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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, surplus funds, or the

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88 Budget Stabilization Fund under specified conditions;
89 requiring notice of certain actions within a specified
90 timeframe unless specific conditions exist; requiring
91 the Governor to void such action if the Legislature
92 timely objects to such transfer in writing;
93 authorizing the Governor to transfer additional
94 moneys, subject to approval by the Legislative Budget
95 Commission, if specified conditions exist; requiring
96 an agency or political subdivision to submit in
97 advance a detailed spending plan for certain emergency
98 funds to the Legislature; providing an exception;
99 requiring an agency or political subdivision to submit
100 a certain notice and a project worksheet to the
101 Legislature under specified conditions within a
102 specified timeframe; amending s. 252.38, F.S.;
103 specifying that a political subdivision has the burden
104 of proving the proper exercise of its police power in
105 the issuance of certain emergency orders; amending s.
106 252.385, F.S.; requiring the division's hurricane
107 shelter plan to address projected hurricane shelter
108 needs during public health emergencies; amending s.
109 252.44, F.S.; requiring emergency mitigation planning
110 by state agencies to include agencies with
111 jurisdiction over public health; amending s. 252.46,
112 F.S.; providing that a failure by a political
113 subdivision to file certain orders and rules with
114 specified entities within a specified timeframe voids
115 the issued orders or rules; requiring that certain
116 orders be available on a dedicated webpage; requiring

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117 the division to provide links to such webpage on its
118 website in a specified format; providing for the
119 automatic expiration of emergency orders issued by a
120 political subdivision; providing for the tolling of
121 the expiration of such orders under certain conditions
122 for a specified time; authorizing the extension of an
123 emergency order by a majority vote of the governing
124 body of the political subdivision; requiring the
125 political subdivision to ratify the emergency order;
126 prohibiting the chief elected officer or chief
127 administrative officer from amending or replacing such
128 order once ratified without approval from the
129 governing body; prohibiting the chief elected officer
130 or chief administrative officer from issuing a
131 subsequent order in response to the same emergency
132 unless ratified by the governing body; defining terms;
133 authorizing the governing body of a political
134 subdivision to convene, for a limited purpose, by
135 specified means; suspending quorum requirements under
136 specified conditions; requiring the meeting notice to
137 contain specified information; requiring that orders
138 issued by a political subdivision which impose a
139 curfew restricting travel or movement allow persons to
140 travel during the curfew to and from their places of
141 employment; amending s. 377.703, F.S.; conforming a
142 cross-reference; amending s. 381.00315, F.S.; revising
143 a definition; directing the Department of Health, in
144 collaboration with specified entities, to develop a
145 specified public health emergency plan; requiring the

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146 department to submit the plan to the division;
147 requiring the department to review and update the plan
148 as necessary; directing the State Health Officer to
149 establish methods of reporting certain data;
150 authorizing the State Health Officer to order and
151 request assistance with specified duties; revising the
152 duties of the State Health Officer during a declared
153 public health emergency; creating s. 381.00316, F.S.;

154 prohibiting a business entity from requiring patrons
155 or customers to provide documentation certifying
156 vaccination against or recovery from COVID-19;
157 prohibiting governmental entities from requiring
158 persons to provide documentation certifying
159 vaccination against or recovery from COVID-19;
160 prohibiting educational institutions from requiring
161 students or residents to provide documentation
162 certifying vaccination against or recovery from COVID-
163 19; authorizing specified screening protocols;
164 providing application; providing noncriminal
165 penalties; authorizing the department to adopt rules;
166 amending s. 406.11, F.S.; requiring district medical
167 examiners to certify deaths and to assist the State
168 Health Officer with certain functions upon request;
169 providing that any emergency orders issued before a
170 specified date will expire but may be reissued if
171 certain conditions exist and a certain requirement is
172 met; requiring the Department of Business and
173 Professional Regulation, by a specified date, to
174 review all executive orders issued under its delegated

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175 authority during the COVID-19 pandemic to make
176 recommendations to the Legislature; providing
177 effective dates.

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

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

185 11.90 Legislative Budget Commission.—

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

188 Section 2. Section 252.311, Florida Statutes, is amended to
189 read:

190 252.311 Legislative intent.—

191 (1) The Legislature finds and declares that the state is
192 vulnerable to a wide range of emergencies, including natural,
193 technological, and manmade disasters, all of which threaten the
194 life, health, and safety of its people; damage and destroy
195 property; disrupt services and everyday business and
196 recreational activities; and impede economic growth and
197 development. The Legislature further finds that this
198 vulnerability is exacerbated by the tremendous growth in the
199 state's population, especially the growth in the number of
200 persons residing in coastal areas, in the elderly population, in
201 the number of seasonal vacationers, and in the number of persons
202 with special needs. This growth has greatly complicated the
203 state's ability to coordinate its emergency management resources

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204 and activities.

205 (2) It is the intent of the Legislature to reduce the
206 vulnerability of the people and property of this state; to
207 prepare for efficient evacuation and shelter of threatened or
208 affected persons; to provide for the rapid and orderly provision
209 of relief to persons and for the restoration of services and
210 property; to prepare for and efficiently respond to public
211 health emergencies; and to provide for the coordination of
212 activities relating to emergency preparedness, response,
213 recovery, and mitigation among and between agencies and
214 officials of this state, with similar agencies and officials of
215 other states, with local and federal governments, with
216 interstate organizations, and with the private sector.

217 (3) It is further the intent of the Legislature to promote
218 the state's emergency preparedness, response, recovery, and
219 mitigation capabilities through enhanced coordination, long-term
220 planning, and adequate funding. State policy for responding to
221 disasters is to support local emergency response efforts. In the
222 case of a major or catastrophic disaster, however, the needs of
223 residents and communities will likely be greater than local
224 resources. In these situations, the state must be capable of
225 providing effective, coordinated, and timely support to
226 communities and the public. Therefore, the Legislature hereby
227 determines and declares that the provisions of this act fulfill
228 an important state interest.

229 (4) It is further the intent of the Legislature to minimize
230 the negative effects of an extended emergency, such as a
231 pandemic or another public health emergency. The Legislature
232 recognizes that there are significant negative impacts on

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233 children and families associated with school closures during a
234 public health emergency such as the COVID-19 pandemic. The
235 Legislature also recognizes the significant negative impacts of
236 such emergencies on the economy due to business closures.

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

240 Section 3. Present subsections (9) and (10) of section
241 252.34, Florida Statutes, are redesignated as subsections (10)
242 and (12), respectively, and new subsection (9) and subsection
243 (11) are added to that section, to read:

244 252.34 Definitions.—As used in this part, the term:

245 (9) "Personal protective equipment" means protective
246 clothing or equipment designed to protect an individual person
247 from injury or the spread of infection.

248 (11) "Public health emergency" means any occurrence, or
249 threat thereof, whether natural or manmade, which results or may
250 result in substantial injury or harm to the public health from
251 infectious disease, chemical agents, nuclear agents, biological
252 toxins, or situations involving mass casualties or natural
253 disasters, declared as a public health emergency as declared by
254 the State Health Officer.

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

257 252.35 Emergency management powers; Division of Emergency
258 Management.—

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

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262 (a) Prepare a state comprehensive emergency management
263 plan, which shall be integrated into and coordinated with the
264 emergency management plans and programs of the Federal
265 Government. The division shall ~~must~~ adopt the plan as a rule in
266 accordance with chapter 120. The plan must ~~shall~~ be implemented
267 by a continuous, integrated comprehensive emergency management
268 program. The plan must contain provisions to ensure that the
269 state is prepared for emergencies and minor, major, and
270 catastrophic disasters, and the division shall work closely with
271 local governments and agencies and organizations with emergency
272 management responsibilities in preparing and maintaining the
273 plan. The state comprehensive emergency management plan must
274 ~~shall~~ be operations oriented and:

275 1. Include an evacuation component that includes specific
276 regional and interregional planning provisions and promotes
277 intergovernmental coordination of evacuation activities. This
278 component must, at a minimum: contain guidelines for lifting
279 tolls on state highways; ensure coordination pertaining to
280 evacuees crossing county lines; set forth procedures for
281 directing people caught on evacuation routes to safe shelter;
282 establish strategies for ensuring sufficient, reasonably priced
283 fueling locations along evacuation routes; and establish
284 policies and strategies for emergency medical evacuations.

285 2. Include a shelter component that includes specific
286 regional and interregional planning provisions and promotes
287 coordination of shelter activities between the public, private,
288 and nonprofit sectors. This component must, at a minimum:
289 contain strategies to ensure the availability of adequate public
290 shelter space in each region of the state; establish strategies

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291 for refuge-of-last-resort programs; provide strategies to assist
292 local emergency management efforts to ensure that adequate
293 staffing plans exist for all shelters, including medical and
294 security personnel; provide for a postdisaster communications
295 system for public shelters; establish model shelter guidelines
296 for operations, registration, inventory, power generation
297 capability, information management, and staffing; and set forth
298 policy guidance for sheltering people with special needs.

299 3. Include a postdisaster response and recovery component
300 that includes specific regional and interregional planning
301 provisions and promotes intergovernmental coordination of
302 postdisaster response and recovery activities. This component
303 must provide for postdisaster response and recovery strategies
304 according to whether a disaster is minor, major, or
305 catastrophic. The postdisaster response and recovery component
306 must, at a minimum: establish the structure of the state's
307 postdisaster response and recovery organization; establish
308 procedures for activating the state's plan; set forth policies
309 used to guide postdisaster response and recovery activities;
310 describe the chain of command during the postdisaster response
311 and recovery period; describe initial and continuous
312 postdisaster response and recovery actions; identify the roles
313 and responsibilities of each involved agency and organization;
314 provide for a comprehensive communications plan; establish
315 procedures for monitoring mutual aid agreements; provide for
316 rapid impact assessment teams; ensure the availability of an
317 effective statewide urban search and rescue program coordinated
318 with the fire services; ensure the existence of a comprehensive
319 statewide medical care and relief plan administered by the

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320 Department of Health; and establish systems for coordinating
321 volunteers and accepting and distributing donated funds and
322 goods.

323 4. Include additional provisions addressing aspects of
324 preparedness, response, recovery, and mitigation as determined
325 necessary by the division.

326 5. Address the need for coordinated and expeditious
327 deployment of state resources, including the Florida National
328 Guard. In the case of an imminent major disaster, procedures
329 should address predeployment of the Florida National Guard, and,
330 in the case of an imminent catastrophic disaster, procedures
331 should address predeployment of the Florida National Guard and
332 the United States Armed Forces.

333 6. Establish a system of communications and warning to
334 ensure that the state's population and emergency management
335 agencies are warned of developing emergency situations,
336 including public health emergencies, and can communicate
337 emergency response decisions.

338 7. Establish guidelines and schedules for annual exercises
339 that evaluate the ability of the state and its political
340 subdivisions to respond to minor, major, and catastrophic
341 disasters and support local emergency management agencies. Such
342 exercises shall be coordinated with local governments and, to
343 the extent possible, the Federal Government.

344 8. Assign lead and support responsibilities to state
345 agencies and personnel for emergency support functions and other
346 support activities.

347 9. Include the public health emergency plan developed by
348 the Department of Health pursuant to s. 381.00315.

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350 The complete state comprehensive emergency management plan must
351 ~~shall~~ be submitted to the President of the Senate, the Speaker
352 of the House of Representatives, and the Governor on February 1
353 of every even-numbered year.

354 (b) Adopt standards and requirements for county emergency
355 management plans. The standards and requirements must ensure
356 that county plans are coordinated and consistent with the state
357 comprehensive emergency management plan. If a municipality
358 elects to establish an emergency management program, it must
359 adopt a city emergency management plan that complies with all
360 standards and requirements applicable to county emergency
361 management plans.

362 (c) Assist political subdivisions in preparing and
363 maintaining emergency management plans.

364 (d) Review periodically political subdivision emergency
365 management plans for consistency with the state comprehensive
366 emergency management plan and standards and requirements adopted
367 under this section.

368 (e) Cooperate with the President, the heads of the Armed
369 Forces, the various federal emergency management agencies,
370 federal or state health agencies, and the officers and agencies
371 of other states in matters pertaining to emergency management in
372 the state and the nation and incidents thereof and, in
373 connection therewith, take any measures that it deems proper to
374 carry into effect any request of the President and the
375 appropriate federal officers and agencies for any emergency
376 management action, including the direction or control of:

377 1. Emergency management drills, tests, or exercises of

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378 whatever nature.

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

382 (f) Make recommendations to the Legislature, building code
383 organizations, and political subdivisions for zoning, building,
384 and other land use controls; safety measures for securing mobile
385 homes or other nonpermanent or semipermanent structures; and
386 other preparedness, prevention, and mitigation measures designed
387 to eliminate emergencies or reduce their impact.

388 (g) In accordance with the state comprehensive emergency
389 management plan and program for emergency management, ascertain
390 the requirements of the state and its political subdivisions for
391 equipment and supplies of all kinds in the event of an
392 emergency; plan for and either procure supplies, medicines,
393 materials, and equipment or enter into memoranda of agreement or
394 open purchase orders that will ensure their availability; and
395 use and employ from time to time any of the property, services,
396 and resources within the state in accordance with ss. 252.31-
397 252.90.

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

400 (i) Institute statewide public awareness programs,
401 including. ~~This shall include~~ an intensive public educational
402 campaign on emergency preparedness issues. Such programs must
403 include, ~~including~~, but need not be limited to, the personal
404 responsibility of individual residents ~~citizens~~ to be self-
405 sufficient for up to 72 hours following a natural or manmade
406 disaster or a public health emergency. The public educational

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407 campaign must ~~shall~~ include relevant information on public
408 health emergency mitigation, statewide disaster plans,
409 evacuation routes, fuel suppliers, and shelters. All educational
410 materials must be available in alternative formats and mediums
411 to ensure that they are available to persons with disabilities.

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

418 (k) Prepare and distribute to appropriate state and local
419 officials catalogs of federal, state, and private assistance
420 programs.

421 (l) Coordinate federal, state, and local emergency
422 management activities and take all other steps, including the
423 partial or full mobilization of emergency management forces and
424 organizations in advance of an actual emergency, to ensure the
425 availability of adequately trained and equipped forces of
426 emergency management personnel before, during, and after
427 emergencies and disasters.

428 (m) Establish a schedule of fees that may be charged by
429 local emergency management agencies for review of emergency
430 management plans on behalf of external agencies and
431 institutions. In establishing such schedule, the division shall
432 consider facility size, review complexity, and other factors.

433 (n) Implement training programs to improve the ability of
434 state and local emergency management personnel to prepare and
435 implement emergency management plans and programs. This shall

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436 include a continuous training program for agencies and
437 individuals that will be called on to perform key roles in state
438 and local postdisaster response and recovery efforts and for
439 local government personnel on federal and state postdisaster
440 response and recovery strategies and procedures.

441 (o) Review periodically emergency operating procedures of
442 state agencies and recommend revisions as needed to ensure
443 consistency with the state comprehensive emergency management
444 plan and program.

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

448 (q) Prepare, in advance whenever possible, such executive
449 orders, proclamations, and rules for issuance by the Governor as
450 are necessary or appropriate for coping with emergencies and
451 disasters.

452 (r) Cooperate with the Federal Government and any public or
453 private agency or entity in achieving any purpose of ss. 252.31-
454 252.90 and in implementing programs for mitigation, preparation,
455 response, and recovery.

456 (s) Complete an inventory of portable generators owned by
457 the state and local governments which are capable of operating
458 during a major disaster. The inventory must identify, at a
459 minimum, the location of each generator, the number of
460 generators stored at each specific location, the agency to which
461 each generator belongs, the primary use of the generator by the
462 owner agency, and the names, addresses, and telephone numbers of
463 persons having the authority to loan the stored generators as
464 authorized by the division during a declared emergency.

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465 (t) Maintain an inventory list of generators owned by the
466 state and local governments. In addition, the division may keep
467 a list of private entities, along with appropriate contact
468 information, which offer generators for sale or lease. The list
469 of private entities shall be available to the public for
470 inspection in written and electronic formats.

471 (u) Acquire and maintain a supply of personal protective
472 equipment owned by the state for use by state agencies and to
473 assist local government and the private sector, when determined
474 to be necessary by the State Coordinating Officer, in meeting
475 safety needs during a declared emergency. The division shall
476 conduct regular inventories of the supply, which must include
477 projections of the need for additional personal protective
478 equipment, as assessed by each governmental agency, to maintain
479 the supply and replace expired items. The division shall
480 maintain and replace the equipment on a standardized schedule
481 that recognizes equipment expiration and obsolescence. This
482 paragraph is subject to appropriation. The initial inventory
483 must be reported by December 31, 2021, to the Governor, the
484 President of the Senate, the Speaker of the House of
485 Representatives, and the Chief Justice of the Supreme Court and,
486 thereafter, the inventory must be reported by each December 31
487 to those officers.

488 (v) Assist political subdivisions with the creation and
489 training of urban search and rescue teams and promote the
490 development and maintenance of a state urban search and rescue
491 program.

492 (w) ~~(v)~~ Delegate, as necessary and appropriate, authority
493 vested in it under ss. 252.31-252.90 and provide for the

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494 subdelegation of such authority. The duration of each such
495 delegation or subdelegation during an emergency may not exceed
496 60 days; however a delegation or subdelegation may be renewed
497 during the emergency, as necessary.

498 (x)~~(w)~~ Report biennially to the President of the Senate,
499 the Speaker of the House of Representatives, the Chief Justice
500 of the Supreme Court, and the Governor, no later than February 1
501 of every odd-numbered year, the status of the emergency
502 management capabilities of the state and its political
503 subdivisions. This report must include the emergency management
504 capabilities related to public health emergencies, as determined
505 in collaboration with the Department of Health.

506 (y)~~(x)~~ In accordance with chapter 120, create, implement,
507 administer, adopt, amend, and rescind rules, programs, and plans
508 needed to carry out ~~the provisions of~~ ss. 252.31-252.90 with due
509 consideration for, and in cooperating with, the plans and
510 programs of the Federal Government. In addition, the division
511 may adopt rules in accordance with chapter 120 to administer and
512 distribute federal financial predisaster and postdisaster
513 assistance for prevention, mitigation, preparedness, response,
514 and recovery.

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

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

519 252.355 Registry of persons with special needs; notice;
520 registration program.—

521 (2) In order to ensure that all persons with special needs
522 may register, the division shall develop and maintain a special

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523 needs shelter registration program. During a public health
524 emergency in which physical distancing is necessary, as
525 determined by the State Health Officer, the division must
526 maintain information on special needs shelter options that
527 mitigate the threat of the spread of infectious diseases ~~The~~
528 ~~registration program must be developed by January 1, 2015, and~~
529 ~~fully implemented by March 1, 2015.~~

530 (a) The registration program shall include, at a minimum, a
531 uniform electronic registration form and a database for
532 uploading and storing submitted registration forms that may be
533 accessed by the appropriate local emergency management agency.
534 The link to the registration form shall be easily accessible on
535 each local emergency management agency's website. Upon receipt
536 of a paper registration form, the local emergency management
537 agency shall enter the person's registration information into
538 the database.

539 (b) To assist in identifying persons with special needs,
540 home health agencies, hospices, nurse registries, home medical
541 equipment providers, the Department of Children and Families,
542 the Department of Health, the Agency for Health Care
543 Administration, the Department of Education, the Agency for
544 Persons with Disabilities, the Department of Elderly Affairs,
545 and memory disorder clinics shall, and any physician licensed
546 under chapter 458 or chapter 459 and any pharmacy licensed under
547 chapter 465 may, annually provide registration information to
548 all of their special needs clients or their caregivers. The
549 division shall develop a brochure that provides information
550 regarding special needs shelter registration procedures. The
551 brochure must be easily accessible on the division's website.

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552 All appropriate agencies and community-based service providers,
553 including aging and disability resource centers, memory disorder
554 clinics, home health care providers, hospices, nurse registries,
555 and home medical equipment providers, shall, and any physician
556 licensed under chapter 458 or chapter 459 may, assist emergency
557 management agencies by annually registering persons with special
558 needs for special needs shelters, collecting registration
559 information for persons with special needs as part of the
560 program intake process, and establishing programs to educate
561 clients about the registration process and disaster preparedness
562 safety procedures. A client of a state-funded or federally
563 funded service program who has a physical, mental, or cognitive
564 impairment or sensory disability and who needs assistance in
565 evacuating, or when in a shelter, must register as a person with
566 special needs. The registration program shall give persons with
567 special needs the option of preauthorizing emergency response
568 personnel to enter their homes during search and rescue
569 operations if necessary to ensure their safety and welfare
570 following disasters.

571 (c) The division shall be the designated lead agency
572 responsible for community education and outreach to the public,
573 including special needs clients, regarding registration and
574 special needs shelters and general information regarding shelter
575 stays.

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

580 1. An initial notification upon the activation of new

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581 residential service with the electric utility, followed by one
582 annual notification between January 1 and May 31; or

583 2. Two separate annual notifications between January 1 and
584 May 31.

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586 The notification may be made by any available means, including,
587 but not limited to, written, electronic, or verbal notification,
588 and may be made concurrently with any other notification to
589 residential customers required by law or rule.

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

592 252.356 Emergency and disaster planning provisions to
593 assist persons with disabilities or limitations.—State agencies
594 that contract with providers for the care of persons with
595 disabilities or limitations that make such persons dependent
596 upon the care of others shall include emergency and disaster
597 planning provisions in such contracts at the time the contracts
598 are initiated or upon renewal. These provisions shall include,
599 but shall not be limited to:

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

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

606 252.359 Ensuring availability of emergency supplies.—

607 (2) As used in this section, the term "essentials" means
608 goods that are consumed or used as a direct result of a declared
609 emergency, or that are consumed or used to preserve, protect, or

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610 sustain life, health, safety, or economic well-being. The term
611 includes, but is not limited to, personal protective equipment
612 used in the event of a public health emergency.

613 Section 8. Present subsections (3) through (10) of section
614 252.36, Florida Statutes, are redesignated as subsections (4)
615 through (11), respectively, a new subsection (3) is added to
616 that section, and subsections (1) and (2) and paragraph (c) of
617 present subsection (5) of that section are amended, to read:

618 252.36 Emergency management powers of the Governor.—

619 (1) (a) The Governor is responsible for meeting the dangers
620 presented to this state and its people by emergencies. In the
621 event of an emergency beyond local control, the Governor, or, in
622 the Governor's absence, her or his successor as provided by law,
623 may assume direct operational control over all or any part of
624 the emergency management functions within this state, and she or
625 he shall have the power through proper process of law to carry
626 out the provisions of this section. The Governor is authorized
627 to delegate such powers as she or he may deem prudent.

628 (b) Pursuant to the authority vested in her or him under
629 paragraph (a), the Governor may issue executive orders,
630 proclamations, and rules and may amend or rescind them. Such
631 executive orders, proclamations, and rules shall have the force
632 and effect of law. An executive order, a proclamation, or a rule
633 must be limited to a duration of not more than 60 days and may
634 be renewed as necessary during the duration of the emergency. If
635 renewed, the order, proclamation, or rule must specifically
636 state which provisions are being renewed.

637 (c) The Legislature intends that, during an extended public
638 health emergency, such as the COVID-19 pandemic, there should be

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639 a presumption that K-12 public schools, to the greatest extent
640 possible, should remain open so long as the health and safety of
641 students and school personnel can be maintained by specific
642 public health mitigation strategies recommended by federal or
643 state health agencies for educational settings. The Legislature
644 also intends that during such an event, there be a presumption
645 that businesses should remain open to the greatest extent
646 possible so long as the health and safety of employees and
647 customers can be reasonably protected by specific public health
648 mitigation strategies recommended by federal or state health
649 agencies, including, but not limited, to the Occupational Safety
650 and Health Administration.

651 1. If the Governor declares by executive order or
652 proclamation that the emergency requires closure of or
653 restricted in-person attendance at K-12 public schools, the
654 executive order or proclamation must contain specific reasons
655 for those determinations, and he or she must review and reassess
656 the situation regularly.

657 2. If the Governor declares by executive order or
658 proclamation that the emergency requires businesses to restrict
659 their operations or close, the executive order or proclamation
660 must contain specific reasons for those determinations, and he
661 or she must review and reassess the situation regularly.

662 (2) A state of emergency must ~~shall~~ be declared by
663 executive order or proclamation of the Governor if she or he
664 finds an emergency has occurred or that the occurrence or the
665 threat thereof is imminent. The state of emergency must ~~shall~~
666 continue until the Governor finds that the threat or danger has
667 been dealt with to the extent that the emergency conditions no

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668 longer exist and she or he terminates the state of emergency by
669 executive order or proclamation, but no state of emergency may
670 continue for longer than 60 days unless renewed by the Governor.
671 ~~The Legislature by concurrent resolution may terminate a state~~
672 ~~of emergency at any time. Thereupon, the Governor shall issue an~~
673 ~~executive order or proclamation ending the state of emergency.~~
674 All executive orders or proclamations issued under this section
675 must shall indicate the nature of the emergency, the area or
676 areas threatened, and the conditions which ~~have~~ brought the
677 emergency about or which make possible its termination. An
678 executive order or proclamation must shall be promptly
679 disseminated by means calculated to bring its contents to the
680 attention of the general public; and, unless the circumstances
681 attendant upon the emergency prevent or impede such filing, the
682 order or proclamation must shall be filed promptly with the
683 Department of State, the President of the Senate and the Speaker
684 of the House of Representatives, and ~~in~~ the offices of the
685 county commissioners in the counties to which the order or
686 proclamation applies.

687 (3) (a) At any time, the Legislature, by concurrent
688 resolution, may terminate a state of emergency or any specific
689 order, proclamation, or rule thereunder. Upon such concurrent
690 resolution, the Governor shall issue an executive order or
691 proclamation consistent with the concurrent resolution.

692 (b) Notwithstanding s. 252.46(2), all emergency
693 declarations and orders, regardless of how titled, issued under
694 the authority of this part by the Governor or any agency,
695 whether by direct, delegated, or subdelegated authority, before,
696 during, or after a declared emergency, must be immediately filed

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697 with the Division of Administrative Hearings. Failure to file
698 any such declaration or order with the division within 5 days
699 after issuance voids the declaration or order. The division
700 shall index all such declarations and orders and make them
701 available in searchable format on its website within 3 days of
702 filing. The searchable format must include, but is not limited
703 to, searches by term, referenced statutes, and rules and must
704 include a search category that specifically identifies emergency
705 orders in effect at any given time. A link to the division's
706 index must be placed in a conspicuous location on the Division
707 of Emergency Management's website. This subsection applies
708 retroactively to all executive emergency declarations and orders
709 in effect on July 1, 2021.

710 (6)~~(5)~~ In addition to any other powers conferred upon the
711 Governor by law, she or he may:

712 (c) Transfer the direction, personnel, or functions of
713 state departments and agencies or units thereof for the purpose
714 of performing or facilitating emergency services. The transfer
715 of the direction, personnel, or functions of state departments
716 and agencies must be reported monthly on a cumulative basis to
717 the President of the Senate and the Speaker of the House of
718 Representatives.

719 Section 9. Section 252.3611, Florida Statutes, is created
720 to read:

721 252.3611 Transparency; audits.—

722 (1) Each order, proclamation, or rule issued by the
723 Governor, the division, or any agency must specify the statute
724 or rule being amended or waived, if applicable, and the
725 expiration date for the order, proclamation, or rule.

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

727 (a) Within 72 hours of executing a contract executed with
728 moneys authorized for expenditure to support the response to the
729 declared state of emergency, the Executive Office of the
730 Governor or the appropriate agency shall submit a copy of such
731 contract to the Legislature. For contracts executed during the
732 first 90 days of the emergency, the Executive Office of the
733 Governor or the appropriate agency shall submit a copy to the
734 Legislature within the first 120 days of the declared emergency.

735 (b) The Executive Office of the Governor or the appropriate
736 agency shall submit monthly reports to the Legislature of all
737 state expenditures, revenues received, and funds transferred by
738 an agency during the previous month to support the declared
739 state of emergency.

740 (3) Once an emergency exceeds 1 year, the Auditor General
741 shall conduct a financial audit of all associated expenditures
742 and a compliance audit of all associated contracts entered into
743 during the declared emergency. The Auditor General must update
744 the audit annually until the emergency is declared to be ended.

745 (4) Following the expiration or termination of a state of
746 emergency, the Auditor General shall conduct a financial audit
747 of all associated expenditures and a compliance audit of all
748 associated contracts entered into during the state of emergency.

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

751 252.365 Emergency coordination officers; disaster-
752 preparedness plans.-

753 (3) Emergency coordination officers shall ensure ~~These~~
754 ~~individuals shall be responsible for ensuring~~ that each state

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755 agency and facility, such as a prison, office building, or
756 university, has a disaster preparedness plan that is coordinated
757 with the applicable local emergency-management agency and
758 approved by the division.

759 (a) The disaster-preparedness plan must outline a
760 comprehensive and effective program to ensure continuity of
761 essential state functions under all circumstances, including,
762 but not limited to, a pandemic or other public health emergency.
763 The plan must identify a baseline of preparedness for a full
764 range of potential emergencies to establish a viable capability
765 to perform essential functions during any emergency or other
766 situation that disrupts normal operations. This baseline must
767 consider and include preparedness for rapid and large-scale
768 increases in the public's need to access government services
769 through technology or other means during an emergency,
770 including, but not limited to, a public health emergency.

771 (b) The plan must include, at a minimum, the following
772 elements: identification of essential functions, programs, and
773 personnel; procedures to implement the plan and personnel
774 notification and accountability; delegations of authority and
775 lines of succession; identification of alternative facilities
776 and related infrastructure, including those for communications;
777 identification and protection of vital records and databases;
778 provisions regarding the availability of, and distribution plans
779 for, personal protective equipment; and schedules and procedures
780 for periodic tests, training, and exercises.

781 (c) The division shall develop and distribute guidelines
782 for developing and implementing the plan. By December 31, 2022,
783 each agency must update its plan to include provisions related

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784 to preparation for pandemics and other public health emergencies
785 consistent with the plan developed pursuant to s. 381.00315.
786 Each agency plan must be updated as needed to remain consistent
787 with the state public health emergency management plan.

788 Section 11. Subsections (7) and (8) are added to section
789 252.37, Florida Statutes, and subsection (2) of that section is
790 amended, contingent upon SB 1892 or similar legislation creating
791 the Emergency Preparedness and Response Fund taking effect, to
792 read:

793 252.37 Financing.—

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

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

803 (c) If additional funds are needed, the Governor may make
804 funds available by transferring and expending moneys out of any
805 unappropriated surplus funds, or from the Budget Stabilization
806 Fund if the transfers and expenditures are directly related to
807 the declared disaster or emergency. Notice of such action, as
808 provided in s. 216.177, must be delivered at least 7 days before
809 the effective date of the action, unless a shorter period is
810 agreed to in writing by the President of the Senate and the
811 Speaker of the House of Representatives. If the President of the
812 Senate and the Speaker of the House of Representatives timely

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813 advise in writing that the parties object to the transfer, the
814 Governor must void such action.

815 (d) Following the expiration or termination of the state of
816 emergency, the Governor may transfer moneys with a budget
817 amendment, subject to approval by the Legislative Budget
818 Commission, to satisfy the budget authority granted for such
819 emergency. The transfers and expenditures supporting the
820 amendment must be directly related to the declared disaster or
821 emergency.

822 (7) An agency or political subdivision shall submit in
823 advance a detailed spending plan for any grants, gifts, loans,
824 funds, payments, services, equipment, supplies, or materials in
825 aid of or for the purposes of emergency prevention, recovery,
826 mitigation, preparedness, and management, other than emergency
827 response, received under this section to the President of the
828 Senate, the Speaker of the House of Representatives, and the
829 chairs of the legislative appropriations committees. This
830 paragraph does not apply to the receipt of any funds from an
831 agency, department, or other affiliated entity of the Federal
832 Government as part of an expedited project worksheet in
833 anticipation of emergency response expenditures. If an emergency
834 situation precludes the timely advanced submission of a detailed
835 spending plan, the plan must be submitted as soon as
836 practicable, but not later than 30 days after initiation of any
837 expenditures, and be resubmitted every 30 days as long as the
838 emergency continues and funds continue to be disbursed.

839 (8) For emergency response activities, including an
840 emergency response that includes emergency protective measures
841 or debris removal, the agency or political subdivision is not

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842 required to provide a detailed spending plan in advance of
843 expenditures, but must provide notice to the President of the
844 Senate, the Speaker of the House of Representatives, and the
845 chairs of the legislative appropriations committees of all
846 expenditures in aggregate categories incurred in the emergency
847 response no later than 30 days after the expenditure is
848 incurred, and a copy of any project worksheet submitted to the
849 Federal Emergency Management Agency must be submitted to the
850 same parties no later than 7 days after it is submitted to the
851 Federal Emergency Management Agency.

852 Section 12. Section 252.38, Florida Statutes, is amended to
853 read:

854 252.38 Emergency management powers of political
855 subdivisions.—Safeguarding the life and property of its citizens
856 is an innate responsibility of the governing body of each
857 political subdivision of the state. However, political
858 subdivisions are given police powers to preserve, not impair,
859 private rights. Therefore, a political subdivision that deprives
860 any person of a constitutional right, a fundamental liberty, a
861 statutory right, or property to address a purported emergency
862 bears the burden of proving that the exercise of police power is
863 narrowly tailored, serves a compelling governmental interest,
864 and accomplishes the intended goal through the use of the least
865 intrusive means.

866 (1) COUNTIES.—

867 (a) In order to provide effective and orderly governmental
868 control and coordination of emergency operations in emergencies
869 within the scope of ss. 252.31-252.90, each county within this
870 state shall be within the jurisdiction of, and served by, the

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871 division. Except as otherwise provided in ss. 252.31-252.90,
872 each local emergency management agency shall have jurisdiction
873 over and serve an entire county. Unless part of an
874 interjurisdictional emergency management agreement entered into
875 pursuant to paragraph (3) (b) which is recognized by the Governor
876 by executive order or rule, each county must establish and
877 maintain such an emergency management agency and shall develop a
878 county emergency management plan and program that is coordinated
879 and consistent with the state comprehensive emergency management
880 plan and program. Counties that are part of an
881 interjurisdictional emergency management agreement entered into
882 pursuant to paragraph (3) (b) which is recognized by the Governor
883 by executive order or rule shall cooperatively develop an
884 emergency management plan and program that is coordinated and
885 consistent with the state comprehensive emergency management
886 plan and program.

887 (b) Each county emergency management agency created and
888 established pursuant to ss. 252.31-252.90 shall have a director.
889 The director must meet the minimum training and education
890 qualifications established in a job description approved by the
891 county. The director shall be appointed by the board of county
892 commissioners or the chief administrative officer of the county,
893 as described in chapter 125 or the county charter, if
894 applicable, to serve at the pleasure of the appointing
895 authority, in conformance with applicable resolutions,
896 ordinances, and laws. A county constitutional officer, or an
897 employee of a county constitutional officer, may be appointed as
898 director following prior notification to the division. Each
899 board of county commissioners shall promptly inform the division

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900 of the appointment of the director and other personnel. Each
901 director has direct responsibility for the organization,
902 administration, and operation of the county emergency management
903 agency. The director shall coordinate emergency management
904 activities, services, and programs within the county and shall
905 serve as liaison to the division and other local emergency
906 management agencies and organizations.

907 (c) Each county emergency management agency shall perform
908 emergency management functions within the territorial limits of
909 the county within which it is organized and, in addition, shall
910 conduct such activities outside its territorial limits as are
911 required pursuant to ss. 252.31-252.90 and in accordance with
912 state and county emergency management plans and mutual aid
913 agreements. Counties shall serve as liaison for and coordinator
914 of municipalities' requests for state and federal assistance
915 during postdisaster emergency operations.

916 (d) During a declared state or local emergency and upon the
917 request of the director of a local emergency management agency,
918 the district school board or school boards in the affected area
919 shall participate in emergency management by providing
920 facilities and necessary personnel to staff such facilities.
921 Each school board providing transportation assistance in an
922 emergency evacuation shall coordinate the use of its vehicles
923 and personnel with the local emergency management agency.

924 (e) County emergency management agencies may charge and
925 collect fees for the review of emergency management plans on
926 behalf of external agencies and institutions. Fees must be
927 reasonable and may not exceed the cost of providing a review of
928 emergency management plans in accordance with fee schedules

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929 established by the division.

930 (2) MUNICIPALITIES.—Legally constituted municipalities are
931 authorized and encouraged to create municipal emergency
932 management programs. Municipal emergency management programs
933 shall coordinate their activities with those of the county
934 emergency management agency. Municipalities without emergency
935 management programs shall be served by their respective county
936 agencies. If a municipality elects to establish an emergency
937 management program, it must comply with all laws, rules, and
938 requirements applicable to county emergency management agencies.
939 Each municipal emergency management plan must be consistent with
940 and subject to the applicable county emergency management plan.
941 In addition, each municipality must coordinate requests for
942 state or federal emergency response assistance with its county.
943 This requirement does not apply to requests for reimbursement
944 under federal public disaster assistance programs.

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

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

948 1. To appropriate and expend funds; make contracts; obtain
949 and distribute equipment, materials, and supplies for emergency
950 management purposes; provide for the health and safety of
951 persons and property, including emergency assistance to the
952 victims of any emergency; and direct and coordinate the
953 development of emergency management plans and programs in
954 accordance with the policies and plans set by the federal and
955 state emergency management agencies.

956 2. To appoint, employ, remove, or provide, with or without
957 compensation, coordinators, rescue teams, fire and police

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958 personnel, and other emergency management workers.

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

962 4. To assign and make available for duty the offices and
963 agencies of the political subdivision, including the employees,
964 property, or equipment thereof relating to firefighting,
965 engineering, rescue, health, medical and related services,
966 police, transportation, construction, and similar items or
967 services for emergency operation purposes, as the primary
968 emergency management forces of the political subdivision for
969 employment within or outside the political limits of the
970 subdivision.

971 5. To request state assistance or invoke emergency-related
972 mutual-aid assistance by declaring a state of local emergency in
973 the event of an emergency affecting only one political
974 subdivision. The duration of each state of emergency declared
975 locally is limited to 7 days; it may be extended, as necessary,
976 in 7-day increments. Further, the political subdivision has the
977 power and authority to waive the procedures and formalities
978 otherwise required of the political subdivision by law
979 pertaining to:

980 a. Performance of public work and taking whatever prudent
981 action is necessary to ensure the health, safety, and welfare of
982 the community.

983 b. Entering into contracts.

984 c. Incurring obligations.

985 d. Employment of permanent and temporary workers.

986 e. Utilization of volunteer workers.

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987 f. Rental of equipment.

988 g. Acquisition and distribution, with or without
989 compensation, of supplies, materials, and facilities.

990 h. Appropriation and expenditure of public funds.

991 (b) Upon the request of two or more adjoining counties, or
992 if the Governor finds that two or more adjoining counties would
993 be better served by an interjurisdictional arrangement than by
994 maintaining separate emergency management agencies and services,
995 the Governor may delineate by executive order or rule an
996 interjurisdictional area adequate to plan for, prevent,
997 mitigate, or respond to emergencies in such area and may direct
998 steps to be taken as necessary, including the creation of an
999 interjurisdictional relationship, a joint emergency plan, a
1000 provision for mutual aid, or an area organization for emergency
1001 planning and services. A finding of the Governor pursuant to
1002 this paragraph shall be based on one or more factors related to
1003 the difficulty of maintaining an efficient and effective
1004 emergency prevention, mitigation, preparedness, response, and
1005 recovery system on a unijurisdictional basis, such as:

1006 1. Small or sparse population.

1007 2. Limitations on public financial resources severe enough
1008 to make maintenance of a separate emergency management agency
1009 and services unreasonably burdensome.

1010 3. Unusual vulnerability to emergencies as evidenced by a
1011 past history of emergencies, topographical features, drainage
1012 characteristics, emergency potential, and presence of emergency-
1013 prone facilities or operations.

1014 4. The interrelated character of the counties in a
1015 multicounty area.

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1016 5. Other relevant conditions or circumstances.

1017 Section 13. Subsections (1), (2), and (3) of section
1018 252.385, Florida Statutes, are amended to read:

1019 252.385 Public shelter space.—

1020 (1) It is the intent of the Legislature that this state not
1021 have a deficit of safe public hurricane evacuation shelter space
1022 in any region of the state ~~by 1998 and thereafter.~~

1023 (2) (a) The division shall administer a program to survey
1024 existing schools, universities, community colleges, and other
1025 state-owned, municipally owned, and county-owned public
1026 buildings and any private facility that the owner, in writing,
1027 agrees to provide for use as a public hurricane evacuation
1028 shelter to identify those that are appropriately designed and
1029 located to serve as such shelters. The owners of the facilities
1030 must be given the opportunity to participate in the surveys. The
1031 state university boards of trustees, district school boards,
1032 community college boards of trustees, and the Department of
1033 Education are responsible for coordinating and implementing the
1034 survey of public schools, universities, and community colleges
1035 with the division or the local emergency management agency.

1036 (b) By January 31 of each even-numbered year, the division
1037 shall prepare and submit a statewide emergency shelter plan to
1038 the Governor and Cabinet for approval, subject to the
1039 requirements for approval in s. 1013.37(2). The emergency
1040 shelter plan must project, for each of the next 5 years, the
1041 hurricane shelter needs of the state, including periods of time
1042 during which a concurrent public health emergency may
1043 necessitate more space for each individual to accommodate
1044 physical distancing. In addition to information on the general

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1045 shelter needs throughout this state, the plan must ~~shall~~
1046 identify the general location and square footage of special
1047 needs shelters, by regional planning council region, ~~during the~~
1048 ~~next 5 years~~. The plan must ~~shall~~ also include information on
1049 the availability of shelters that accept pets. The Department of
1050 Health shall assist the division in determining the estimated
1051 need for special needs shelter space and the adequacy of
1052 facilities to meet the needs of persons with special needs based
1053 on information from the registries of persons with special needs
1054 and other information.

1055 (3) The division shall annually provide to the President of
1056 the Senate, the Speaker of the House of Representatives, and the
1057 Governor a list of facilities recommended to be retrofitted
1058 using state funds. State funds should be maximized and targeted
1059 to regional planning council regions with hurricane evacuation
1060 shelter deficits. ~~Retrofitting facilities in regions with public~~
1061 ~~hurricane evacuation shelter deficits shall be given first~~
1062 ~~priority and should be completed by 2003. All recommended~~
1063 ~~facilities should be retrofitted by 2008.~~ The owner or lessee of
1064 a public hurricane evacuation shelter that is included on the
1065 list of facilities recommended for retrofitting is not required
1066 to perform any recommended improvements.

1067 Section 14. Subsection (1) of section 252.44, Florida
1068 Statutes, is amended to read:

1069 252.44 Emergency mitigation.—

1070 (1) In addition to prevention measures included in the
1071 state and local comprehensive emergency management plans, the
1072 Governor shall consider on a continuing basis steps that could
1073 be taken to mitigate the harmful consequences of emergencies. At

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1074 the Governor's direction and pursuant to any other authority and
1075 competence they have, state agencies, including, but not limited
1076 to, those charged with responsibilities in connection with
1077 protecting and maintaining the public health, flood plain
1078 management, stream encroachment and flow regulation, weather
1079 modification, fire prevention and control, air quality, public
1080 works, land use and land use planning, and construction
1081 standards, shall make studies of emergency-mitigation-related
1082 matters. The Governor, from time to time, shall make such
1083 recommendations to the Legislature, local governments, and other
1084 appropriate public and private entities as may facilitate
1085 measures for mitigation of the harmful consequences of
1086 emergencies.

1087 Section 15. Present subsection (3) of section 252.46,
1088 Florida Statutes, is redesignated as subsection (6), a new
1089 subsection (3) and subsections (4) and (5) are added to that
1090 section, and subsection (2) of that section is amended, to read:

1091 252.46 Orders and rules.—

1092 (2) All orders and rules adopted by the division or any
1093 political subdivision or other agency authorized by ss. 252.31-
1094 252.90 to make orders and rules have full force and effect of
1095 law after adoption in accordance with ~~the provisions of~~ chapter
1096 120 in the event of issuance by the division or any state agency
1097 or, if adopted ~~promulgated~~ by a political subdivision of the
1098 state or agency thereof, when filed in the office of the clerk
1099 or recorder of the political subdivision or agency adopting
1100 promulgating the same. Failure of a political subdivision to
1101 file any such order or rule with the office of the clerk or
1102 recorder within 3 days after issuance voids the order or rule.

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1103 All existing laws, ordinances, and rules inconsistent with ~~the~~
1104 ~~provisions of~~ ss. 252.31-252.90, or any order or rule issued
1105 under the authority of ss. 252.31-252.90, must ~~shall~~ be
1106 suspended during the period of time and to the extent that such
1107 conflict exists.

1108 (3) Emergency ordinances, declarations, and orders adopted
1109 by a political subdivision under the authority of ss. 252.31-
1110 252.90, including those enacted by a municipality pursuant to s.
1111 166.041(3) (b), must be available on a dedicated webpage
1112 accessible through a conspicuous link on the political
1113 subdivision's homepage. The dedicated webpage must identify the
1114 emergency ordinances, declarations, and orders currently in
1115 effect. Each political subdivision adopting emergency
1116 ordinances, declarations, or orders must provide the division
1117 with the link to the political subdivision's dedicated webpage.
1118 The division must include these links in an easily identifiable
1119 format on its website.

1120 (4) (a) An emergency order issued by a political subdivision
1121 automatically expires 10 days after its issuance; however, such
1122 an order may be extended before its expiration for 10-day
1123 periods, subject to ratification by a majority vote of the
1124 governing body of the political subdivision. In the event the
1125 governing body of the political subdivision is unable to convene
1126 before the expiration of the emergency order due to the impacts
1127 of a hurricane or other weather-related natural disaster, the
1128 10-day period is tolled until the governing body is able to
1129 convene. However, an emergency order issued under this section
1130 may not be in effect for more than 30 days unless the governing
1131 body approves an extension of the order. The governing body must

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1132 ratify the extension of such order before it expires. Once
1133 ratified, the emergency order may not be amended or replaced by
1134 the chief elected officer or chief administrative officer, as
1135 applicable, without the ratification of the political
1136 subdivision's governing body. In the event the governing body
1137 fails to ratify the extension of the emergency order, the chief
1138 elected officer or chief administrative officer, as applicable,
1139 may not reissue the order in response to the same emergency.

1140 (b) As used in this subsection, the term:

1141 1. "Chief elected officer" means a mayor, chairperson, or
1142 other separately elected official designated by a charter
1143 provision or ordinance of the political subdivision to exercise
1144 emergency management authority.

1145 2. "Chief administrative officer" means the county
1146 administrator, county manager, or such other individual
1147 designated by ordinance of the political subdivision to exercise
1148 emergency management authority.

1149 (c) When meeting in one physical location is prohibited or
1150 not feasible due to the conditions directly related to the
1151 declared state of emergency, a public meeting of the governing
1152 body of a political subdivision held for the limited purpose of
1153 ratifying the extension of an emergency order under this
1154 subsection may be conducted via telephone, real-time
1155 videoconferencing, or similar real-time electronic or video
1156 communication technology. Any communication technology used must
1157 be sufficient to permit all interested persons to remotely
1158 attend the meeting. Any law, charter provision, or ordinance
1159 requiring a quorum to be present in person or requiring the
1160 governing body of any political subdivision to meet at a

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1161 specific public place shall be suspended for purposes of such
1162 meeting. If the public meeting will be held via telephone, real-
1163 time videoconferencing, or similar real-time electronic or video
1164 communication technology, the meeting notice must include
1165 information necessary for persons interested in attending the
1166 meeting to do so, including the places where facilities
1167 necessary to allow attendance will be available.

1168 (5) An order issued by a political subdivision pursuant to
1169 this section which imposes a curfew restricting the travel or
1170 movement of persons during designated times must nonetheless
1171 allow persons to travel during the curfew to their places of
1172 employment to report for work and to return to their residences
1173 after their work has concluded.

1174 Section 16. Paragraph (a) of subsection (2) of section
1175 377.703, Florida Statutes, is amended to read:

1176 377.703 Additional functions of the Department of
1177 Agriculture and Consumer Services.—

1178 (2) DUTIES.—The department shall perform the following
1179 functions, unless as otherwise provided, consistent with the
1180 development of a state energy policy:

1181 (a) The Division of Emergency Management is responsible for
1182 the development of an energy emergency contingency plan to
1183 respond to serious shortages of primary and secondary energy
1184 sources. Upon a finding by the Governor, implementation of any
1185 emergency program shall be upon order of the Governor that a
1186 particular kind or type of fuel is, or that the occurrence of an
1187 event which is reasonably expected within 30 days will make the
1188 fuel, in short supply. The Division of Emergency Management
1189 shall then respond by instituting the appropriate measures of

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1190 the contingency plan to meet the given emergency or energy
1191 shortage. The Governor may utilize the provisions of s.
1192 252.36(6) ~~s. 252.36(5)~~ to carry out any emergency actions
1193 required by a serious shortage of energy sources.

1194 Section 17. Paragraph (c) of subsection (1) and subsection
1195 (2) of section 381.00315, Florida Statutes, are amended to read:

1196 381.00315 Public health advisories; public health
1197 emergencies; isolation and quarantines.—The State Health Officer
1198 is responsible for declaring public health emergencies, issuing
1199 public health advisories, and ordering isolation or quarantines.

1200 (1) As used in this section, the term:

1201 (c) "Public health emergency" means any occurrence, or
1202 threat thereof, whether natural or manmade, which results or may
1203 result in substantial injury or harm to the public health from
1204 infectious disease, chemical agents, nuclear agents, biological
1205 toxins, or situations involving mass casualties or natural
1206 disasters.

1207 (2) (a) The department shall prepare and maintain a state
1208 public health emergency management plan to serve as a
1209 comprehensive guide to public health emergency response in this
1210 state. The department shall develop the plan in collaboration
1211 with the Division of Emergency Management, other executive
1212 agencies with functions relevant to public health emergencies,
1213 district medical examiners, and national and state public health
1214 experts and ensure that it integrates and coordinates with the
1215 public health emergency management plans and programs of the
1216 Federal Government. The plan must address each element of public
1217 health emergency planning and incorporate public health and
1218 epidemiological best practices to ensure that the state is

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1219 prepared for every foreseeable public health emergency. The plan
1220 must include an assessment of state and local public health
1221 infrastructure, including information systems, physical plant,
1222 commodities, and human resources, and an analysis of the
1223 infrastructure necessary to achieve the level of readiness
1224 proposed by the plan for short-term and long-term public
1225 emergencies. Beginning July 1, 2022, the department shall submit
1226 the plan to the Division of Emergency Management for inclusion
1227 in the state comprehensive emergency management plan pursuant to
1228 s. 252.35. The department shall review the plan after the
1229 declared end of each public health emergency, and, in any event,
1230 at least every 5 years, and update its terms as necessary to
1231 ensure continuous planning.

1232 (b) Before declaring a public health emergency, the State
1233 Health Officer shall, to the extent possible, consult with the
1234 Governor and shall notify the Chief of Domestic Security. The
1235 declaration of a public health emergency shall continue until
1236 the State Health Officer finds that the threat or danger has
1237 been dealt with to the extent that the emergency conditions no
1238 longer exist and he or she terminates the declaration. However,
1239 a declaration of a public health emergency may not continue for
1240 longer than 60 days unless the Governor concurs in the renewal
1241 of the declaration.

1242 (c) The State Health Officer, upon declaration of a public
1243 health emergency, shall establish by order the method and
1244 procedure for identifying and reporting cases and deaths
1245 involving the infectious disease or other occurrence identified
1246 as the basis for the declared public health emergency. The
1247 method and procedure must be consistent with any standards

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1248 developed by the Federal Government specific to the declared
1249 emergency or, if federal standards do not exist, must be
1250 consistent with public health best practices as identified by
1251 the State Health Officer. During the pendency of a public health
1252 emergency, the department is the sole entity responsible for the
1253 collection and official reporting and publication of cases and
1254 deaths. The State Health Officer, by order or emergency rule,
1255 may ensure necessary assistance from licensed health care
1256 providers in carrying out this function and may request the
1257 assistance of district medical examiners in performing this
1258 function.

1259 (d) The State Health Officer, upon declaration of a public
1260 health emergency, may take actions that are necessary to protect
1261 the public health. Such actions include, but are not limited to:

1262 1. Establishing screening protocols consistent with s.
1263 381.00316.

1264 2. Directing manufacturers of prescription drugs or over-
1265 the-counter drugs who are permitted under chapter 499 and
1266 wholesalers of prescription drugs located in this state who are
1267 permitted under chapter 499 to give priority to the shipping of
1268 specified drugs to pharmacies and health care providers within
1269 geographic areas ~~that have been~~ identified by the State Health
1270 Officer. The State Health Officer must identify the drugs to be
1271 shipped. Manufacturers and wholesalers located in the state must
1272 respond to the State Health Officer's priority shipping
1273 directive before shipping the specified drugs.

1274 ~~3.2.~~ Notwithstanding chapters 465 and 499 and rules adopted
1275 thereunder, directing pharmacists employed by the department to
1276 compound bulk prescription drugs and provide these bulk

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1277 prescription drugs to physicians and nurses of county health
1278 departments or any qualified person authorized by the State
1279 Health Officer for administration to persons as part of a
1280 prophylactic or treatment regimen.

1281 ~~4.3.~~ Notwithstanding s. 456.036, temporarily reactivating
1282 the inactive license of the following health care practitioners,
1283 when such practitioners are needed to respond to the public
1284 health emergency: physicians licensed under chapter 458 or
1285 chapter 459; physician assistants licensed under chapter 458 or
1286 chapter 459; licensed practical nurses, registered nurses, and
1287 advanced practice registered nurses licensed under part I of
1288 chapter 464; respiratory therapists licensed under part V of
1289 chapter 468; and emergency medical technicians and paramedics
1290 certified under part III of chapter 401. Only those health care
1291 practitioners specified in this paragraph who possess an
1292 unencumbered inactive license and who request that such license
1293 be reactivated are eligible for reactivation. An inactive
1294 license that is reactivated under this paragraph shall return to
1295 inactive status when the public health emergency ends or before
1296 the end of the public health emergency if the State Health
1297 Officer determines that the health care practitioner is no
1298 longer needed to provide services during the public health
1299 emergency. Such licenses may only be reactivated for a period
1300 not to exceed 90 days without meeting the requirements of s.
1301 456.036 or chapter 401, as applicable.

1302 ~~5.4.~~ Ordering an individual to be examined, tested,
1303 vaccinated, treated, isolated, or quarantined for communicable
1304 diseases that have significant morbidity or mortality and
1305 present a severe danger to public health. Individuals who are

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1306 unable or unwilling to be examined, tested, vaccinated, or
1307 treated for reasons of health, religion, or conscience may be
1308 subjected to isolation or quarantine.

1309 a. Examination, testing, vaccination, or treatment may be
1310 performed by any qualified person authorized by the State Health
1311 Officer.

1312 b. If the individual poses a danger to the public health,
1313 the State Health Officer may subject the individual to isolation
1314 or quarantine. If there is no practical method to isolate or
1315 quarantine the individual, the State Health Officer may use any
1316 means necessary to vaccinate or treat the individual.

1317 c. Any order of the State Health Officer given to
1318 effectuate this paragraph is ~~shall be~~ immediately enforceable by
1319 a law enforcement officer under s. 381.0012.

1320 ~~(e)(2)~~ Individuals who assist the State Health Officer at
1321 his or her request on a volunteer basis during a public health
1322 emergency are entitled to the benefits specified in s.
1323 110.504(2), (3), (4), and (5).

1324 Section 18. Section 381.00316, Florida Statutes, is created
1325 to read:

1326 381.00316 COVID-19 vaccine documentation.-

1327 (1) A business entity, as defined in s. 768.38 to include
1328 any business operating in this state, may not require patrons or
1329 customers to provide any documentation certifying COVID-19
1330 vaccination or post-infection recovery to gain access to, entry
1331 upon, or service from the business operations in this state.
1332 This subsection does not otherwise restrict businesses from
1333 instituting screening protocols in accordance with state or
1334 federal law to protect public health.

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1335 (2) A governmental entity as defined in s. 768.38 may not
1336 require persons to provide any documentation certifying COVID-19
1337 vaccination or post-infection recovery to gain access to, entry
1338 upon, or service from the governmental entity's operations in
1339 this state. This subsection does not otherwise restrict
1340 governmental entities from instituting screening protocols in
1341 accordance with state or federal law to protect public health.

1342 (3) An educational institution as defined in s. 768.38 may
1343 not require students or residents to provide any documentation
1344 certifying COVID-19 vaccination or post-infection recovery for
1345 attendance or enrollment, or to gain access to, entry upon, or
1346 service from such educational institution in this state. This
1347 subsection does not otherwise restrict educational institutions
1348 from instituting screening protocols in accordance with state or
1349 federal law to protect public health.

1350 (4) The department may impose a fine not to exceed \$5,000
1351 per violation.

1352 (5) This section does not apply to a health care provider
1353 as defined in s. 768.38; a service provider licensed or
1354 certified under s. 393.17, part III of chapter 401, or part IV
1355 of chapter 468; or a provider with an active health care clinic
1356 exemption under s. 400.9935.

1357 (6) The department may adopt rules pursuant to ss. 120.536
1358 and 120.54 to implement this section.

1359 Section 19. Subsection (1) of section 406.11, Florida
1360 Statutes, is amended, and paragraph (c) is added to subsection
1361 (2) of that section, to read:

1362 406.11 Examinations, investigations, and autopsies.—

1363 (1) In any of the following circumstances involving the

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1364 death of a human being, the medical examiner of the district in
1365 which the death occurred or the body was found shall determine
1366 the cause of death and certify the death and shall, for that
1367 purpose, make or perform ~~have performed~~ such examinations,
1368 investigations, and autopsies as he or she deems ~~shall deem~~
1369 necessary or as ~~shall be~~ requested by the state attorney:

1370 (a) When any person dies in this ~~the~~ state:

- 1371 1. Of criminal violence.
- 1372 2. By accident.
- 1373 3. By suicide.
- 1374 4. Suddenly, when in apparent good health.
- 1375 5. Unattended by a practicing physician or other recognized
1376 practitioner.
- 1377 6. In any prison or penal institution.
- 1378 7. In police custody.
- 1379 8. In any suspicious or unusual circumstance.
- 1380 9. By criminal abortion.
- 1381 10. By poison.
- 1382 11. By disease constituting a threat to public health.
- 1383 12. By disease, injury, or toxic agent resulting from
1384 employment.

1385 (b) When a dead body is brought into this ~~the~~ state without
1386 proper medical certification.

1387 (c) When a body is to be cremated, dissected, or buried at
1388 sea.

1389 (2)

1390 (c) A district medical examiner shall assist the State
1391 Health Officer in identifying and reporting deaths upon a
1392 request by the State Health Officer under s. 381.00315.

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1393 Section 20. For purposes of this act, all executive orders
1394 issued pursuant to an emergency declaration by the Governor,
1395 including through delegated or subdelegated authority, which are
1396 issued more than 60 days before July 1, 2021, expire upon the
1397 effective date of this act; however, an expired executive order
1398 may be reissued for 60-day periods if the emergency conditions
1399 persist and if the reissued order states with specificity the
1400 provisions being reissued.

1401 Section 21. No later than September 30, 2021, the
1402 Department of Business and Professional Regulation must review
1403 all executive orders issued under its delegated authority during
1404 the COVID-19 pandemic and make written recommendations to the
1405 Legislature regarding any issues that should be codified in law.

1406 Section 22. Except as otherwise expressly provided in this
1407 act, this act shall take effect July 1, 2021.