for certain emergency funds; requiring the
94 Division of Emergency Management to submit to the
95 Legislature a report detailing public assistance
96 requests; amending s. 252.38, F.S.; specifying that a
97 political subdivision has the burden of proving the
98 proper exercise of its police power in the issuance of
99 certain emergency orders; authorizing the Governor or
100 the Legislature to invalidate emergency measures
101 issued by a political subdivision under specified
102 conditions; amending s. 252.385, F.S.; requiring the
103 division's hurricane shelter plan to address projected
104 hurricane shelter needs during public health
105 emergencies; amending s. 252.44, F.S.; requiring
106 emergency mitigation planning by state agencies to
107 include agencies with jurisdiction over public health;
108 amending s. 252.46, F.S.; providing that a failure by
109 a political subdivision to file certain orders and
110 rules with specified entities within a specified
111 timeframe voids the issued orders or rules; requiring
112 that certain orders be available on a dedicated
113 webpage; requiring the division to provide links to
114 such webpage on its website in a specified format;
115 providing for the automatic expiration of emergency
116 orders issued by a political subdivision; authorizing

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117 the extension of such orders if certain conditions are
118 met; prohibiting a political subdivision from issuing
119 a subsequent order for the same emergency which is
120 substantially similar to the expired order; providing
121 for the tolling of the automatic expiration of an
122 order if certain conditions exist; requiring that
123 orders issued by a political subdivision which impose
124 a curfew restricting travel or movement allow persons
125 to travel during the curfew to and from their places
126 of employment; amending s. 377.703, F.S.; conforming a
127 cross-reference; amending s. 381.00315, F.S.; revising
128 a definition; directing the Department of Health, in
129 collaboration with specified entities, to develop a
130 specified public health emergency plan; requiring the
131 department to submit the plan to the division;
132 requiring the department to review and update the plan
133 as necessary; directing the State Health Officer to
134 establish methods of reporting certain data;
135 authorizing the State Health Officer to order and
136 request assistance with specified duties; amending s.
137 406.11, F.S.; requiring district medical examiners to
138 certify deaths and to assist the State Health Officer
139 with certain functions upon request; providing that
140 any emergency orders issued before a specified date
141 will expire but may be reissued if certain conditions
142 exist and a certain requirement is met; requiring the
143 Department of Business and Professional Regulation, by
144 a specified date, to review all executive orders
145 issued under its delegated authority during the COVID-

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146 19 pandemic to make recommendations to the
147 Legislature; providing effective dates.

148

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

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151 Section 1. Contingent upon SB 1892 or similar legislation
152 creating the Emergency Preparedness and Response Fund taking
153 effect, subsection (8) is added to section 11.90, Florida
154 Statutes, to read:

155 11.90 Legislative Budget Commission.—

156 (8) The commission may convene to transfer unappropriated
157 surplus funds to the Emergency Preparedness and Response Fund.

158 Section 2. Section 252.311, Florida Statutes, is amended to
159 read:

160 252.311 Legislative intent.—

161 (1) The Legislature finds and declares that the state is
162 vulnerable to a wide range of emergencies, including natural,
163 technological, and manmade disasters, all of which threaten the
164 life, health, and safety of its people; damage and destroy
165 property; disrupt services and everyday business and
166 recreational activities; and impede economic growth and
167 development. The Legislature further finds that this
168 vulnerability is exacerbated by the tremendous growth in the
169 state's population, especially the growth in the number of
170 persons residing in coastal areas, in the elderly population, in
171 the number of seasonal vacationers, and in the number of persons
172 with special needs. This growth has greatly complicated the
173 state's ability to coordinate its emergency management resources
174 and activities.

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175 (2) It is the intent of the Legislature to reduce the
176 vulnerability of the people and property of this state; to
177 prepare for efficient evacuation and shelter of threatened or
178 affected persons; to provide for the rapid and orderly provision
179 of relief to persons and for the restoration of services and
180 property; to prepare for and efficiently respond to public
181 health emergencies; and to provide for the coordination of
182 activities relating to emergency preparedness, response,
183 recovery, and mitigation among and between agencies and
184 officials of this state, with similar agencies and officials of
185 other states, with local and federal governments, with
186 interstate organizations, and with the private sector.

187 (3) It is further the intent of the Legislature to promote
188 the state's emergency preparedness, response, recovery, and
189 mitigation capabilities through enhanced coordination, long-term
190 planning, and adequate funding. State policy for responding to
191 disasters is to support local emergency response efforts. In the
192 case of a major or catastrophic disaster, however, the needs of
193 residents and communities will likely be greater than local
194 resources. In these situations, the state must be capable of
195 providing effective, coordinated, and timely support to
196 communities and the public. Therefore, the Legislature hereby
197 determines and declares that the provisions of this act fulfill
198 an important state interest.

199 (4) It is further the intent of the Legislature to minimize
200 the negative effects of an extended emergency, such as a
201 pandemic or another public health emergency. The Legislature
202 recognizes that there are significant negative impacts on
203 children and families associated with school closures during a

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204 public health emergency such as the COVID-19 pandemic. The
205 Legislature also recognizes the significant negative impacts of
206 such emergencies on the economy due to business closures.

207 (5) It is further the intent of the Legislature that all
208 aspects of emergency preparedness, response, and recovery be
209 made transparent to the public to the greatest extent possible.

210 Section 3. Present subsections (9) and (10) of section
211 252.34, Florida Statutes, are redesignated as subsections (10)
212 and (12), respectively, and new subsection (9) and subsection
213 (11) are added to that section, to read:

214 252.34 Definitions.—As used in this part, the term:

215 (9) "Personal protective equipment" means protective
216 clothing or equipment designed to protect an individual person
217 from injury or the spread of infection.

218 (11) "Public health emergency" means any occurrence, or
219 threat thereof, whether natural or manmade, which results or may
220 result in substantial injury or harm to the public health from
221 infectious disease, chemical agents, nuclear agents, biological
222 toxins, or situations involving mass casualties or natural
223 disasters, declared as a public health emergency as declared by
224 the State Health Officer.

225 Section 4. Subsection (2) of section 252.35, Florida
226 Statutes, is amended to read:

227 252.35 Emergency management powers; Division of Emergency
228 Management.—

229 (2) The division is responsible for carrying out the
230 provisions of ss. 252.31-252.90. In performing its duties, the
231 division shall:

232 (a) Prepare a state comprehensive emergency management

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233 plan, which shall be integrated into and coordinated with the
234 emergency management plans and programs of the Federal
235 Government. The division shall ~~must~~ adopt the plan as a rule in
236 accordance with chapter 120. The plan must ~~shall~~ be implemented
237 by a continuous, integrated comprehensive emergency management
238 program. The plan must contain provisions to ensure that the
239 state is prepared for emergencies and minor, major, and
240 catastrophic disasters, and the division shall work closely with
241 local governments and agencies and organizations with emergency
242 management responsibilities in preparing and maintaining the
243 plan. The state comprehensive emergency management plan must
244 ~~shall~~ be operations oriented and:

245 1. Include an evacuation component that includes specific
246 regional and interregional planning provisions and promotes
247 intergovernmental coordination of evacuation activities. This
248 component must, at a minimum: contain guidelines for lifting
249 tolls on state highways; ensure coordination pertaining to
250 evacuees crossing county lines; set forth procedures for
251 directing people caught on evacuation routes to safe shelter;
252 establish strategies for ensuring sufficient, reasonably priced
253 fueling locations along evacuation routes; and establish
254 policies and strategies for emergency medical evacuations.

255 2. Include a shelter component that includes specific
256 regional and interregional planning provisions and promotes
257 coordination of shelter activities between the public, private,
258 and nonprofit sectors. This component must, at a minimum:
259 contain strategies to ensure the availability of adequate public
260 shelter space in each region of the state; establish strategies
261 for refuge-of-last-resort programs; provide strategies to assist

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262 local emergency management efforts to ensure that adequate
263 staffing plans exist for all shelters, including medical and
264 security personnel; provide for a postdisaster communications
265 system for public shelters; establish model shelter guidelines
266 for operations, registration, inventory, power generation
267 capability, information management, and staffing; and set forth
268 policy guidance for sheltering people with special needs.

269 3. Include a postdisaster response and recovery component
270 that includes specific regional and interregional planning
271 provisions and promotes intergovernmental coordination of
272 postdisaster response and recovery activities. This component
273 must provide for postdisaster response and recovery strategies
274 according to whether a disaster is minor, major, or
275 catastrophic. The postdisaster response and recovery component
276 must, at a minimum: establish the structure of the state's
277 postdisaster response and recovery organization; establish
278 procedures for activating the state's plan; set forth policies
279 used to guide postdisaster response and recovery activities;
280 describe the chain of command during the postdisaster response
281 and recovery period; describe initial and continuous
282 postdisaster response and recovery actions; identify the roles
283 and responsibilities of each involved agency and organization;
284 provide for a comprehensive communications plan; establish
285 procedures for monitoring mutual aid agreements; provide for
286 rapid impact assessment teams; ensure the availability of an
287 effective statewide urban search and rescue program coordinated
288 with the fire services; ensure the existence of a comprehensive
289 statewide medical care and relief plan administered by the
290 Department of Health; and establish systems for coordinating

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291 volunteers and accepting and distributing donated funds and
292 goods.

293 4. Include additional provisions addressing aspects of
294 preparedness, response, recovery, and mitigation as determined
295 necessary by the division.

296 5. Address the need for coordinated and expeditious
297 deployment of state resources, including the Florida National
298 Guard. In the case of an imminent major disaster, procedures
299 should address predeployment of the Florida National Guard, and,
300 in the case of an imminent catastrophic disaster, procedures
301 should address predeployment of the Florida National Guard and
302 the United States Armed Forces.

303 6. Establish a system of communications and warning to
304 ensure that the state's population and emergency management
305 agencies are warned of developing emergency situations,
306 including public health emergencies, and can communicate
307 emergency response decisions.

308 7. Establish guidelines and schedules for annual exercises
309 that evaluate the ability of the state and its political
310 subdivisions to respond to minor, major, and catastrophic
311 disasters and support local emergency management agencies. Such
312 exercises shall be coordinated with local governments and, to
313 the extent possible, the Federal Government.

314 8. Assign lead and support responsibilities to state
315 agencies and personnel for emergency support functions and other
316 support activities.

317 9. Include the public health emergency plan developed by
318 the Department of Health pursuant to s. 381.00315.
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320 The complete state comprehensive emergency management plan must
321 ~~shall~~ be submitted to the President of the Senate, the Speaker
322 of the House of Representatives, and the Governor on February 1
323 of every even-numbered year.

324 (b) Adopt standards and requirements for county emergency
325 management plans. The standards and requirements must ensure
326 that county plans are coordinated and consistent with the state
327 comprehensive emergency management plan. If a municipality
328 elects to establish an emergency management program, it must
329 adopt a city emergency management plan that complies with all
330 standards and requirements applicable to county emergency
331 management plans.

332 (c) Assist political subdivisions in preparing and
333 maintaining emergency management plans.

334 (d) Review periodically political subdivision emergency
335 management plans for consistency with the state comprehensive
336 emergency management plan and standards and requirements adopted
337 under this section.

338 (e) Cooperate with the President, the heads of the Armed
339 Forces, the various federal emergency management agencies,
340 federal or state health agencies, and the officers and agencies
341 of other states in matters pertaining to emergency management in
342 the state and the nation and incidents thereof and, in
343 connection therewith, take any measures that it deems proper to
344 carry into effect any request of the President and the
345 appropriate federal officers and agencies for any emergency
346 management action, including the direction or control of:

347 1. Emergency management drills, tests, or exercises of
348 whatever nature.

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349 2. Warnings and signals for tests and drills, attacks, or
350 other imminent emergencies or threats thereof and the mechanical
351 devices to be used in connection with such warnings and signals.

352 (f) Make recommendations to the Legislature, building code
353 organizations, and political subdivisions for zoning, building,
354 and other land use controls; safety measures for securing mobile
355 homes or other nonpermanent or semipermanent structures; and
356 other preparedness, prevention, and mitigation measures designed
357 to eliminate emergencies or reduce their impact.

358 (g) In accordance with the state comprehensive emergency
359 management plan and program for emergency management, ascertain
360 the requirements of the state and its political subdivisions for
361 equipment and supplies of all kinds in the event of an
362 emergency; plan for and either procure supplies, medicines,
363 materials, and equipment or enter into memoranda of agreement or
364 open purchase orders that will ensure their availability; and
365 use and employ from time to time any of the property, services,
366 and resources within the state in accordance with ss. 252.31-
367 252.90.

368 (h) Anticipate trends and promote innovations that will
369 enhance the emergency management system.

370 (i) Institute statewide public awareness programs,
371 including. ~~This shall include~~ an intensive public educational
372 campaign on emergency preparedness issues. Such programs must
373 include, ~~including~~, but need not be limited to, the personal
374 responsibility of individual residents ~~citizens~~ to be self-
375 sufficient for up to 72 hours following a natural or manmade
376 disaster or a public health emergency. The public educational
377 campaign must ~~shall~~ include relevant information on public

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378 health emergency mitigation, statewide disaster plans,
379 evacuation routes, fuel suppliers, and shelters. All educational
380 materials must be available in alternative formats and mediums
381 to ensure that they are available to persons with disabilities.

382 (j) In cooperation with the Department of Education,
383 coordinate with the Agency for Persons with Disabilities to
384 provide an educational outreach program on disaster preparedness
385 and readiness to individuals who have limited English skills and
386 identify persons who are in need of assistance but are not
387 defined under special-needs criteria.

388 (k) Prepare and distribute to appropriate state and local
389 officials catalogs of federal, state, and private assistance
390 programs.

391 (l) Coordinate federal, state, and local emergency
392 management activities and take all other steps, including the
393 partial or full mobilization of emergency management forces and
394 organizations in advance of an actual emergency, to ensure the
395 availability of adequately trained and equipped forces of
396 emergency management personnel before, during, and after
397 emergencies and disasters.

398 (m) Establish a schedule of fees that may be charged by
399 local emergency management agencies for review of emergency
400 management plans on behalf of external agencies and
401 institutions. In establishing such schedule, the division shall
402 consider facility size, review complexity, and other factors.

403 (n) Implement training programs to improve the ability of
404 state and local emergency management personnel to prepare and
405 implement emergency management plans and programs. This shall
406 include a continuous training program for agencies and

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407 individuals that will be called on to perform key roles in state
408 and local postdisaster response and recovery efforts and for
409 local government personnel on federal and state postdisaster
410 response and recovery strategies and procedures.

411 (o) Review periodically emergency operating procedures of
412 state agencies and recommend revisions as needed to ensure
413 consistency with the state comprehensive emergency management
414 plan and program.

415 (p) Make such surveys of industries, resources, and
416 facilities within the state, both public and private, as are
417 necessary to carry out the purposes of ss. 252.31-252.90.

418 (q) Prepare, in advance whenever possible, such executive
419 orders, proclamations, and rules for issuance by the Governor as
420 are necessary or appropriate for coping with emergencies and
421 disasters.

422 (r) Cooperate with the Federal Government and any public or
423 private agency or entity in achieving any purpose of ss. 252.31-
424 252.90 and in implementing programs for mitigation, preparation,
425 response, and recovery.

426 (s) Complete an inventory of portable generators owned by
427 the state and local governments which are capable of operating
428 during a major disaster. The inventory must identify, at a
429 minimum, the location of each generator, the number of
430 generators stored at each specific location, the agency to which
431 each generator belongs, the primary use of the generator by the
432 owner agency, and the names, addresses, and telephone numbers of
433 persons having the authority to loan the stored generators as
434 authorized by the division during a declared emergency.

435 (t) Maintain an inventory list of generators owned by the

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436 state and local governments. In addition, the division may keep
437 a list of private entities, along with appropriate contact
438 information, which offer generators for sale or lease. The list
439 of private entities shall be available to the public for
440 inspection in written and electronic formats.

441 (u) Acquire and maintain a supply of personal protective
442 equipment owned by the state for use by state agencies and to
443 assist local government and the private sector, when determined
444 to be necessary by the State Coordinating Officer, in meeting
445 safety needs during a declared emergency. The division shall
446 conduct regular inventories of the supply, which must include
447 projections of the need for additional personal protective
448 equipment, as assessed by each governmental agency, to maintain
449 the supply and replace expired items. The division shall
450 maintain and replace the equipment on a standardized schedule
451 that recognizes equipment expiration and obsolescence. This
452 paragraph is subject to appropriation. The initial inventory
453 must be reported by December 31, 2021, to the Governor, the
454 President of the Senate, the Speaker of the House of
455 Representatives, and the Chief Justice of the Supreme Court and,
456 thereafter, the inventory must be reported by each December 31
457 to those officers.

458 (v) Assist political subdivisions with the creation and
459 training of urban search and rescue teams and promote the
460 development and maintenance of a state urban search and rescue
461 program.

462 (w) ~~(v)~~ Delegate, as necessary and appropriate, authority
463 vested in it under ss. 252.31-252.90 and provide for the
464 subdelegation of such authority. The duration of each such

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465 delegation or subdelegation during an emergency may not exceed
466 60 days; however a delegation or subdelegation may be renewed
467 during the emergency, as necessary.

468 (x)~~(w)~~ Report biennially to the President of the Senate,
469 the Speaker of the House of Representatives, the Chief Justice
470 of the Supreme Court, and the Governor, no later than February 1
471 of every odd-numbered year, the status of the emergency
472 management capabilities of the state and its political
473 subdivisions. This report must include the emergency management
474 capabilities related to public health emergencies, as determined
475 in collaboration with the Department of Health.

476 (y)~~(*)~~ In accordance with chapter 120, create, implement,
477 administer, adopt, amend, and rescind rules, programs, and plans
478 needed to carry out ~~the provisions of~~ ss. 252.31-252.90 with due
479 consideration for, and in cooperating with, the plans and
480 programs of the Federal Government. In addition, the division
481 may adopt rules in accordance with chapter 120 to administer and
482 distribute federal financial predisaster and postdisaster
483 assistance for prevention, mitigation, preparedness, response,
484 and recovery.

485 (z)~~(y)~~ Do other things necessary, incidental, or
486 appropriate for the implementation of ss. 252.31-252.90.

487 Section 5. Subsection (2) of section 252.355, Florida
488 Statutes, is amended to read:

489 252.355 Registry of persons with special needs; notice;
490 registration program.—

491 (2) In order to ensure that all persons with special needs
492 may register, the division shall develop and maintain a special
493 needs shelter registration program. During a public health

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494 emergency in which physical distancing is necessary, as
495 determined by the State Health Officer, the division must
496 maintain information on special needs shelter options that
497 mitigate the threat of the spread of infectious diseases ~~The~~
498 ~~registration program must be developed by January 1, 2015, and~~
499 ~~fully implemented by March 1, 2015.~~

500 (a) The registration program shall include, at a minimum, a
501 uniform electronic registration form and a database for
502 uploading and storing submitted registration forms that may be
503 accessed by the appropriate local emergency management agency.
504 The link to the registration form shall be easily accessible on
505 each local emergency management agency's website. Upon receipt
506 of a paper registration form, the local emergency management
507 agency shall enter the person's registration information into
508 the database.

509 (b) To assist in identifying persons with special needs,
510 home health agencies, hospices, nurse registries, home medical
511 equipment providers, the Department of Children and Families,
512 the Department of Health, the Agency for Health Care
513 Administration, the Department of Education, the Agency for
514 Persons with Disabilities, the Department of Elderly Affairs,
515 and memory disorder clinics shall, and any physician licensed
516 under chapter 458 or chapter 459 and any pharmacy licensed under
517 chapter 465 may, annually provide registration information to
518 all of their special needs clients or their caregivers. The
519 division shall develop a brochure that provides information
520 regarding special needs shelter registration procedures. The
521 brochure must be easily accessible on the division's website.
522 All appropriate agencies and community-based service providers,

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523 including aging and disability resource centers, memory disorder
524 clinics, home health care providers, hospices, nurse registries,
525 and home medical equipment providers, shall, and any physician
526 licensed under chapter 458 or chapter 459 may, assist emergency
527 management agencies by annually registering persons with special
528 needs for special needs shelters, collecting registration
529 information for persons with special needs as part of the
530 program intake process, and establishing programs to educate
531 clients about the registration process and disaster preparedness
532 safety procedures. A client of a state-funded or federally
533 funded service program who has a physical, mental, or cognitive
534 impairment or sensory disability and who needs assistance in
535 evacuating, or when in a shelter, must register as a person with
536 special needs. The registration program shall give persons with
537 special needs the option of preauthorizing emergency response
538 personnel to enter their homes during search and rescue
539 operations if necessary to ensure their safety and welfare
540 following disasters.

541 (c) The division shall be the designated lead agency
542 responsible for community education and outreach to the public,
543 including special needs clients, regarding registration and
544 special needs shelters and general information regarding shelter
545 stays.

546 (d) On or before May 31 of each year, each electric utility
547 in the state shall annually notify residential customers in its
548 service area of the availability of the registration program
549 available through their local emergency management agency by:

550 1. An initial notification upon the activation of new
551 residential service with the electric utility, followed by one

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552 annual notification between January 1 and May 31; or

553 2. Two separate annual notifications between January 1 and
554 May 31.

555
556 The notification may be made by any available means, including,
557 but not limited to, written, electronic, or verbal notification,
558 and may be made concurrently with any other notification to
559 residential customers required by law or rule.

560 Section 6. Subsection (5) of section 252.356, Florida
561 Statutes, is amended to read:

562 252.356 Emergency and disaster planning provisions to
563 assist persons with disabilities or limitations.—State agencies
564 that contract with providers for the care of persons with
565 disabilities or limitations that make such persons dependent
566 upon the care of others shall include emergency and disaster
567 planning provisions in such contracts at the time the contracts
568 are initiated or upon renewal. These provisions shall include,
569 but shall not be limited to:

570 (5) A procedure for providing the essential services the
571 organization currently provides to special needs clients in
572 preparation for, ~~and during,~~ and following, a disaster,
573 including, but not limited to, a public health emergency.

574 Section 7. Subsection (2) of section 252.359, Florida
575 Statutes, is amended to read:

576 252.359 Ensuring availability of emergency supplies.—

577 (2) As used in this section, the term "essentials" means
578 goods that are consumed or used as a direct result of a declared
579 emergency, or that are consumed or used to preserve, protect, or
580 sustain life, health, safety, or economic well-being. The term

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581 includes, but is not limited to, personal protective equipment
582 used in the event of a public health emergency.

583 Section 8. Present subsections (3) through (10) of section
584 252.36, Florida Statutes, are redesignated as subsections (4)
585 through (11), respectively, a new subsection (3) is added to
586 that section, and subsections (1) and (2) and paragraph (c) of
587 present subsection (5) of that section are amended, to read:

588 252.36 Emergency management powers of the Governor.—

589 (1) (a) The Governor is responsible for meeting the dangers
590 presented to this state and its people by emergencies. In the
591 event of an emergency beyond local control, the Governor, or, in
592 the Governor's absence, her or his successor as provided by law,
593 may assume direct operational control over all or any part of
594 the emergency management functions within this state, and she or
595 he shall have the power through proper process of law to carry
596 out the provisions of this section. The Governor is authorized
597 to delegate such powers as she or he may deem prudent.

598 (b) Pursuant to the authority vested in her or him under
599 paragraph (a), the Governor may issue executive orders,
600 proclamations, and rules and may amend or rescind them. Such
601 executive orders, proclamations, and rules shall have the force
602 and effect of law. An executive order, a proclamation, or a rule
603 must be limited to a duration of not more than 60 days and may
604 be renewed as necessary during the duration of the emergency. If
605 renewed, the order, proclamation, or rule must specifically
606 state which provisions are being renewed.

607 (c) The Legislature intends that, during an extended public
608 health emergency, such as the COVID-19 pandemic, there should be
609 a presumption that K-12 public schools, to the greatest extent

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610 possible, should remain open so long as the health and safety of
611 students and school personnel can be maintained by specific
612 public health mitigation strategies recommended by federal or
613 state health agencies for educational settings. The Legislature
614 also intends that during such an event, there be a presumption
615 that businesses should remain open to the greatest extent
616 possible so long as the health and safety of employees and
617 customers can be reasonably protected by specific public health
618 mitigation strategies recommended by federal or state health
619 agencies, including, but not limited, to the Occupational Safety
620 and Health Administration.

621 1. If the Governor declares by executive order or
622 proclamation that the emergency requires closure of or
623 restricted in-person attendance at K-12 public schools, the
624 executive order or proclamation must contain specific reasons
625 for those determinations, and he or she must review and reassess
626 the situation regularly.

627 2. If the Governor declares by executive order or
628 proclamation that the emergency requires businesses to restrict
629 their operations or close, the executive order or proclamation
630 must contain specific reasons for those determinations, and he
631 or she must review and reassess the situation regularly.

632 (2) A state of emergency must ~~shall~~ be declared by
633 executive order or proclamation of the Governor if she or he
634 finds an emergency has occurred or that the occurrence or the
635 threat thereof is imminent. The state of emergency must ~~shall~~
636 continue until the Governor finds that the threat or danger has
637 been dealt with to the extent that the emergency conditions no
638 longer exist and she or he terminates the state of emergency by

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639 executive order or proclamation, but no state of emergency may
640 continue for longer than 60 days unless renewed by the Governor.
641 ~~The Legislature by concurrent resolution may terminate a state~~
642 ~~of emergency at any time. Thereupon, the Governor shall issue an~~
643 ~~executive order or proclamation ending the state of emergency.~~
644 All executive orders or proclamations issued under this section
645 must ~~shall~~ indicate the nature of the emergency, the area or
646 areas threatened, and the conditions which ~~have~~ brought the
647 emergency about or which make possible its termination. An
648 executive order or proclamation must ~~shall~~ be promptly
649 disseminated by means calculated to bring its contents to the
650 attention of the general public; and, unless the circumstances
651 attendant upon the emergency prevent or impede such filing, the
652 order or proclamation must ~~shall~~ be filed promptly with the
653 Department of State, the President of the Senate and the Speaker
654 of the House of Representatives, and ~~in~~ the offices of the
655 county commissioners in the counties to which the order or
656 proclamation applies.

657 (3) (a) At any time, the Legislature, by concurrent
658 resolution, may terminate a state of emergency or any specific
659 order thereunder. Upon such concurrent resolution, the Governor
660 shall issue an executive order or proclamation consistent with
661 the concurrent resolution.

662 (b) Notwithstanding s. 252.46(2), all emergency
663 declarations and orders, regardless of how titled, issued under
664 the authority of this part by the Governor or any agency,
665 whether by direct, delegated, or subdelegated authority, before,
666 during, or after a declared emergency, must be immediately filed
667 with the Division of Administrative Hearings. Failure to file

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668 any such declaration or order with the division within 5 days
669 after issuance voids the declaration or order. The division
670 shall index all such declarations and orders and make them
671 available in searchable format on its website within 3 days of
672 filing. The searchable format must include, but is not limited
673 to, searches by term, referenced statutes, and rules and must
674 include a search category that specifically identifies emergency
675 orders in effect at any given time. A link to the division's
676 index must be placed in a conspicuous location on the Division
677 of Emergency Management's website. This subsection applies
678 retroactively to all executive emergency declarations and orders
679 in effect on July 1, 2021.

680 (6)~~(5)~~ In addition to any other powers conferred upon the
681 Governor by law, she or he may:

682 (c) Transfer the direction, personnel, or functions of
683 state departments and agencies or units thereof for the purpose
684 of performing or facilitating emergency services. The transfer
685 of the direction, personnel, or functions of state departments
686 and agencies must be reported monthly on a cumulative basis to
687 the President of the Senate and the Speaker of the House of
688 Representatives.

689 Section 9. Section 252.3611, Florida Statutes, is created
690 to read:

691 252.3611 Transparency; audits.-

692 (1) Each order, proclamation, or rule issued by the
693 Governor, the division, or any agency must specify the statute
694 or rule being amended or waived, if applicable, and the
695 expiration date for the order, proclamation, or rule.

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

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697 (a) Within 72 hours of executing a contract executed with
698 moneys authorized for expenditure to support the response to the
699 declared state of emergency, the Executive Office of the
700 Governor or the appropriate agency shall submit a copy of such
701 contract to the Legislature. For contracts executed during the
702 first 90 days of the emergency, the Executive Office of the
703 Governor or the appropriate agency shall submit a copy to the
704 Legislature within the first 120 days of the declared emergency.

705 (b) The Executive Office of the Governor or the appropriate
706 agency shall submit monthly reports to the Legislature of all
707 state expenditures, revenues received, and funds transferred by
708 an agency during the previous month to support the declared
709 state of emergency.

710 (3) Once an emergency exceeds 1 year, the Auditor General
711 shall conduct a financial audit of all associated expenditures
712 and a compliance audit of all associated contracts entered into
713 during the declared emergency. The Auditor General must update
714 the audit annually until the emergency is declared to be ended.

715 (4) Following the expiration or termination of a state of
716 emergency, the Auditor General shall conduct a financial audit
717 of all associated expenditures and a compliance audit of all
718 associated contracts entered into during the state of emergency.

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

721 252.365 Emergency coordination officers; disaster-
722 preparedness plans.—

723 (3) Emergency coordination officers shall ensure ~~These~~
724 ~~individuals shall be responsible for ensuring~~ that each state
725 agency and facility, such as a prison, office building, or

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726 university, has a disaster preparedness plan that is coordinated
727 with the applicable local emergency-management agency and
728 approved by the division.

729 (a) The disaster-preparedness plan must outline a
730 comprehensive and effective program to ensure continuity of
731 essential state functions under all circumstances, including,
732 but not limited to, a pandemic or other public health emergency.
733 The plan must identify a baseline of preparedness for a full
734 range of potential emergencies to establish a viable capability
735 to perform essential functions during any emergency or other
736 situation that disrupts normal operations. This baseline must
737 consider and include preparedness for rapid and large-scale
738 increases in the public's need to access government services
739 through technology or other means during an emergency,
740 including, but not limited to, a public health emergency.

741 (b) The plan must include, at a minimum, the following
742 elements: identification of essential functions, programs, and
743 personnel; procedures to implement the plan and personnel
744 notification and accountability; delegations of authority and
745 lines of succession; identification of alternative facilities
746 and related infrastructure, including those for communications;
747 identification and protection of vital records and databases;
748 provisions regarding the availability of, and distribution plans
749 for, personal protective equipment; and schedules and procedures
750 for periodic tests, training, and exercises.

751 (c) The division shall develop and distribute guidelines
752 for developing and implementing the plan. By December 31, 2022,
753 each agency must update its plan to include provisions related
754 to preparation for pandemics and other public health emergencies

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755 consistent with the plan developed pursuant to s. 381.00315.
756 Each agency plan must be updated as needed to remain consistent
757 with the state public health emergency management plan.

758 Section 11. Subsection (3) of section 252.37, Florida
759 Statutes, is amended, subsections (7) and (8) are added to that
760 section, and subsection (2) of that section is amended
761 contingent upon SB 1892 or similar legislation creating the
762 Emergency Preparedness and Response Fund taking effect, to read:

763 252.37 Financing.—

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

767 (b) If the Governor finds that the demands placed upon
768 these funds in coping with a particular disaster declared by the
769 Governor as a state of emergency are unreasonably great, she or
770 he may make funds available by transferring and expending moneys
771 ~~appropriated for other purposes, by transferring and expending~~
772 ~~moneys out of any unappropriated surplus funds, or from the~~
773 Emergency Preparedness and Response Budget Stabilization Fund.
774 The Governor may request additional funds to be appropriated to
775 the Emergency Preparedness and Response Fund by a budget
776 amendment, subject to approval of the Legislative Budget
777 Commission.

778 (c) Following the expiration or termination of the state of
779 emergency, the Governor may transfer moneys with a budget
780 amendment, subject to approval by the Legislative Budget
781 Commission, to satisfy the budget authority granted for such
782 emergency. The transfers and expenditures supporting the
783 amendment must be directly related to the declared disaster or

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784 emergency.

785 (3) Nothing contained in this section shall be construed to
786 limit the authority of the Governor to apply for, ~~administer,~~
787 ~~and expend~~ any grants, gifts, or payments in aid of emergency
788 prevention, mitigation, preparedness, response, or recovery.

789 (7) A state agency must submit a detailed spending plan for
790 any grants, gifts, loans, funds, payments, services, equipment,
791 supplies, or materials received under this section in aid of or
792 for the purpose of emergency prevention, response, recovery,
793 mitigation, and preparedness to the President of the Senate, the
794 Speaker of the House of Representatives, and the chairs of the
795 legislative appropriations committees. The information must be
796 submitted as soon as practicable, but not later than 30 days
797 after initiation of any expenditures and continuing every 30
798 days for the duration of the emergency and thereafter while
799 funds continue to be disbursed in response to the emergency.

800 (8) The division must submit quarterly reports to the
801 President of the Senate, the Speaker of the House of
802 Representatives, and the chairs of the legislative
803 appropriations committees detailing the status of public
804 assistance requests submitted under the federal Public
805 Assistance Program. The report must include information for each
806 agency and local government, including information on requests
807 by event and the status of reimbursement.

808 Section 12. Section 252.38, Florida Statutes, is amended to
809 read:

810 252.38 Emergency management powers of political
811 subdivisions.—Safeguarding the life and property of its citizens
812 is an innate responsibility of the governing body of each

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813 political subdivision of the state. However, political
814 subdivisions are given police powers to preserve, not impair,
815 private rights. Therefore, a political subdivision that deprives
816 any person of a constitutional right, a fundamental liberty, a
817 statutory right, or property to address a purported emergency
818 bears the burden of proving that the exercise of police power is
819 narrowly tailored, serves a compelling governmental interest,
820 and accomplishes the intended goal through the use of the least
821 intrusive means.

822 (1) COUNTIES.—

823 (a) In order to provide effective and orderly governmental
824 control and coordination of emergency operations in emergencies
825 within the scope of ss. 252.31-252.90, each county within this
826 state shall be within the jurisdiction of, and served by, the
827 division. Except as otherwise provided in ss. 252.31-252.90,
828 each local emergency management agency shall have jurisdiction
829 over and serve an entire county. Unless part of an
830 interjurisdictional emergency management agreement entered into
831 pursuant to paragraph (3) (b) which is recognized by the Governor
832 by executive order or rule, each county must establish and
833 maintain such an emergency management agency and shall develop a
834 county emergency management plan and program that is coordinated
835 and consistent with the state comprehensive emergency management
836 plan and program. Counties that are part of an
837 interjurisdictional emergency management agreement entered into
838 pursuant to paragraph (3) (b) which is recognized by the Governor
839 by executive order or rule shall cooperatively develop an
840 emergency management plan and program that is coordinated and
841 consistent with the state comprehensive emergency management

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842 plan and program.

843 (b) Each county emergency management agency created and
844 established pursuant to ss. 252.31-252.90 shall have a director.
845 The director must meet the minimum training and education
846 qualifications established in a job description approved by the
847 county. The director shall be appointed by the board of county
848 commissioners or the chief administrative officer of the county,
849 as described in chapter 125 or the county charter, if
850 applicable, to serve at the pleasure of the appointing
851 authority, in conformance with applicable resolutions,
852 ordinances, and laws. A county constitutional officer, or an
853 employee of a county constitutional officer, may be appointed as
854 director following prior notification to the division. Each
855 board of county commissioners shall promptly inform the division
856 of the appointment of the director and other personnel. Each
857 director has direct responsibility for the organization,
858 administration, and operation of the county emergency management
859 agency. The director shall coordinate emergency management
860 activities, services, and programs within the county and shall
861 serve as liaison to the division and other local emergency
862 management agencies and organizations.

863 (c) Each county emergency management agency shall perform
864 emergency management functions within the territorial limits of
865 the county within which it is organized and, in addition, shall
866 conduct such activities outside its territorial limits as are
867 required pursuant to ss. 252.31-252.90 and in accordance with
868 state and county emergency management plans and mutual aid
869 agreements. Counties shall serve as liaison for and coordinator
870 of municipalities' requests for state and federal assistance

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871 during postdisaster emergency operations.

872 (d) During a declared state or local emergency and upon the
873 request of the director of a local emergency management agency,
874 the district school board or school boards in the affected area
875 shall participate in emergency management by providing
876 facilities and necessary personnel to staff such facilities.
877 Each school board providing transportation assistance in an
878 emergency evacuation shall coordinate the use of its vehicles
879 and personnel with the local emergency management agency.

880 (e) County emergency management agencies may charge and
881 collect fees for the review of emergency management plans on
882 behalf of external agencies and institutions. Fees must be
883 reasonable and may not exceed the cost of providing a review of
884 emergency management plans in accordance with fee schedules
885 established by the division.

886 (2) MUNICIPALITIES.—Legally constituted municipalities are
887 authorized and encouraged to create municipal emergency
888 management programs. Municipal emergency management programs
889 shall coordinate their activities with those of the county
890 emergency management agency. Municipalities without emergency
891 management programs shall be served by their respective county
892 agencies. If a municipality elects to establish an emergency
893 management program, it must comply with all laws, rules, and
894 requirements applicable to county emergency management agencies.
895 Each municipal emergency management plan must be consistent with
896 and subject to the applicable county emergency management plan.
897 In addition, each municipality must coordinate requests for
898 state or federal emergency response assistance with its county.
899 This requirement does not apply to requests for reimbursement

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900 under federal public disaster assistance programs.

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

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

904 1. To appropriate and expend funds; make contracts; obtain
905 and distribute equipment, materials, and supplies for emergency
906 management purposes; provide for the health and safety of
907 persons and property, including emergency assistance to the
908 victims of any emergency; and direct and coordinate the
909 development of emergency management plans and programs in
910 accordance with the policies and plans set by the federal and
911 state emergency management agencies.

912 2. To appoint, employ, remove, or provide, with or without
913 compensation, coordinators, rescue teams, fire and police
914 personnel, and other emergency management workers.

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

918 4. To assign and make available for duty the offices and
919 agencies of the political subdivision, including the employees,
920 property, or equipment thereof relating to firefighting,
921 engineering, rescue, health, medical and related services,
922 police, transportation, construction, and similar items or
923 services for emergency operation purposes, as the primary
924 emergency management forces of the political subdivision for
925 employment within or outside the political limits of the
926 subdivision.

927 5. To request state assistance or invoke emergency-related
928 mutual-aid assistance by declaring a state of local emergency in

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929 the event of an emergency affecting only one political
930 subdivision. The duration of each state of emergency declared
931 locally is limited to 7 days; it may be extended, as necessary,
932 in 7-day increments. Further, the political subdivision has the
933 power and authority to waive the procedures and formalities
934 otherwise required of the political subdivision by law
935 pertaining to:

- 936 a. Performance of public work and taking whatever prudent
937 action is necessary to ensure the health, safety, and welfare of
938 the community.
- 939 b. Entering into contracts.
- 940 c. Incurring obligations.
- 941 d. Employment of permanent and temporary workers.
- 942 e. Utilization of volunteer workers.
- 943 f. Rental of equipment.
- 944 g. Acquisition and distribution, with or without
945 compensation, of supplies, materials, and facilities.
- 946 h. Appropriation and expenditure of public funds.

947 (b) Upon the request of two or more adjoining counties, or
948 if the Governor finds that two or more adjoining counties would
949 be better served by an interjurisdictional arrangement than by
950 maintaining separate emergency management agencies and services,
951 the Governor may delineate by executive order or rule an
952 interjurisdictional area adequate to plan for, prevent,
953 mitigate, or respond to emergencies in such area and may direct
954 steps to be taken as necessary, including the creation of an
955 interjurisdictional relationship, a joint emergency plan, a
956 provision for mutual aid, or an area organization for emergency
957 planning and services. A finding of the Governor pursuant to

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958 this paragraph shall be based on one or more factors related to
959 the difficulty of maintaining an efficient and effective
960 emergency prevention, mitigation, preparedness, response, and
961 recovery system on a unijurisdictional basis, such as:

962 1. Small or sparse population.

963 2. Limitations on public financial resources severe enough
964 to make maintenance of a separate emergency management agency
965 and services unreasonably burdensome.

966 3. Unusual vulnerability to emergencies as evidenced by a
967 past history of emergencies, topographical features, drainage
968 characteristics, emergency potential, and presence of emergency-
969 prone facilities or operations.

970 4. The interrelated character of the counties in a
971 multicounty area.

972 5. Other relevant conditions or circumstances.

973 (4) INVALIDATION OF CERTAIN EMERGENCY MEASURES.—The
974 Governor, or the Legislature by concurrent resolution, may at
975 any time invalidate an order, an ordinance, a proclamation, a
976 rule, or any other measure issued by a political subdivision to
977 address a purported emergency if the Governor or the Legislature
978 determines that such order unnecessarily restricts a
979 constitutional right, a fundamental liberty, or a statutory
980 right.

981 Section 13. Subsections (1), (2), and (3) of section
982 252.385, Florida Statutes, are amended to read:

983 252.385 Public shelter space.—

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

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987 (2) (a) The division shall administer a program to survey
988 existing schools, universities, community colleges, and other
989 state-owned, municipally owned, and county-owned public
990 buildings and any private facility that the owner, in writing,
991 agrees to provide for use as a public hurricane evacuation
992 shelter to identify those that are appropriately designed and
993 located to serve as such shelters. The owners of the facilities
994 must be given the opportunity to participate in the surveys. The
995 state university boards of trustees, district school boards,
996 community college boards of trustees, and the Department of
997 Education are responsible for coordinating and implementing the
998 survey of public schools, universities, and community colleges
999 with the division or the local emergency management agency.

1000 (b) By January 31 of each even-numbered year, the division
1001 shall prepare and submit a statewide emergency shelter plan to
1002 the Governor and Cabinet for approval, subject to the
1003 requirements for approval in s. 1013.37(2). The emergency
1004 shelter plan must project, for each of the next 5 years, the
1005 hurricane shelter needs of the state, including periods of time
1006 during which a concurrent public health emergency may
1007 necessitate more space for each individual to accommodate
1008 physical distancing. In addition to information on the general
1009 shelter needs throughout this state, the plan must ~~shall~~
1010 identify the general location and square footage of special
1011 needs shelters, by regional planning council region, ~~during the~~
1012 ~~next 5 years~~. The plan must ~~shall~~ also include information on
1013 the availability of shelters that accept pets. The Department of
1014 Health shall assist the division in determining the estimated
1015 need for special needs shelter space and the adequacy of

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1016 facilities to meet the needs of persons with special needs based
1017 on information from the registries of persons with special needs
1018 and other information.

1019 (3) The division shall annually provide to the President of
1020 the Senate, the Speaker of the House of Representatives, and the
1021 Governor a list of facilities recommended to be retrofitted
1022 using state funds. State funds should be maximized and targeted
1023 to regional planning council regions with hurricane evacuation
1024 shelter deficits. ~~Retrofitting facilities in regions with public~~
1025 ~~hurricane evacuation shelter deficits shall be given first~~
1026 ~~priority and should be completed by 2003. All recommended~~
1027 ~~facilities should be retrofitted by 2008.~~ The owner or lessee of
1028 a public hurricane evacuation shelter that is included on the
1029 list of facilities recommended for retrofitting is not required
1030 to perform any recommended improvements.

1031 Section 14. Subsection (1) of section 252.44, Florida
1032 Statutes, is amended to read:

1033 252.44 Emergency mitigation.—

1034 (1) In addition to prevention measures included in the
1035 state and local comprehensive emergency management plans, the
1036 Governor shall consider on a continuing basis steps that could
1037 be taken to mitigate the harmful consequences of emergencies. At
1038 the Governor's direction and pursuant to any other authority and
1039 competence they have, state agencies, including, but not limited
1040 to, those charged with responsibilities in connection with
1041 protecting and maintaining the public health, flood plain
1042 management, stream encroachment and flow regulation, weather
1043 modification, fire prevention and control, air quality, public
1044 works, land use and land use planning, and construction

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1045 standards, shall make studies of emergency-mitigation-related
1046 matters. The Governor, from time to time, shall make such
1047 recommendations to the Legislature, local governments, and other
1048 appropriate public and private entities as may facilitate
1049 measures for mitigation of the harmful consequences of
1050 emergencies.

1051 Section 15. Present subsection (3) of section 252.46,
1052 Florida Statutes, is redesignated as subsection (6), a new
1053 subsection (3) and subsections (4) and (5) are added to that
1054 section, and subsection (2) of that section is amended, to read:

1055 252.46 Orders and rules.—

1056 (2) All orders and rules adopted by the division or any
1057 political subdivision or other agency authorized by ss. 252.31-
1058 252.90 to make orders and rules have full force and effect of
1059 law after adoption in accordance with ~~the provisions of~~ chapter
1060 120 in the event of issuance by the division or any state agency
1061 or, if adopted ~~promulgated~~ by a political subdivision of the
1062 state or agency thereof, when filed in the office of the clerk
1063 or recorder of the political subdivision or agency adopting
1064 ~~promulgating~~ the same. Failure of a political subdivision to
1065 file any such order or rule with the office of the clerk or
1066 recorder within 3 days after issuance voids the order or rule.
1067 All existing laws, ordinances, and rules inconsistent with ~~the~~
1068 ~~provisions of~~ ss. 252.31-252.90, or any order or rule issued
1069 under the authority of ss. 252.31-252.90, must ~~shall~~ be
1070 suspended during the period of time and to the extent that such
1071 conflict exists.

1072 (3) Emergency ordinances, declarations, and orders adopted
1073 by a political subdivision under the authority of ss. 252.31-

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1074 252.90, including those enacted by a municipality pursuant to s.
1075 166.041(3) (b), must be available on a dedicated webpage
1076 accessible through a conspicuous link on the political
1077 subdivision's homepage. The dedicated webpage must identify the
1078 emergency ordinances, declarations, and orders currently in
1079 effect. Each political subdivision adopting emergency
1080 ordinances, declarations, or orders must provide the division
1081 with the link to the political subdivision's dedicated webpage.
1082 The division must include these links in an easily identifiable
1083 format on its website.

1084 (4) An order issued by a political subdivision
1085 automatically expires 10 days after its issuance; however, such
1086 an order may be extended before its expiration by a majority
1087 vote of the governing body of the political subdivision if
1088 deemed necessary. Upon the expiration of an order, a political
1089 subdivision may not issue a substantially similar order to
1090 respond to the same emergency. In the event the governing body
1091 of the political subdivision is unable to convene before the
1092 expiration of the emergency order due to the impacts of a
1093 hurricane or other weather-related natural disaster, the 10-day
1094 period is tolled until the governing body is able to convene.
1095 However, an emergency order issued under this section may not be
1096 in effect for more than 30 days unless the governing body
1097 approves an extension of the order.

1098 (5) An order issued by a political subdivision pursuant to
1099 this section which imposes a curfew restricting the travel or
1100 movement of persons during designated times must nonetheless
1101 allow persons to travel during the curfew to their places of
1102 employment to report for work and to return to their residences

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1103 after their work has concluded.

1104 Section 16. Paragraph (a) of subsection (2) of section
1105 377.703, Florida Statutes, is amended to read:

1106 377.703 Additional functions of the Department of
1107 Agriculture and Consumer Services.—

1108 (2) DUTIES.—The department shall perform the following
1109 functions, unless as otherwise provided, consistent with the
1110 development of a state energy policy:

1111 (a) The Division of Emergency Management is responsible for
1112 the development of an energy emergency contingency plan to
1113 respond to serious shortages of primary and secondary energy
1114 sources. Upon a finding by the Governor, implementation of any
1115 emergency program shall be upon order of the Governor that a
1116 particular kind or type of fuel is, or that the occurrence of an
1117 event which is reasonably expected within 30 days will make the
1118 fuel, in short supply. The Division of Emergency Management
1119 shall then respond by instituting the appropriate measures of
1120 the contingency plan to meet the given emergency or energy
1121 shortage. The Governor may utilize the provisions of s.
1122 252.36(6) ~~s. 252.36(5)~~ to carry out any emergency actions
1123 required by a serious shortage of energy sources.

1124 Section 17. Paragraph (c) of subsection (1) and subsection
1125 (2) of section 381.00315, Florida Statutes, are amended to read:

1126 381.00315 Public health advisories; public health
1127 emergencies; isolation and quarantines.—The State Health Officer
1128 is responsible for declaring public health emergencies, issuing
1129 public health advisories, and ordering isolation or quarantines.

1130 (1) As used in this section, the term:

1131 (c) "Public health emergency" means any occurrence, or

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1132 threat thereof, whether natural or manmade, which results or may
1133 result in substantial injury or harm to the public health from
1134 infectious disease, chemical agents, nuclear agents, biological
1135 toxins, or situations involving mass casualties or natural
1136 disasters.

1137 (2) (a) The department shall prepare and maintain a state
1138 public health emergency management plan to serve as a
1139 comprehensive guide to public health emergency response in this
1140 state. The department shall develop the plan in collaboration
1141 with the Division of Emergency Management, other executive
1142 agencies with functions relevant to public health emergencies,
1143 district medical examiners, and national and state public health
1144 experts and ensure that it integrates and coordinates with the
1145 public health emergency management plans and programs of the
1146 Federal Government. The plan must address each element of public
1147 health emergency planning and incorporate public health and
1148 epidemiological best practices to ensure that the state is
1149 prepared for every foreseeable public health emergency. The plan
1150 must include an assessment of state and local public health
1151 infrastructure, including information systems, physical plant,
1152 commodities, and human resources, and an analysis of the
1153 infrastructure necessary to achieve the level of readiness
1154 proposed by the plan for short-term and long-term public
1155 emergencies. Beginning July 1, 2022, the department shall submit
1156 the plan to the Division of Emergency Management for inclusion
1157 in the state comprehensive emergency management plan pursuant to
1158 s. 252.35. The department shall review the plan after the
1159 declared end of each public health emergency, and, in any event,
1160 at least every five years, and update its terms as necessary to

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1161 ensure continuous planning.

1162 (b) Before declaring a public health emergency, the State
1163 Health Officer shall, to the extent possible, consult with the
1164 Governor and shall notify the Chief of Domestic Security. The
1165 declaration of a public health emergency shall continue until
1166 the State Health Officer finds that the threat or danger has
1167 been dealt with to the extent that the emergency conditions no
1168 longer exist and he or she terminates the declaration. However,
1169 a declaration of a public health emergency may not continue for
1170 longer than 60 days unless the Governor concurs in the renewal
1171 of the declaration.

1172 (c) The State Health Officer, upon declaration of a public
1173 health emergency, shall establish by order the method and
1174 procedure for identifying and reporting cases and deaths
1175 involving the infectious disease or other occurrence identified
1176 as the basis for the declared public health emergency. The
1177 method and procedure must be consistent with any standards
1178 developed by the Federal Government specific to the declared
1179 emergency or, if federal standards do not exist, must be
1180 consistent with public health best practices as identified by
1181 the State Health Officer. During the pendency of a public health
1182 emergency, the department is the sole entity responsible for the
1183 collection and official reporting and publication of cases and
1184 deaths. The State Health Officer, by order or emergency rule,
1185 may ensure necessary assistance from licensed health care
1186 providers in carrying out this function and may request the
1187 assistance of district medical examiners in performing this
1188 function.

1189 (d) The State Health Officer, upon declaration of a public

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1190 health emergency, may take actions that are necessary to protect
1191 the public health. Such actions include, but are not limited to:

1192 1. Directing manufacturers of prescription drugs or over-
1193 the-counter drugs who are permitted under chapter 499 and
1194 wholesalers of prescription drugs located in this state who are
1195 permitted under chapter 499 to give priority to the shipping of
1196 specified drugs to pharmacies and health care providers within
1197 geographic areas ~~that have been~~ identified by the State Health
1198 Officer. The State Health Officer must identify the drugs to be
1199 shipped. Manufacturers and wholesalers located in the state must
1200 respond to the State Health Officer's priority shipping
1201 directive before shipping the specified drugs.

1202 2. Notwithstanding chapters 465 and 499 and rules adopted
1203 thereunder, directing pharmacists employed by the department to
1204 compound bulk prescription drugs and provide these bulk
1205 prescription drugs to physicians and nurses of county health
1206 departments or any qualified person authorized by the State
1207 Health Officer for administration to persons as part of a
1208 prophylactic or treatment regimen.

1209 3. Notwithstanding s. 456.036, temporarily reactivating the
1210 inactive license of the following health care practitioners,
1211 when such practitioners are needed to respond to the public
1212 health emergency: physicians licensed under chapter 458 or
1213 chapter 459; physician assistants licensed under chapter 458 or
1214 chapter 459; licensed practical nurses, registered nurses, and
1215 advanced practice registered nurses licensed under part I of
1216 chapter 464; respiratory therapists licensed under part V of
1217 chapter 468; and emergency medical technicians and paramedics
1218 certified under part III of chapter 401. Only those health care

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1219 practitioners specified in this paragraph who possess an
1220 unencumbered inactive license and who request that such license
1221 be reactivated are eligible for reactivation. An inactive
1222 license that is reactivated under this paragraph shall return to
1223 inactive status when the public health emergency ends or before
1224 the end of the public health emergency if the State Health
1225 Officer determines that the health care practitioner is no
1226 longer needed to provide services during the public health
1227 emergency. Such licenses may only be reactivated for a period
1228 not to exceed 90 days without meeting the requirements of s.
1229 456.036 or chapter 401, as applicable.

1230 4. Ordering an individual to be examined, tested,
1231 vaccinated, treated, isolated, or quarantined for communicable
1232 diseases that have significant morbidity or mortality and
1233 present a severe danger to public health. Individuals who are
1234 unable or unwilling to be examined, tested, vaccinated, or
1235 treated for reasons of health, religion, or conscience may be
1236 subjected to isolation or quarantine.

1237 a. Examination, testing, vaccination, or treatment may be
1238 performed by any qualified person authorized by the State Health
1239 Officer.

1240 b. If the individual poses a danger to the public health,
1241 the State Health Officer may subject the individual to isolation
1242 or quarantine. If there is no practical method to isolate or
1243 quarantine the individual, the State Health Officer may use any
1244 means necessary to vaccinate or treat the individual.

1245 c. Any order of the State Health Officer given to
1246 effectuate this paragraph ~~is shall be~~ immediately enforceable by
1247 a law enforcement officer under s. 381.0012.

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1248 (e)~~(2)~~ Individuals who assist the State Health Officer at
1249 his or her request on a volunteer basis during a public health
1250 emergency are entitled to the benefits specified in s.
1251 110.504(2), (3), (4), and (5).

1252 Section 18. Subsection (1) of section 406.11, Florida
1253 Statutes, is amended, and paragraph (c) is added to subsection
1254 (2) of that section, to read:

1255 406.11 Examinations, investigations, and autopsies.—

1256 (1) In any of the following circumstances involving the
1257 death of a human being, the medical examiner of the district in
1258 which the death occurred or the body was found shall determine
1259 the cause of death and certify the death and shall, for that
1260 purpose, make or perform ~~have performed~~ such examinations,
1261 investigations, and autopsies as he or she deems ~~shall deem~~
1262 necessary or as ~~shall be~~ requested by the state attorney:

1263 (a) When any person dies in this ~~the~~ state:

1264 1. Of criminal violence.

1265 2. By accident.

1266 3. By suicide.

1267 4. Suddenly, when in apparent good health.

1268 5. Unattended by a practicing physician or other recognized
1269 practitioner.

1270 6. In any prison or penal institution.

1271 7. In police custody.

1272 8. In any suspicious or unusual circumstance.

1273 9. By criminal abortion.

1274 10. By poison.

1275 11. By disease constituting a threat to public health.

1276 12. By disease, injury, or toxic agent resulting from

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1277 employment.

1278 (b) When a dead body is brought into this ~~the~~ state without
1279 proper medical certification.

1280 (c) When a body is to be cremated, dissected, or buried at
1281 sea.

1282 (2)

1283 (c) A district medical examiner shall assist the State
1284 Health Officer in identifying and reporting deaths upon a
1285 request by the State Health Officer under s. 381.00315.

1286 Section 19. For purposes of this act, all executive orders
1287 issued pursuant to an emergency declaration by the Governor,
1288 including through delegated or subdelegated authority, which are
1289 issued more than 60 days before July 1, 2021, expire upon the
1290 effective date of this act; however, an expired executive order
1291 may be reissued for 60-day periods if the emergency conditions
1292 persist and if the reissued order states with specificity the
1293 provisions being reissued.

1294 Section 20. No later than September 30, 2021, the
1295 Department of Business and Professional Regulation must review
1296 all executive orders issued under its delegated authority during
1297 the COVID-19 pandemic and make written recommendations to the
1298 Legislature regarding any issues that should be codified in law.

1299 Section 21. Except as otherwise expressly provided in this
1300 act, this act shall take effect July 1, 2021.