

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; amending
7 s. 252.34, F.S.; providing definitions; amending s.
8 252.35, F.S.; requiring that the state comprehensive
9 emergency management plan provides for certain public
10 health emergency communications and includes the
11 Department of Health's public health emergency plan;
12 requiring that statewide awareness and education
13 programs include public health emergency preparedness
14 and mitigation; requiring the division, subject to
15 appropriation, to complete and maintain an inventory
16 of personal protection equipment; directing the
17 division to submit a specified annual report to the
18 Governor, Legislature, and Chief Justice of the
19 Supreme Court; providing limitations on the timeframe
20 for delegation of certain authorities by the division;
21 requiring the division to submit a specified biennial
22 report to the Chief Justice of the Supreme Court;
23 amending s. 252.356, F.S.; requiring state agencies
24 that contract with providers for the care of persons
25 with certain disabilities or limitations to include

26 certain public health emergency procedures in such
27 contracts; amending s. 252.359, F.S.; revising a
28 definition; amending s. 252.36, F.S.; limiting the
29 duration of emergency orders, proclamations, and rules
30 issued by the Governor; providing legislative intent;
31 requiring the Governor to include specific reasons for
32 closing or restricting in-person attendance for K-12
33 public schools and for closing or restricting
34 operations of businesses during an extended public
35 health emergency; requiring the Governor to regularly
36 review and reassess any issued emergency declarations;
37 requiring the Governor to provide notice of
38 declarations of emergencies to the Legislature;
39 authorizing the Legislature to terminate a state of
40 emergency declared by the Governor or any specific
41 order, proclamation, or rule thereunder; requiring
42 that all emergency declarations and orders be filed
43 with the Department of State within a specified
44 timeframe; providing that declarations or orders not
45 timely filed are void; directing the Department of
46 State to index and make such emergency orders
47 available on its website within a specified timeframe;
48 requiring a link to the index to be placed on the
49 division's website and on the Governor's website;
50 directing the Governor to report certain department

51 and agency activities to the Legislature during a
52 state of emergency; authorizing public service
53 announcements by the Governor, Lieutenant Governor,
54 Surgeon General, Director of the Division of Emergency
55 Management, President of the Senate, and Speaker of
56 the House of Representatives during a declared state
57 of emergency; creating s. 252.3611, F.S.; requiring
58 specified information to be included in orders,
59 proclamations, and rules issued by the Governor, the
60 division, or an agency; directing the Executive Office
61 of the Governor or the agency to submit specified
62 contracts and reports to the Legislature; directing
63 the Auditor General to conduct specified financial
64 audits; amending s. 252.365, F.S.; requiring that
65 disaster preparedness plans of specified agencies
66 address public health emergencies and include certain
67 increases in public access of government services and
68 availability and distribution of personal protective
69 equipment during an emergency; directing agencies to
70 update disaster preparedness plans by a specified
71 date; amending s. 252.37, F.S.; authorizing the
72 Governor to transfer and expend moneys specifically
73 appropriated for disaster relief or response;
74 authorizing the Governor to transfer and expend funds
75 from the Emergency Preparedness and Response Fund if

76 additional funds are needed; requiring certain notice
77 and approval for the transfer and expenditure of
78 specified funds; requiring state agencies and
79 political subdivisions to submit a spending plan for
80 certain emergency funds to the Legislature; providing
81 an exception; requiring state agencies and political
82 subdivisions to provide notice of certain activities
83 and copies of certain worksheets to the Legislative
84 and specified entities; amending s. 252.38, F.S.;
85 providing a definition; providing legislative intent;
86 specifying requirements for the purpose and scope of
87 emergency orders; providing for the automatic
88 expiration of emergency orders; authorizing the
89 extension of emergency orders by a majority vote of
90 the governing body for a specified duration;
91 authorizing the Governor to invalidate certain
92 emergency orders; prohibiting the issuance of certain
93 emergency orders; amending s. 252.44, F.S.; requiring
94 agencies charged with protecting and maintaining
95 public health to make emergency mitigation studies;
96 amending s. 252.46, F.S.; providing that a failure by
97 a political subdivision to file certain orders and
98 rules with specified entities within a specified
99 timeframe voids the issued orders or rules; requiring
100 that certain emergency ordinances, declarations, and

101 orders adopted by political subdivisions be available
102 on a dedicated webpage; requiring that the links to
103 such webpages be provided to the Division of Emergency
104 Management; requiring to division to include such
105 links on its website; requiring that certain orders
106 issued by a political subdivision allow travel to and
107 from places of employment; amending s. 377.703, F.S.;
108 conforming a cross-reference; amending s. 381.00315,
109 F.S.; revising a definition; directing the Department
110 of Health to develop a specified public health
111 emergency plan; directing the State Health Officer to
112 establish methods of reporting certain data;
113 authorizing the State Health Officer to order and
114 request assistance with specified duties; creating s.
115 381.00316, F.S.; prohibiting certain businesses,
116 entities, and institutions from requiring
117 documentation certifying COVID-19 vaccination or post-
118 infection recovery to gain access to, entry upon, or
119 service from the business, entity, or institution;
120 authorizing the use of screening protocols; providing
121 a fine; providing exemptions; amending s. 406.11,
122 F.S.; requiring district medical examiners to certify
123 deaths and to assist the State Health Officer with
124 certain functions upon request; providing an effective
125 date.

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

Section 1. Subsection (8) is added to section 11.90, Florida Statutes, to read:

11.90 Legislative Budget Commission.—

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

Section 2. Subsection (2) of section 252.311, Florida Statutes, is amended, and subsections (4) and (5) are added to that section, to read:

252.311 Legislative intent.—

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

(4) It is further the intent of the Legislature to

151 minimize the negative effects of an extended emergency, such as
152 a pandemic or another public health emergency. The Legislature
153 recognizes that there are significant negative impacts on
154 children and families associated with school closures during a
155 public health emergency such as the COVID-19 pandemic. The
156 Legislature also recognizes the significant negative impacts of
157 such emergencies on the economy due to business closures.

158 (5) It is further the intent of the Legislature that all
159 aspects of emergency preparedness, response, and recovery be
160 transparent to the public to the greatest extent possible.

161 Section 3. Subsections (9) and (10) of section 252.34,
162 Florida Statutes, are renumbered as subsections (10) and (12),
163 respectively, and new subsections (9) and (11) are added to that
164 section, to read:

165 252.34 Definitions.—As used in this part, the term:

166 (9) "Personal protective equipment" means protective
167 clothing or equipment designed to protect an individual person
168 from injury or the spread of infection.

169 (11) "Public health emergency" means any occurrence, or
170 threat thereof, whether natural or manmade, that results or may
171 result in substantial injury or harm to the public health from
172 infectious disease, chemical agents, nuclear agents, biological
173 toxins, or situations involving mass casualties or natural
174 disasters, declared as an emergency pursuant to s. 381.00315.

175 Section 4. Paragraphs (u) through (y) of subsection (2) of

176 section 252.35, Florida Statutes, are redesignated as paragraphs
177 (v) through (z), respectively, paragraphs (a) and (i), and
178 present paragraphs (v) and (w) of that subsection are amended,
179 and a new paragraph (u) is added to that subsection, to read:

180 252.35 Emergency management powers; Division of Emergency
181 Management.—

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

185 (a) Prepare a state comprehensive emergency management
186 plan, which shall be integrated into and coordinated with the
187 emergency management plans and programs of the Federal
188 Government. The division must adopt the plan as a rule in
189 accordance with chapter 120. The plan shall be implemented by a
190 continuous, integrated comprehensive emergency management
191 program. The plan must contain provisions to ensure that the
192 state is prepared for emergencies and minor, major, and
193 catastrophic disasters, and the division shall work closely with
194 local governments and agencies and organizations with emergency
195 management responsibilities in preparing and maintaining the
196 plan. The state comprehensive emergency management plan shall be
197 operations oriented and:

198 1. Include an evacuation component that includes specific
199 regional and interregional planning provisions and promotes
200 intergovernmental coordination of evacuation activities. This

201 component must, at a minimum: contain guidelines for lifting
202 tolls on state highways; ensure coordination pertaining to
203 evacuees crossing county lines; set forth procedures for
204 directing people caught on evacuation routes to safe shelter;
205 establish strategies for ensuring sufficient, reasonably priced
206 fueling locations along evacuation routes; and establish
207 policies and strategies for emergency medical evacuations.

208 2. Include a shelter component that includes specific
209 regional and interregional planning provisions and promotes
210 coordination of shelter activities between the public, private,
211 and nonprofit sectors. This component must, at a minimum:
212 contain strategies to ensure the availability of adequate public
213 shelter space in each region of the state; establish strategies
214 for refuge-of-last-resort programs; provide strategies to assist
215 local emergency management efforts to ensure that adequate
216 staffing plans exist for all shelters, including medical and
217 security personnel; provide for a postdisaster communications
218 system for public shelters; establish model shelter guidelines
219 for operations, registration, inventory, power generation
220 capability, information management, and staffing; and set forth
221 policy guidance for sheltering people with special needs.

222 3. Include a postdisaster response and recovery component
223 that includes specific regional and interregional planning
224 provisions and promotes intergovernmental coordination of
225 postdisaster response and recovery activities. This component

226 must provide for postdisaster response and recovery strategies
227 according to whether a disaster is minor, major, or
228 catastrophic. The postdisaster response and recovery component
229 must, at a minimum: establish the structure of the state's
230 postdisaster response and recovery organization; establish
231 procedures for activating the state's plan; set forth policies
232 used to guide postdisaster response and recovery activities;
233 describe the chain of command during the postdisaster response
234 and recovery period; describe initial and continuous
235 postdisaster response and recovery actions; identify the roles
236 and responsibilities of each involved agency and organization;
237 provide for a comprehensive communications plan; establish
238 procedures for monitoring mutual aid agreements; provide for
239 rapid impact assessment teams; ensure the availability of an
240 effective statewide urban search and rescue program coordinated
241 with the fire services; ensure the existence of a comprehensive
242 statewide medical care and relief plan administered by the
243 Department of Health; and establish systems for coordinating
244 volunteers and accepting and distributing donated funds and
245 goods.

246 4. Include additional provisions addressing aspects of
247 preparedness, response, recovery, and mitigation as determined
248 necessary by the division.

249 5. Address the need for coordinated and expeditious
250 deployment of state resources, including the Florida National

251 Guard. In the case of an imminent major disaster, procedures
252 should address predeployment of the Florida National Guard, and,
253 in the case of an imminent catastrophic disaster, procedures
254 should address predeployment of the Florida National Guard and
255 the United States Armed Forces.

256 6. Establish a system of communications and warning to
257 ensure that the state's population and emergency management
258 agencies are warned of developing emergency situations,
259 including public health emergencies, and can communicate
260 emergency response decisions.

261 7. Establish guidelines and schedules for annual exercises
262 that evaluate the ability of the state and its political
263 subdivisions to respond to minor, major, and catastrophic
264 disasters and support local emergency management agencies. Such
265 exercises shall be coordinated with local governments and, to
266 the extent possible, the Federal Government.

267 8. Assign lead and support responsibilities to state
268 agencies and personnel for emergency support functions and other
269 support activities.

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

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273 The complete state comprehensive emergency management plan shall
274 be submitted to the President of the Senate, the Speaker of the
275 House of Representatives, and the Governor on February 1 of

276 every even-numbered year.

277 (i) Institute statewide public awareness programs,
278 including. ~~This shall include~~ an intensive public educational
279 campaign on emergency preparedness issues. Such programs must
280 include, ~~including~~, but need not be limited to, the personal
281 responsibility of individual citizens to be self-sufficient for
282 up to 72 hours following a natural or manmade disaster or a
283 public health emergency. The public educational campaign shall
284 include relevant information on public health emergency
285 mitigation, statewide disaster plans, evacuation routes, fuel
286 suppliers, and shelters. All educational materials must be
287 available in alternative formats and mediums to ensure that they
288 are available to persons with disabilities.

289 (u) Acquire and maintain a supply of personal protective
290 equipment owned by the state for use by state agencies and to
291 aid local government and the private sector in meeting safety
292 needs during a declared emergency. The division shall conduct
293 regular inventories of the supply that must include projections
294 of the need for additional personal protective equipment, as
295 assessed by each state and local government agency, to maintain
296 the supply and replace expired items. Subject to appropriation,
297 the division shall maintain and replace the equipment on a
298 standardized schedule that accommodates equipment expiration and
299 obsolescence. The initial inventory must be reported annually
300 beginning December 31, 2021, to the Governor, the President of

301 the Senate, the Speaker of the House of Representatives, and the
302 Chief Justice of the Supreme Court.

303 (w)~~(v)~~ Delegate, as necessary and appropriate, authority
304 vested in it under ss. 252.31-252.90 and provide for the
305 subdelegation of such authority. Any such delegation or
306 subdelegation during an emergency is limited to a duration of
307 not more than 60 days and may be renewed as necessary during the
308 duration of the emergency.

309 (x)~~(w)~~ Report biennially to the President of the Senate,
310 the Speaker of the House of Representatives, the Chief Justice
311 of the Supreme Court, and the Governor, no later than February 1
312 of every odd-numbered year, the status of the emergency
313 management capabilities of the state and its political
314 subdivisions. This report must include the emergency management
315 capabilities related to public health emergencies, as determined
316 in collaboration with the Department of Health.

317 Section 5. Subsection (5) of section 252.356, Florida
318 Statutes, is amended to read:

319 252.356 Emergency and disaster planning provisions to
320 assist persons with disabilities or limitations.—State agencies
321 that contract with providers for the care of persons with
322 disabilities or limitations that make such persons dependent
323 upon the care of others shall include emergency and disaster
324 planning provisions in such contracts at the time the contracts
325 are initiated or upon renewal. These provisions shall include,

326 | but shall not be limited to:

327 | (5) A procedure for providing the essential services the
 328 | organization currently provides to special needs clients in
 329 | preparation for, ~~and during,~~ and following, a disaster,
 330 | including, but not limited to, a public health emergency.

331 | Section 6. Subsection (2) of section 252.359, Florida
 332 | Statutes, is amended to read:

333 | 252.359 Ensuring availability of emergency supplies.—

334 | (2) As used in this section, the term "essentials" means
 335 | goods that are consumed or used as a direct result of a declared
 336 | emergency, or that are consumed or used to preserve, protect, or
 337 | sustain life, health, safety, or economic well-being. The term
 338 | includes, but is not limited to, personal protective equipment
 339 | used in the event of a public health emergency.

340 | Section 7. Subsections (3) through (10) of section 252.36,
 341 | Florida Statutes, are renumbered as subsections (4) through
 342 | (11), respectively, subsections (1) and (2) and paragraph (c) of
 343 | present subsection (5) of that section are amended, and new
 344 | subsections (3) and (12) are added to that section, to read:

345 | 252.36 Emergency management powers of the Governor.—

346 | (1) (a) The Governor is responsible for meeting the dangers
 347 | presented to this state and its people by emergencies. In the
 348 | event of an emergency beyond local control, the Governor, or, in
 349 | the Governor's absence, her or his successor as provided by law,
 350 | may assume direct operational control over all or any part of

351 the emergency management functions within this state, and she or
352 he shall have the power through proper process of law to carry
353 out the provisions of this section. The Governor is authorized
354 to delegate such powers as she or he may deem prudent.

355 (b) Pursuant to the authority vested in her or him under
356 paragraph (a), the Governor may issue executive orders,
357 proclamations, and rules and may amend or rescind them. Such
358 executive orders, proclamations, and rules shall have the force
359 and effect of law. Such an executive order, proclamation, or
360 rule must be limited to a duration of not more than 60 days and
361 may be renewed as necessary during the duration of the
362 emergency. If renewed, the order, proclamation, or rule must
363 specifically state the provisions being renewed.

364 (c) The Legislature intends that, during an extended
365 public health emergency, K-12 public schools, to the greatest
366 extent possible, should remain open if the health and safety of
367 students and school personnel can be maintained. If the Governor
368 declares by executive order or proclamation that the emergency
369 requires closure of or restricted in-person attendance at K-12
370 public schools, the executive order or proclamation must contain
371 specific reasons for those determinations, and he or she must
372 review and reassess the situation regularly.

373 (d) The Legislature also intends that during such an
374 event, businesses should remain open to the greatest extent
375 possible if the health and safety of employees and customers can

376 be reasonably protected. If the Governor declares by executive
377 order or proclamation that the emergency requires closures or
378 restricted operations of businesses, the executive order or
379 proclamation must contain specific reasons for those
380 determinations, and he or she must review and reassess the
381 situation regularly.

382 (2) A state of emergency shall be declared by executive
383 order or proclamation of the Governor if she or he finds an
384 emergency has occurred or that the occurrence or the threat
385 thereof is imminent. The state of emergency shall continue until
386 the Governor finds that the threat or danger has been dealt with
387 to the extent that the emergency conditions no longer exist and
388 she or he terminates the state of emergency by executive order
389 or proclamation, but no state of emergency may continue for
390 longer than 60 days unless renewed by the Governor. ~~The~~
391 ~~Legislature by concurrent resolution may terminate a state of~~
392 ~~emergency at any time. Thereupon, the Governor shall issue an~~
393 ~~executive order or proclamation ending the state of emergency.~~
394 All executive orders or proclamations issued under this section
395 shall indicate the nature of the emergency, the area or areas
396 threatened, and the conditions which have brought the emergency
397 about or which make possible its termination. An executive order
398 or proclamation shall be promptly disseminated by means
399 calculated to bring its contents to the attention of the general
400 public; and, unless the circumstances attendant upon the

401 emergency prevent or impede such filing, the order or
402 proclamation shall be filed promptly with the Department of
403 State, the President of the Senate, and the Speaker of the House
404 of Representatives and in the offices of the county
405 commissioners in the counties to which the order or proclamation
406 applies.

407 (3) (a) At any time, the Legislature, by concurrent
408 resolution, may terminate a state of emergency or any specific
409 order, proclamation, or rule thereunder. Upon such concurrent
410 resolution, the Governor shall issue an executive order or
411 proclamation consistent with the concurrent resolution.

412 (b) Effective July 1, 2022, notwithstanding s. 252.46(2),
413 all emergency declarations and orders, regardless of how titled,
414 issued by the Governor under this section or by any agency,
415 directly or by delegated or subdelegated authority, before,
416 during, or after a declared emergency must be immediately filed
417 with the Department of State. Failure to file any such
418 declaration or order with the department within 5 days after
419 issuance voids the declaration or order. The department shall
420 index all such declarations and orders and make them available
421 in a searchable format on its website within 3 days of filing.
422 The searchable format must include, but is not limited to,
423 searches by term, referenced statutes and rules, and must
424 include a search category that specifically identifies emergency
425 orders that are in effect at any given time. A link to the

426 department's index of declarations and orders must be placed on
427 the Division of Emergency Management's website and on the
428 Governor's website.

429 ~~(6)~~(5) In addition to any other powers conferred upon the
430 Governor by law, she or he may:

431 (c) Transfer the direction, personnel, or functions of
432 state departments and agencies or units thereof for the purpose
433 of performing or facilitating emergency services. The transfer
434 of the direction, personnel, or functions of state departments
435 and agencies must be reported monthly on a cumulative basis to
436 the President of the Senate and the Speaker of the House of
437 Representatives.

438 (12) During a declared state of emergency, the Governor,
439 the Lieutenant Governor, the Surgeon General, the Director of
440 the Division of Emergency Management, the President of the
441 Senate, and the Speaker of the House of Representatives may
442 disseminate public service announcements concerning the
443 emergency and the provisions of ss. 112.3148 and 112.3215 do not
444 apply.

445 Section 8. Section 252.3611, Florida Statutes, is created
446 to read:

447 252.3611 Transparency; audits.—

448 (1) Each order, proclamation, or rule issued by the
449 Governor, the division, or any agency must specify the statute
450 or rule that is being amended or waived, if applicable, and the

451 expiration date for the order, proclamation, or rule.

452 (2) Once an emergency exceeds 90 days:

453 (a) The Executive Office of the Governor or the agency
454 responding to the emergency shall submit a copy of any contract
455 executed with moneys authorized for expenditure to support the
456 declared state of emergency to the President of the Senate and
457 the Speaker of the House of Representatives within 72 hours of
458 executing the contract, and within 30 days after the 90th day of
459 the declared emergency for contracts executed during the first
460 90 days.

461 (b) The Governor shall submit monthly reports to the
462 Legislature of all state expenditures, revenues received, and
463 funds transferred by the agency during the previous month to
464 support the declared state of emergency.

465 (3) Once an emergency exceeds 1 year, the Auditor General
466 shall conduct a financial audit of all associated expenditures
467 and a compliance audit of all associated contracts entered into
468 during the declared emergency. The Auditor General must update
469 the audit annually until the emergency terminates.

470 (4) Following the expiration or termination of a state of
471 emergency, the Auditor General shall conduct a financial audit
472 of all associated expenditures and a compliance audit of all
473 associated contracts entered into during the state of emergency.

474 Section 9. Subsection (3) of section 252.365, Florida
475 Statutes, is amended to read:

476 252.365 Emergency coordination officers; disaster-
477 preparedness plans.—

478 (3) These individuals shall be responsible for ensuring
479 that each state agency and facility, such as a prison, office
480 building, or university, has a disaster preparedness plan that
481 is coordinated with the applicable local emergency-management
482 agency and approved by the division.

483 (a) The disaster-preparedness plan must outline a
484 comprehensive and effective program to ensure continuity of
485 essential state functions under all circumstances, including,
486 but not limited to, a public health emergency. The plan must
487 identify a baseline of preparedness for a full range of
488 potential emergencies to establish a viable capability to
489 perform essential functions during any emergency or other
490 situation that disrupts normal operations. This baseline must
491 consider and include preparedness for rapid and large-scale
492 increases in the public's need to access government services
493 through technology or other means during an emergency,
494 including, but not limited to, public health emergencies.

495 (b) The plan must include, at a minimum, the following
496 elements: identification of essential functions, programs, and
497 personnel; procedures to implement the plan and personnel
498 notification and accountability; delegations of authority and
499 lines of succession; identification of alternative facilities
500 and related infrastructure, including those for communications;

501 identification and protection of vital records and databases;
 502 provisions regarding the availability of, and distribution plans
 503 for, personal protective equipment; and schedules and procedures
 504 for periodic tests, training, and exercises.

505 (c) The division shall develop and distribute guidelines
 506 for developing and implementing the plan. By December 31, 2022,
 507 each agency must update its plan to include provisions related
 508 to preparation for public health emergencies consistent with the
 509 plan developed pursuant to s. 381.0315.

510 Section 10. Subsection (2) of section 252.37, Florida
 511 Statutes, is amended, and subsection (7) is added to that
 512 section, to read:

513 252.37 Financing.—

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

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

523 (c) If additional funds are needed, the Governor may make
 524 funds available by transferring and expending moneys out of any
 525 unappropriated surplus funds, or from the Budget Stabilization

526 Fund if the transfers and expenditures are directly related to
527 the declared disaster or emergency. Notice of such action, as
528 provided in s. 216.177, must be delivered at least 7 days before
529 the effective date of the action, unless a shorter period is
530 agreed to in writing by the President of the Senate and the
531 Speaker of the House of Representatives. If the President of the
532 Senate and the Speaker of the House of Representatives timely
533 advise in writing that the parties object to the transfer, the
534 Governor must void such action.

535 (d) Following the expiration or termination of the state
536 of emergency, the Governor may transfer moneys with a budget
537 amendment, subject to approval by the Legislative Budget
538 Commission, to satisfy the budget authority granted for such
539 emergency. The transfers and expenditures supporting the
540 amendment must be directly related to the declared disaster or
541 emergency.

542 (7) An agency or political subdivision shall submit in
543 advance a detailed spending plan for any grants, gifts, loans,
544 funds, payments, services, equipment, supplies, or materials in
545 aid of or for the purpose of emergency prevention, recovery,
546 mitigation, preparedness, and management other than emergency
547 response received under this section to the President of the
548 Senate, the Speaker of the House of Representatives, and the
549 chairs of the legislative appropriations committees. This
550 paragraph does not apply to the receipt of any funds received

551 from any agency, department, or other affiliated entity of the
552 federal government as part of an expedited project worksheet in
553 anticipation of emergency response expenditures. If an emergency
554 situation precludes the timely advanced submission of a detailed
555 spending plan, the plan must be submitted as soon as
556 practicable, but not later than 30 days after initiation of any
557 expenditures and continuing every 30 days as long as the
558 emergency continues and funds continue to be disbursed.

559 (8) For emergency response activities, including an
560 emergency response that includes emergency protective measures
561 or debris removal, the agency or political subdivision is not
562 required to provide a detailed spending plan in advance of
563 expenditures, but must provide notice to the President of the
564 Senate, the Speaker of the House of Representatives, and the
565 chairs of the legislative appropriations committees of all
566 expenditures in aggregate categories incurred in the emergency
567 response no later than 30 days after the expenditure is incurred
568 and a copy of any project worksheet submitted to the Federal
569 Emergency Management Agency must be submitted no later than 7
570 days after it is submitted to the Federal Emergency Management
571 Agency.

572 Section 11. Subsection (4) is added to section 252.38,
573 Florida Statutes, to read:

574 252.38 Emergency management powers of political
575 subdivisions.—Safeguarding the life and property of its citizens

576 is an innate responsibility of the governing body of each
577 political subdivision of the state.

578 (4) EXPIRATION AND EXTENSION OF EMERGENCY ORDERS.—

579 (a) As used in this subsection, the term "emergency order"
580 means an order or ordinance issued or enacted by a political
581 subdivision in response to an emergency pursuant to this chapter
582 or chapter 381 that limits the rights or liberties of
583 individuals or businesses within the political subdivision.

584 (b) It is the intent of the Legislature to minimize the
585 negative effects of an emergency order issued by a political
586 subdivision. Notwithstanding any other law, an emergency order
587 issued by a political subdivision must be narrowly tailored to
588 serve a compelling public health or safety purpose. Any such
589 emergency order must be limited in duration, applicability, and
590 scope in order to reduce any infringement on individual rights
591 or liberties to the greatest extent possible.

592 (c) An emergency order automatically expires 7 days after
593 issuance but may be extended by a majority vote of the governing
594 body of the political subdivision, as necessary, in 7-day
595 increments for a total duration of not more than 42 days.

596 (d) The Governor may, at any time, invalidate an emergency
597 order issued by a political subdivision if the Governor
598 determines that such order unnecessarily restricts individual
599 rights or liberties.

600 (e) Upon the expiration of an emergency order, a political

601 subdivision may not issue a substantially similar order.

602 Section 12. Subsection (1) of section 252.44, Florida
603 Statutes, is amended to read:

604 252.44 Emergency mitigation.—

605 (1) In addition to prevention measures included in the
606 state and local comprehensive emergency management plans, the
607 Governor shall consider on a continuing basis steps that could
608 be taken to mitigate the harmful consequences of emergencies. At
609 the Governor's direction and pursuant to any other authority and
610 competence they have, state agencies, including, but not limited
611 to, those charged with responsibilities in connection with
612 protecting and maintaining the public health, flood plain
613 management, stream encroachment and flow regulation, weather
614 modification, fire prevention and control, air quality, public
615 works, land use and land use planning, and construction
616 standards, shall make studies of emergency-mitigation-related
617 matters. The Governor, from time to time, shall make such
618 recommendations to the Legislature, local governments, and other
619 appropriate public and private entities as may facilitate
620 measures for mitigation of the harmful consequences of
621 emergencies.

622 Section 13. Subsection (3) of section 252.46, Florida
623 Statutes, is renumbered as subsection (5), subsection (2) of
624 that section is amended, and new subsections (3) and (4) are
625 added to that section, to read:

626 252.46 Orders and rules.—

627 (2) All orders and rules adopted by the division or any
628 political subdivision or other agency authorized by ss. 252.31-
629 252.90 to make orders and rules have full force and effect of
630 law after adoption in accordance with ~~the provisions of~~ chapter
631 120 in the event of issuance by the division or any state agency
632 or, if adopted ~~promulgated~~ by a political subdivision of the
633 state or agency thereof, when filed in the office of the clerk
634 or recorder of the political subdivision or agency adopting
635 ~~promulgating~~ the same. Failure of a political subdivision to
636 file any such order or rule with the office of the clerk or
637 recorder within 3 days after issuance voids the order or rule.
638 All existing laws, ordinances, and rules inconsistent with ~~the~~
639 ~~provisions of~~ ss. 252.31-252.90, or any order or rule issued
640 under the authority of ss. 252.31-252.90, must ~~shall~~ be
641 suspended during the period of time and to the extent that such
642 conflict exists.

643 (3) Emergency ordinances, declarations, and orders adopted
644 by a political subdivision under the authority of ss. 252.31-
645 252.90, including those enacted by a municipality pursuant to s.
646 166.041(3)(b), must be available on a dedicated webpage
647 accessible through a conspicuous link on the political
648 subdivision's homepage. The dedicated webpage must identify the
649 emergency ordinances, declarations, and orders currently in
650 effect. Each political subdivision adopting emergency

651 ordinances, declarations, or orders must provide the division
652 with the link to the political subdivision's dedicated webpage.
653 The division must include the links in an easily identifiable
654 format on its website.

655 (4) An order issued by a political subdivision pursuant to
656 this section which imposes a curfew restricting the travel or
657 movement of persons during designated times must allow persons
658 to travel during the curfew to their places of employment to
659 report for work and to return to their residences after their
660 work has concluded.

661 Section 14. Paragraph (a) of subsection (2) of section
662 377.703, Florida Statutes, is amended to read:

663 377.703 Additional functions of the Department of
664 Agriculture and Consumer Services.—

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

668 (a) The Division of Emergency Management is responsible
669 for the development of an energy emergency contingency plan to
670 respond to serious shortages of primary and secondary energy
671 sources. Upon a finding by the Governor, implementation of any
672 emergency program shall be upon order of the Governor that a
673 particular kind or type of fuel is, or that the occurrence of an
674 event which is reasonably expected within 30 days will make the
675 fuel, in short supply. The Division of Emergency Management

676 shall then respond by instituting the appropriate measures of
 677 the contingency plan to meet the given emergency or energy
 678 shortage. The Governor may utilize the provisions of s.
 679 252.36(6) ~~s. 252.36(5)~~ to carry out any emergency actions
 680 required by a serious shortage of energy sources.

681 Section 15. Paragraph (c) of subsection (1) and subsection
 682 (2) of section 381.00315, Florida Statutes, are amended to read:

683 381.00315 Public health advisories; public health
 684 emergencies; isolation and quarantines.—The State Health Officer
 685 is responsible for declaring public health emergencies, issuing
 686 public health advisories, and ordering isolation or quarantines.

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

688 (c) "Public health emergency" means any occurrence, or
 689 threat thereof, whether natural or manmade, which results or may
 690 result in substantial injury or harm to the public health from
 691 infectious disease, chemical agents, nuclear agents, biological
 692 toxins, or situations involving mass casualties or natural
 693 disasters.

694 (2) (a) The department shall prepare and maintain a state
 695 public health emergency management plan to serve as a
 696 comprehensive guide to public health emergency response in the
 697 state. The department shall develop the plan in collaboration
 698 with the Division of Emergency Management, other executive
 699 agencies with functions relevant to public health emergencies,
 700 district medical examiners and national and state public health

701 experts, and ensure that the plan integrates and coordinates
702 with the public health emergency management plans and programs
703 of the Federal Government. The plan must address each element of
704 public health emergency planning and incorporate public health
705 and epidemiological best practices to ensure that the state is
706 prepared for every foreseeable public health emergency. The plan
707 must include an assessment of state and local public health
708 infrastructure, including information systems, physical plant,
709 commodities and human resources, and an analysis of the
710 infrastructure necessary to achieve the level of readiness
711 proposed by the plan for short and long term public emergencies.
712 The department shall submit the plan to the Division of
713 Emergency Management for inclusion as a component of the state
714 comprehensive emergency management plan pursuant to s. 252.35.
715 Beginning July 1, 2022, the department shall submit the plan to
716 the Division of Emergency Management for inclusion in the state
717 comprehensive emergency management plan pursuant to s. 252.35.
718 The department shall review the plan within 6 months after the
719 termination of each declared public health emergency, and, in
720 any event, at least every 5 years, and update its terms as
721 necessary to ensure continuous planning.

722 (b) Before declaring a public health emergency, the State
723 Health Officer shall, to the extent possible, consult with the
724 Governor and shall notify the Chief of Domestic Security and the
725 director of Division of Emergency Management. The declaration of

726 a public health emergency shall continue until the State Health
727 Officer finds that the threat or danger has been dealt with to
728 the extent that the emergency conditions no longer exist and he
729 or she terminates the declaration. However, a declaration of a
730 public health emergency may not continue for longer than 60 days
731 unless the Governor concurs in the renewal of the declaration.

732 (c) The State Health Officer, upon declaration of a public
733 health emergency, shall establish by order the method and
734 procedure for identifying and reporting cases and deaths
735 involving the infectious disease or other occurrence identified
736 as the basis for the declared public health emergency. The
737 method and procedure must be consistent with standards developed
738 by the Federal Government specific to the declared emergency, if
739 any, or, if federal standards do not exist, consistent with
740 public health best practices as identified by the State Health
741 Officer. During the pendency of a public health emergency, the
742 department is the sole entity responsible for the collection and
743 official reporting and publication of cases and deaths. The
744 State Health Officer may by order or emergency rule ensure
745 necessary assistance from licensed health care providers in
746 carrying out this function, and may request the assistance of
747 district medical examiners in performing this function.

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

751 1. Directing manufacturers of prescription drugs or over-
752 the-counter drugs who are permitted under chapter 499 and
753 wholesalers of prescription drugs located in this state who are
754 permitted under chapter 499 to give priority to the shipping of
755 specified drugs to pharmacies and health care providers within
756 geographic areas that have been identified by the State Health
757 Officer. The State Health Officer must identify the drugs to be
758 shipped. Manufacturers and wholesalers located in the state must
759 respond to the State Health Officer's priority shipping
760 directive before shipping the specified drugs.

761 2. Notwithstanding chapters 465 and 499 and rules adopted
762 thereunder, directing pharmacists employed by the department to
763 compound bulk prescription drugs and provide these bulk
764 prescription drugs to physicians and nurses of county health
765 departments or any qualified person authorized by the State
766 Health Officer for administration to persons as part of a
767 prophylactic or treatment regimen.

768 3. Notwithstanding s. 456.036, temporarily reactivating
769 the inactive license of the following health care practitioners,
770 when such practitioners are needed to respond to the public
771 health emergency: physicians licensed under chapter 458 or
772 chapter 459; physician assistants licensed under chapter 458 or
773 chapter 459; licensed practical nurses, registered nurses, and
774 advanced practice registered nurses licensed under part I of
775 chapter 464; respiratory therapists licensed under part V of

776 chapter 468; and emergency medical technicians and paramedics
777 certified under part III of chapter 401. Only those health care
778 practitioners specified in this paragraph who possess an
779 unencumbered inactive license and who request that such license
780 be reactivated are eligible for reactivation. An inactive
781 license that is reactivated under this paragraph shall return to
782 inactive status when the public health emergency ends or before
783 the end of the public health emergency if the State Health
784 Officer determines that the health care practitioner is no
785 longer needed to provide services during the public health
786 emergency. Such licenses may only be reactivated for a period
787 not to exceed 90 days without meeting the requirements of s.
788 456.036 or chapter 401, as applicable.

789 4. Ordering an individual to be examined, tested,
790 vaccinated, treated, isolated, or quarantined for communicable
791 diseases that have significant morbidity or mortality and
792 present a severe danger to public health. Individuals who are
793 unable or unwilling to be examined, tested, vaccinated, or
794 treated for reasons of health, religion, or conscience may be
795 subjected to isolation or quarantine.

796 a. Examination, testing, vaccination, or treatment may be
797 performed by any qualified person authorized by the State Health
798 Officer.

799 b. If the individual poses a danger to the public health,
800 the State Health Officer may subject the individual to isolation

801 or quarantine. If there is no practical method to isolate or
 802 quarantine the individual, the State Health Officer may use any
 803 means necessary to vaccinate or treat the individual.

804 c. Any order of the State Health Officer given to
 805 effectuate this subparagraph ~~paragraph~~ shall be immediately
 806 enforceable by a law enforcement officer under s. 381.0012.

807 (e) ~~(2)~~ Individuals who assist the State Health Officer at
 808 his or her request on a volunteer basis during a public health
 809 emergency are entitled to the benefits specified in s.
 810 110.504(2), (3), (4), and (5).

811 Section 16. Section 381.00316, Florida Statutes, is
 812 created to read:

813 381.00316 COVID-19 vaccine documentation.-

814 (1) A business entity, as defined in s. 768.38 to include
 815 any business operating in this state, may not require patrons or
 816 customers to provide any documentation certifying COVID-19
 817 vaccination or post-infection recovery to gain access to, entry
 818 upon, or service from the business' operations in this state.
 819 This subsection does not otherwise restrict businesses from
 820 instituting screening protocols in accordance with state or
 821 federal law to protect public health.

822 (2) A governmental entity, as defined in s. 768.38, may
 823 not require any documentation certifying COVID-19 vaccination or
 824 post-infection recovery to gain access to, entry upon, or
 825 service from the governmental entity's operations in this state.

826 This subsection does not otherwise restrict governmental
 827 entities from instituting screening protocols in accordance with
 828 state or federal law to protect public health.

829 (3) An educational institution, as defined in s. 768.38,
 830 may not require students or residents to provide any
 831 documentation certifying COVID-19 vaccination or post-infection
 832 recovery for attendance or enrollment, or to gain access to,
 833 entry upon, or service from the educational institution in this
 834 state. This subsection does not otherwise restrict educational
 835 institutions from instituting screening protocols in accordance
 836 with state or federal law to protect public health.

837 (4) A violation of this section may result in a fine
 838 imposed by the department, not to exceed \$5,000 per violation.

839 (5) This section does not apply to a health care provider
 840 as defined in s. 768.38; a provider licensed or certified under
 841 s. 393.17, part III of chapter 401, or part IV of chapter 468;
 842 or a provider with an active health care clinic exemption under
 843 s. 400.9935.

844 Section 17. Subsection (1) of section 406.11, Florida
 845 Statutes, is amended, and paragraph (c) is added to subsection
 846 (2) of that section, to read:

847 406.11 Examinations, investigations, and autopsies.—

848 (1) In any of the following circumstances involving the
 849 death of a human being, the medical examiner of the district in
 850 which the death occurred or the body was found shall determine

851 the cause of death and certify the death and shall, for that
852 purpose, make or have performed such examinations,
853 investigations, and autopsies as he or she shall deem necessary
854 or as shall be requested by the state attorney:

855 (a) When any person dies in the state:

856 1. Of criminal violence.

857 2. By accident.

858 3. By suicide.

859 4. Suddenly, when in apparent good health.

860 5. Unattended by a practicing physician or other
861 recognized practitioner.

862 6. In any prison or penal institution.

863 7. In police custody.

864 8. In any suspicious or unusual circumstance.

865 9. By criminal abortion.

866 10. By poison.

867 11. By disease constituting a threat to public health.

868 12. By disease, injury, or toxic agent resulting from
869 employment.

870 (b) When a dead body is brought into the state without
871 proper medical certification.

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

874 (2)

875 (c) A district medical examiner shall assist the State

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876 | Health Officer in identifying and reporting deaths upon a
877 | request by the State Health Officer under s. 381.00315.

878 | Section 18. This act shall take effect July 1, 2021.