

By Senator Farmer

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1 A bill to be entitled
2 An act relating to emergency management; amending s.
3 252.36, F.S.; authorizing the Legislature, by
4 concurrent resolution, to declare a state of emergency
5 if certain conditions exist; requiring the Governor to
6 comply with specified provisions of ch. 252, F.S.,
7 upon a legislatively declared state of emergency;
8 providing that the state of emergency continues for a
9 specified timeframe if specified conditions exist;
10 providing a limit on the duration of the state of
11 emergency unless renewed by the Legislature; providing
12 requirements for the concurrent resolution; requiring
13 the Legislature to disseminate such concurrent
14 resolution to the general public; requiring the
15 concurrent resolution to be filed with specified
16 entities; providing an exception; authorizing the
17 Governor or any member of the Cabinet to petition the
18 Supreme Court to review such concurrent resolution for
19 compliance with the act; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Subsection (2) of section 252.36, Florida
24 Statutes, is amended to read:

25 252.36 Emergency management powers of the Governor.—

26 (2) (a) A state of emergency must be declared by executive
27 order or proclamation of the Governor if she or he finds an
28 emergency has occurred or that the occurrence or the threat
29 thereof is imminent. The state of emergency must continue until

34-00245A-22

20221628__

30 the Governor finds that the threat or danger has been dealt with
31 to the extent that the emergency conditions no longer exist and
32 she or he terminates the state of emergency by executive order
33 or proclamation, but a ~~no~~ state of emergency may not continue
34 for longer than 60 days unless renewed by the Governor. All
35 executive orders or proclamations issued under this paragraph
36 ~~section~~ must indicate the nature of the emergency, the area or
37 areas threatened, and the conditions that ~~which~~ brought the
38 emergency about or that ~~which~~ make possible its termination. An
39 executive order or proclamation must be promptly disseminated by
40 means calculated to bring its contents to the attention of the
41 general public; and, unless the circumstances attendant upon the
42 emergency prevent or impede such filing, the order or
43 proclamation must be filed promptly with the Department of
44 State, the President of the Senate and the Speaker of the House
45 of Representatives, and the offices of the county commissioners
46 in the counties to which the order or proclamation applies.

47 (b)1. Upon a determination by the Legislature that the
48 Governor has failed to exercise her or his authority to declare
49 a state of emergency as provided in paragraph (a), the
50 Legislature, by concurrent resolution, may declare a state of
51 emergency. If the Legislature declares a state of emergency, the
52 Governor must comply with the provisions of ss. 252.31-252.90.
53 The state of emergency must continue until the Legislature finds
54 that the threat or danger has been dealt with to the extent that
55 the emergency conditions no longer exist and the Legislature
56 terminates the state of emergency by concurrent resolution, but
57 a state of emergency may not continue for longer than 60 days
58 unless renewed by the Legislature by concurrent resolution. A

34-00245A-22

20221628__

59 concurrent resolution issued under this paragraph must indicate
60 the nature of the emergency, the legislative findings related to
61 the emergency, the area or areas threatened, the conditions that
62 created the emergency, and, if applicable, the conditions that
63 make possible its termination. The concurrent resolution must be
64 promptly disseminated by means calculated to bring its contents
65 to the attention of the general public; and, unless the
66 circumstances attendant upon the emergency prevent or impede
67 such filing, the concurrent resolution must be filed promptly
68 with the Executive Office of the Governor, the Department of
69 State, and the offices of the county commissioners in the
70 counties to which the concurrent resolution applies.

71 2. The Governor or any member of the Cabinet may petition
72 the Supreme Court requesting review of the concurrent resolution
73 declaring a state of emergency for compliance with this
74 paragraph.

75 Section 2. This act shall take effect July 1, 2022.