

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SPB 7040

INTRODUCER: For consideration by the Appropriations Committee

SUBJECT: Emergency Preparedness and Response Fund/Executive Office of the Governor

DATE: February 4, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
Urban	Sadberry		Pre-meeting

I. Summary:

SPB 7040 recreates the Emergency Preparedness and Response Fund (EPRF) within the Executive Office of the Governor. The bill extends the termination of the EPRF to December 31, 2027.

The bill has no impact on state expenditures or revenues. See Section V., Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Funding available for a declared state of emergency

The Governor is responsible for meeting the dangers presented to this state and its people by emergencies.¹ In the event of an emergency or threat of one, the Governor may declare a state of emergency by executive order or proclamation.² The state of emergency continues until the Governor finds that the threat or danger has been dealt with or to the extent that the emergency conditions no longer exist; however, no state of emergency may continue for longer than 60 days unless renewed by the Governor.³ The Legislature, at any time by concurrent resolution may terminate a state of emergency.⁴

The policy of the state is that funds to meet emergencies must always be available.⁵ Prior to the creation of the EPRF the Governor was authorized to expend funds appropriated for other

¹ Section 252.36(1)(a), F.S.

² *Id.*

³ Section 252.36(2), F.S.; for a listing of Agency Emergency Orders, see Division of Administration Hearings, *Florida Agency Emergency Orders Search*, <https://www.doah.state.fl.us/FLAEO/> (last visited Feb. 3, 2026).

⁴ Section 252.36(3), F.S.

⁵ Section 252.37(1), F.S.

purposes, unappropriated surplus funds, or funds from the Budget Stabilization Fund.⁶ The Legislature created the EPRF during the 2022 Regular Session⁷ to serve as the depository for moneys specifically transferred or appropriated to the fund as the primary source of funding for the Governor to prepare or respond to a disaster declared by the Governor as a state of emergency.⁸

The Governor is authorized to expend funds specifically appropriated to state and local agencies for disaster relief and response.⁹ Then, if demand upon these funds is unreasonably great, the Governor is authorized to expend funds available in the EPRF.¹⁰ If the Governor determines additional funds are needed he may request the Legislative Budget Commission (LBC) to transfer additional money into the EPRF.¹¹ The LBC is authorized to convene to transfer or appropriate unappropriated surplus funds to the EPRF.¹² Since the creation of the EPRF, the Legislature has transferred a total of \$4.77 billion to the fund.

Legislative Transfers	
<u>Timing</u>	<u>Amount</u>
2022 Regular Session ¹³	\$500 million
October 2022 ¹⁴	\$360 million
2023-B Special Session ¹⁵	\$650 million
2023 Regular Session ¹⁶	\$910 million
2023 Regular Session ¹⁷	\$500 million
2024 Regular Session ¹⁸	\$500 million
June 2025 ¹⁹	\$850 million
December 2025 ²⁰	\$500 million
<u>Total:</u>	\$4.77 billion

⁶ Section 252.37(2), F.S. (2021).

⁷ Chapter 2022-2, Laws of Fla.

⁸ Section 252.3711, F.S.

⁹ Section 252.37(2), F.S.,

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 11.90(8), F.S.

¹³ Chapter 2022-1, s. 3, Laws of Fla.

¹⁴ Legislative Budget Commission, Meeting Packet (Oct., 12, 2022), *EOG Number: B2023-0197*, available at <https://www.leg.state.fl.us/Data/Committees/Joint/JLBC/Meetings/Packets/101222.pdf> (last visited Feb. 3, 2026).

¹⁵ Chapter 2023-1, s. 4, Laws of Fla.

¹⁶ Chapter 2023-239, s. 228, Laws of Fla.

¹⁷ Section 2023-239, s. 245, Laws of Fla.

¹⁸ Chapter 2024-231, s. 289, Laws of Fla.

¹⁹ Legislative Budget Commission, Meeting Packet (June, 4, 2025), *EOG Number: B2025-0681*, available at <https://www.leg.state.fl.us/Data/Committees/Joint/JLBC/Meetings/Packets/060425.pdf> (last visited Feb. 3, 2026).

²⁰ Chapter 2025-198, s. 273, Laws of Florida.

Trust Funds

Article III, s. 19(f) of the Florida Constitution requires the termination of a trust fund within four years of the effective date of the act authorizing the initial creation of the trust fund, unless the trust fund is exempted from termination by the Florida Constitution.²¹ The EPFR took effect upon becoming a law, which was on February 17, 2022. Therefore, in accordance with s. 19(f)(2), Art. III of the Florida Constitution, the EPRF is scheduled to terminate February 17, 2026, unless saved from repeal by the Legislature.

III. Effect of Proposed Changes:

To ensure that the Emergency Preparedness and Response Fund within the Executive Office of the Governor is not terminated, the bill re-creates such fund.

The bill amends the scheduled termination date of the fund in s. 252.3711(3), F.S., and extends it to December 31, 2027.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Article III, s. 19(f)(1) of the Florida Constitution requires bills that create or re-create trust funds to pass by three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose only.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

²¹ FLA. CONST. art. III, s. 19(f).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 252.3711 of the Florida Statutes.

This bill creates an undesignated section of Florida law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.