

**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.