

26 | and subsection (13) is added to that section, to read:
 27 | 252.36 Emergency management powers of the Governor.—
 28 | (1)
 29 | (b) Pursuant to the authority vested in her or him under
 30 | paragraph (a), the Governor may issue executive orders,
 31 | proclamations, and rules and may amend or rescind them. Such
 32 | executive orders, proclamations, and rules shall have the force
 33 | and effect of law. An executive order, a proclamation, or a rule
 34 | must be limited to a duration of not more than 60 days ~~and may~~
 35 | ~~be renewed as necessary during the duration of the emergency. If~~
 36 | ~~renewed, the order, proclamation, or rule must specifically~~
 37 | ~~state which provisions are being renewed. An executive order, a~~
 38 | ~~proclamation, or a rule, if not revoked sooner, shall cease to~~
 39 | ~~have effect at the expiration of 60 days, unless such executive~~
 40 | ~~order, proclamation, or rule is approved by a resolution passed~~
 41 | ~~by a majority of the House of Representatives and the Senate.~~
 42 | ~~Such a resolution may extend such executive order, proclamation,~~
 43 | ~~or rule for an additional 30 days. Such an extension, if not~~
 44 | ~~revoked sooner, shall cease to have effect at the expiration of~~
 45 | ~~the additional 30 days, unless such executive order,~~
 46 | ~~proclamation, or rule is approved by a resolution passed by a~~
 47 | ~~two-thirds majority of the House of Representatives and the~~
 48 | ~~Senate. Such a resolution may extend such executive order,~~
 49 | ~~proclamation, or rule for an additional 30 days. Each subsequent~~
 50 | ~~resolution, if not revoked sooner, shall cease to have effect at~~

51 the expiration of the additional 30 days unless such executive
52 order, proclamation, or rule is approved by a resolution passed
53 by a two-thirds majority of the House of Representatives and the
54 Senate. Such executive order, proclamation, or rule may not be
55 extended for longer than 6 months without a full review and a
56 redraft of such executive order, proclamation, or rule by the
57 Governor. Such redraft must include a report by the Office of
58 Program Policy Analysis and Government Accountability that
59 reviews the measures in such executive order, proclamation, or
60 rule. The Governor may revoke any executive order, proclamation,
61 or rule that has been approved by the Legislature under this
62 paragraph before it would otherwise expire, provided that the
63 Governor may not modify the effect of any measure that has been
64 so approved without the concurrence of the Legislature. Upon the
65 expiration of an executive order, proclamation, or rule, the
66 Governor may not issue a substantially similar executive order,
67 proclamation, or rule without the concurrence of the
68 Legislature.

69 (c) The Legislature intends that, during an extended
70 public health emergency, such as the COVID-19 pandemic, there
71 should be a presumption that K-12 public schools, to the
72 greatest extent possible, should remain open so long as the
73 health and safety of students and school personnel can be
74 maintained by specific public health mitigation strategies
75 recommended by federal or state health agencies for educational

76 settings. The Legislature also intends that during such an
77 event, there be a presumption that businesses should remain open
78 to the greatest extent possible so long as the health and safety
79 of employees and customers can be reasonably protected by
80 specific public health mitigation strategies recommended by
81 federal or state health agencies, including, but not limited, to
82 the Occupational Safety and Health Administration.

83 1. If the Governor declares by executive order or
84 proclamation that the emergency requires closure of or
85 restricted in-person attendance at K-12 public schools, the
86 executive order or proclamation must contain specific reasons
87 for those determinations, and he or she must review and reassess
88 the situation at least every 30 days and certify in writing any
89 need for such continued closure or restriction ~~regularly~~.

90 2. If the Governor declares by executive order or
91 proclamation that the emergency requires businesses to restrict
92 their operations or close, the executive order or proclamation
93 must contain specific reasons for those determinations, and he
94 or she must review and reassess the situation at least every 30
95 days and certify in writing any need for such continued closure
96 or restriction ~~regularly~~. However, if such restrictions are
97 imposed by the Governor on private businesses and continue for
98 more than 14 days, any affected business is considered
99 commandeered pursuant to paragraph (4) (d) and compensation must
100 be paid pursuant to s. 252.43.

101 3. Any executive order, proclamation, or rule that limits
102 the rights or liberties of individuals or businesses must be
103 narrowly tailored to serve a compelling public health or safety
104 purpose. Any such measure must be limited in duration,
105 applicability, and scope to reduce any infringement on
106 individual rights or liberties to the greatest extent possible.

107 (2) A state of emergency must be declared by executive
108 order or proclamation of the Governor if she or he finds an
109 emergency has occurred or that the occurrence or the threat
110 thereof is imminent. The state of emergency must continue until
111 the Governor finds that the threat or danger has been dealt with
112 to the extent that the emergency conditions no longer exist and
113 she or he terminates the state of emergency by executive order
114 or proclamation, but no state of emergency may continue for
115 longer than 60 days unless renewed by the Legislature under
116 paragraph (1)(b) by the Governor. All executive orders or
117 proclamations issued under this section must indicate the nature
118 of the emergency, the area or areas threatened, and the
119 conditions which brought the emergency about or which make
120 possible its termination. An executive order or proclamation
121 must be promptly disseminated by means calculated to bring its
122 contents to the attention of the general public; and, unless the
123 circumstances attendant upon the emergency prevent or impede
124 such filing, the order or proclamation must be filed promptly
125 with the Department of State, the President of the Senate and

126 | the Speaker of the House of Representatives, and the offices of
 127 | the county commissioners in the counties to which the order or
 128 | proclamation applies.

129 | (13) It is the intent of the Legislature that the powers
 130 | granted in this section may not be used in any way that
 131 | infringes upon or limits any rights provided in Art. I of the
 132 | State Constitution.

133 | Section 2. Paragraphs (b) through (g) of subsection (5) of
 134 | section 381.00315, Florida Statutes, are redesignated as
 135 | paragraphs (a) through (f), respectively, paragraph (b) of
 136 | subsection (1), paragraphs (c) and (d) of subsection (2), and
 137 | present paragraph (a) of subsection (5) are amended, and
 138 | subsection (7) is added to that section, to read:

139 | 381.00315 Public health advisories; public health
 140 | emergencies; isolation and quarantines.—The State Health Officer
 141 | is responsible for declaring public health emergencies, issuing
 142 | public health advisories, and ordering isolation or quarantines.

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

144 | (b) "Public health advisory" means any warning or report
 145 | giving information to the public about a potential public health
 146 | threat. Before issuing any public health advisory, the State
 147 | Health Officer must consult with any state or local agency
 148 | regarding areas of responsibility which may be affected by such
 149 | advisory. Upon determining that issuing a public health advisory
 150 | is necessary to protect the public health and safety, and prior

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151 to issuing the advisory, the State Health Officer must notify
152 each county health department within the area which is affected
153 by the advisory of the State Health Officer's intent to issue
154 the advisory. ~~The State Health Officer is authorized to take any~~
155 ~~action appropriate to enforce any public health advisory.~~

156 (2)

157 (c) The State Health Officer, upon declaration of a public
158 health emergency, shall establish by order the method and
159 procedure for identifying and reporting cases and deaths
160 involving the infectious disease or other occurrence identified
161 as the basis for the declared public health emergency. The
162 method and procedure ~~must be consistent with any standards~~
163 ~~developed by the Federal Government specific to the declared~~
164 ~~emergency or, if federal standards do not exist,~~ must be
165 consistent with public health best practices as identified by
166 the State Health Officer. During the pendency of a public health
167 emergency, the department is the sole entity responsible for the
168 collection and official reporting and publication of cases and
169 deaths. The State Health Officer, by order or emergency rule,
170 may ensure necessary assistance from licensed health care
171 providers in carrying out this function and may request the
172 assistance of district medical examiners in performing this
173 function.

174 (d) The State Health Officer, upon declaration of a public
175 health emergency, may take actions that are necessary to protect

176 the public health. Such actions include, but are not limited to:

177 1. Directing manufacturers of prescription drugs or over-
178 the-counter drugs who are permitted under chapter 499 and
179 wholesalers of prescription drugs located in this state who are
180 permitted under chapter 499 to give priority to the shipping of
181 specified drugs to pharmacies and health care providers within
182 geographic areas identified by the State Health Officer. The
183 State Health Officer must identify the drugs to be shipped.
184 Manufacturers and wholesalers located in the state must respond
185 to the State Health Officer's priority shipping directive before
186 shipping the specified drugs.

187 2. Notwithstanding chapters 465 and 499 and rules adopted
188 thereunder, directing pharmacists employed by the department to
189 compound bulk prescription drugs and provide these bulk
190 prescription drugs to physicians and nurses of county health
191 departments or any qualified person authorized by the State
192 Health Officer for administration to persons as part of a
193 prophylactic or treatment regimen.

194 3. Notwithstanding s. 456.036, temporarily reactivating
195 the inactive license of the following health care practitioners,
196 when such practitioners are needed to respond to the public
197 health emergency: physicians licensed under chapter 458 or
198 chapter 459; physician assistants licensed under chapter 458 or
199 chapter 459; licensed practical nurses, registered nurses, and
200 advanced practice registered nurses licensed under part I of

201 chapter 464; respiratory therapists licensed under part V of
 202 chapter 468; and emergency medical technicians and paramedics
 203 certified under part III of chapter 401. Only those health care
 204 practitioners specified in this paragraph who possess an
 205 unencumbered inactive license and who request that such license
 206 be reactivated are eligible for reactivation. An inactive
 207 license that is reactivated under this paragraph shall return to
 208 inactive status when the public health emergency ends or before
 209 the end of the public health emergency if the State Health
 210 Officer determines that the health care practitioner is no
 211 longer needed to provide services during the public health
 212 emergency. Such licenses may only be reactivated for a period
 213 not to exceed 90 days without meeting the requirements of s.
 214 456.036 or chapter 401, as applicable.

215 4. Ordering an individual to be examined, tested, treated,
 216 isolated, or quarantined for communicable diseases that have
 217 significant morbidity or mortality and present a severe danger
 218 to public health. Individuals who are unable or unwilling to be
 219 examined, tested, or treated for reasons of health, religion, or
 220 conscience may not be ~~may be~~ subjected to isolation or
 221 quarantine without a due process hearing.

222 a. Examination, testing, or treatment may be performed by
 223 any qualified person authorized by the State Health Officer.

224 ~~b. If the individual poses a danger to the public health,~~
 225 ~~the State Health Officer may subject the individual to isolation~~

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226 ~~or quarantine. If there is no practical method to isolate or~~
227 ~~quarantine the individual, the State Health Officer may use any~~
228 ~~means necessary to treat the individual.~~

229 ~~e. Any order of the State Health Officer given to~~
230 ~~effectuate this paragraph is immediately enforceable by a law~~
231 ~~enforcement officer under s. 381.0012.~~

232 (5) The department shall adopt rules to specify the
233 conditions and procedures for imposing and releasing an
234 isolation or a quarantine. The rules must include provisions
235 related to:

236 ~~(a) The closure of premises.~~

237 (7) It is the intent of the Legislature that the powers
238 granted in this section may not be used in any way that
239 infringes or limits any rights provided in Art. I of the State
240 Constitution.

241 Section 3. This act shall take effect July 1, 2024.