

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 1399](#)

TITLE: Emergency Powers During a Declared Public Health Emergency

SPONSOR(S): Miller

COMPANION BILL: [SB 1372](#) (Yarborough)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Health Professions & Programs](#)

16 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

Under current law the State Health Officer is exclusively responsible for declaring public health emergencies. A public health emergency may not continue for longer than 60 days, unless the Governor concurs in the renewal of the declaration. Current law does not limit the number of times that the Governor may renew a declaration.

The bill revises the Governor's authority to renew a declaration of a public health emergency. The bill authorizes the Governor to renew a declaration for 30 days without legislative approval and requires the Legislature to approve subsequent renewals by a two-thirds majority vote of each chamber, before the declaration expires.

The bill prohibits the Governor or the State Health Officer from renewing an expired declaration, or declaring a public health emergency that is substantially similar to a declaration that expired, without legislative approval. However, the bill authorizes the Governor to renew a declaration based on significantly changed circumstances for a single period of up to three days if the Governor calls upon the Legislature to reconsider the declaration and the changed circumstances.

Fiscal or Economic Impact:

The bill has an indeterminate, significant, negative fiscal impact on the legislative branch related to costs associated with the special sessions required to approve a renewal of declared public emergency.

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ANALYSIS

EFFECT OF THE BILL:

A [public health emergency](#) is a natural or manmade occurrence that results or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters.¹ Current law makes the [State Health Officer](#) exclusively responsible for declaring public health emergencies. A public health emergency may not continue for longer than 60 days, unless the Governor concurs in the renewal of the declaration. Current law does not limit the number of times that the Governor may renew a declaration.

The bill revises the Governor's authority to renew a declaration of a public health emergency. The Governor may renew a declaration for 30 days without the approval of the Legislature. Any subsequent renewals must be approved by a two-thirds majority vote of each chamber of the Legislature, before the declaration expires. Such renewals are valid for 30 days. A declaration of a public health emergency automatically terminates if not timely renewed. (Section [1](#))

¹ S. [381.00315\(1\)\(c\), F.S.](#)

The bill prohibits the Governor or the State Health Officer from renewing a declaration, or declaring a public health emergency that is substantially similar to the one that expired, without legislative approval. The Governor may renew a declaration based on significantly changed circumstances for a single period of up to three days if the Governor calls upon the Legislature to reconsider the declaration and the changed of circumstances. (Section [1](#))

The bill provides and effective date of July 1, 2025. (Section [2](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill has an indeterminate, significant, negative fiscal impact on the legislative branch related to costs associated with the special sessions required to approve a renewal of declared public emergency.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Department of Health

The Department of Health (DOH) is established under [s. 20.43, F.S.](#), to “protect and promote the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties.” The head of the Department of Health is the Surgeon General, who is also designated as the [State Health Officer](#).²

DOH regulates more than 1.5 million health care practitioners across 40 professions, 364 license types, and 10 facilities.³ DOH administers the Children’s Medical Services safety net health care program, provides health care services in county health departments, and regulates environmental activities that affect public health.⁴ DOH also administers state epidemiology functions, and is required to identify, diagnose, and conduct surveillance of diseases and health conditions in the state and accumulate the health statistics necessary to establish trends.

Current law also requires DOH to coordinate preparedness for and responses to public health emergencies.⁵

[Public Health Emergencies](#)

Under emergency conditions, the usual methods of disease prevention are inadequate and require short-term expansion of authority. Similar to the governor’s authority to declare emergencies under [chapter 252](#), emergency authority is available for emergencies of a public health nature. Section [381.00315, F.S.](#), makes the State Health Officer exclusively responsible for declaring public health emergencies, and establishes requirements for such situations. The law limits public health emergencies to natural or manmade occurrences that result or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters.⁶ Before declaring a public health emergency, the State Health Officer must, to the extent possible, consult with the Governor and notify the Chief of

² S. [20.43, F.S.](#)

³ Florida Department of Health, *Division of Medical Quality Assurance Annual Report and Long-Range Plan FY 2023-2024*, available at <https://mqawebteam.com/annualreports/2324/>, (last visited March 27, 2025).

⁴ Florida Department of Health, *County Health Departments*, available at <https://www.floridahealth.gov/programs-and-services/county-health-departments/index.html>, Florida Department of Health, *Programs and Services*, available at <https://www.floridahealth.gov/programs-and-services/index.html>, and Office of Program Policy Analysis and Government Accountability, *Department of Health*, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=5055>, (last visited on March 27, 2025).

⁵ S. [20.43, F.S.](#)

⁶ S. [381.00315\(1\)\(c\), F.S.](#)

Domestic Security.⁷ A public health emergency may not continue longer than 60 days unless the Governor concurs in the renewal of the declaration.⁸ Current law does not limit the number of times that the Governor may renew a declaration.

Upon declaration of a public health emergency, the State Health Officer must establish by order the method and procedures for identifying and reporting cases and deaths involving the infectious disease or other occurrence identified as the basis for the declared public health emergency.⁹ The method and procedures must be consistent with federal standards specific to the declared emergency, or with public health best practices identified by the State Health Officer, if no federal standards exists.¹⁰

During a public health emergency DOH is solely responsible for the collection, official reporting, and the publication of cases and deaths related to the emergency.¹¹ Current law, authorizes the State Health Officer to obtain assistance from licensed health care providers and district medical examiners, by order or emergency rule, to carry out these functions. Current law also authorizes the State Health Officer to take certain actions to protect public health during a declared public health emergency, including, but not limited to:¹²

- Directing manufacturers of prescription drugs or over-the-counter drugs to give priority shipping of specified drugs to certain pharmacies and hospitals;
- Directing pharmacies to compound bulk prescription drugs; and
- Temporarily reactivating inactive licenses of certain healthcare professionals.

Public Health Emergencies Declared in Florida

The State Health Officer has declared public health emergencies for statewide epidemics, hurricanes and localized outbreaks, among others. For example, in 2017, the Surgeon General declared a public health emergency related to the statewide opioid epidemic. As part of that declaration, the Surgeon General issued a standing order for naloxone¹³, which allowed law enforcement and EMS personnel to obtain this potentially life-saving drug without a prescription.¹⁴

In 2018, in response to Hurricane Michael, the Surgeon General issued a declaration that waived licensure requirements to allow licensed out-of-state practitioners to provide health care services in Florida and waived certain regulations related to the dispensing of prescription medication.¹⁵

In 2019, the Surgeon General declared a public health emergency related to a Hepatitis A outbreak in several counties.¹⁶ The declaration sought assistance from the Centers for Disease Control and Prevention, provided guidance to health care practitioners for screening and vaccinating individuals at high risk of contracting Hepatitis A and provided advice for the cleaning and sanitizing of public restrooms.¹⁷

⁷ S. [381.00315\(2\)\(b\), F.S.](#) The Chief of Domestic Security is the executive director of the Department of Law Enforcement, or his designee. S. [943.0311, F.S.](#)

⁸ S. [381.00315\(2\)\(b\), F.S.](#)

⁹ S. [381.00315\(2\)\(c\), F.S.](#)

¹⁰ *Id.*

¹¹ *Id.*

¹² S. [381.00315\(2\)\(d\), F.S.](#)

¹³ Naloxone is an opioid antagonist that rapidly reverses an opioid overdose. *Naloxone Drug Facts*, National Institute of Drug Abuse, available at <https://www.drugabuse.gov/publications/drugfacts/naloxone> (last visited on March 31, 2025).

¹⁴ Amended Department of Health Declaration of Public Health Emergency and Standing Order for Naloxone, available at <http://www.floridahealth.gov/documents/newsroom/press-releases/2017/05/050317-health-emergency-opioid-epidemic.pdf> (last visited on March 31, 2025).

¹⁵ Department of Health Emergency Order, available at <http://www.floridahealth.gov/documents/newsroom/press-releases/2018/10/100818-fdoh-emergency-order-michael.pdf> (last visited on March 31, 2025).

¹⁶ Department of Health Declaration of Public Health Emergency, available at <http://www.floridahealth.gov/documents/newsroom/press-releases/2019/08/phe-hav-filed-08-01-2019.pdf> (last visited on November 9, 2021). The counties at issue were Brevard, Citrus, Glades, Hernando, Hillsborough, Lake, Liberty, Manatee, Marion, Martin, Okeechobee, Orange, Pasco, Pinellas, Sumter, Taylor and Volusia.

¹⁷ Department of Health Declaration of Public Health Emergency, available at <http://www.floridahealth.gov/documents/newsroom/press-releases/2019/08/phe-hav-filed-08-01-2019.pdf> (last visited on March 31, 2025).

In March 2020, the Surgeon General declared a state of emergency related to the COVID-19 outbreak. The Governor renewed the declaration every 60 days ultimately allowing the declaration to expire on June 26, 2021.¹⁸

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	HB 459	Rudman	Yarborough	Died in House
2024	HB 1623	Beltran		Died in House
2023	CS/HB 1487	Rudman	Yarborough	Died in House

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Health Professions & Programs Subcommittee	16 Y, 0 N, As CS	4/3/2025	McElroy	Curry

THE CHANGES ADOPTED BY THE COMMITTEE: Click or tap here to enter text.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.