Senator Burgess moved the following:

Senate Amendment (with title amendment)

Delete lines 659 - 1251
and insert:
order, proclamation, or rule thereunder. Upon such concurrent
resolution, the Governor shall issue an executive order or
proclamation consistent with the concurrent resolution.

(b) Notwithstanding s. 252.46(2), all emergency
declarations and orders, regardless of how titled, issued under
the authority of this part by the Governor or any agency,
whether by direct, delegated, or subdelegated authority, before,
during, or after a declared emergency, must be immediately filed with the Division of Administrative Hearings. Failure to file any such declaration or order with the division within 5 days after issuance voids the declaration or order. The division shall index all such declarations and orders and make them available in searchable format on its website within 3 days of filing. The searchable format must include, but is not limited to, searches by term, referenced statutes, and rules and must include a search category that specifically identifies emergency orders in effect at any given time. A link to the division’s index must be placed in a conspicuous location on the Division of Emergency Management’s website. This subsection applies retroactively to all executive emergency declarations and orders in effect on July 1, 2021.

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

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

Section 9. Section 252.3611, Florida Statutes, is created to read:

252.3611 Transparency; audits.—

(1) Each order, proclamation, or rule issued by the Governor, the division, or any agency must specify the statute or rule being amended or waived, if applicable, and the
expiration date for the order, proclamation, or rule.

(2) When the duration of an emergency exceeds 90 days:
   (a) Within 72 hours of executing a contract executed with
   moneys authorized for expenditure to support the response to the
   declared state of emergency, the Executive Office of the
   Governor or the appropriate agency shall submit a copy of such
   contract to the Legislature. For contracts executed during the
   first 90 days of the emergency, the Executive Office of the
   Governor or the appropriate agency shall submit a copy to the
   Legislature within the first 120 days of the declared emergency.
   (b) The Executive Office of the Governor or the appropriate
   agency shall submit monthly reports to the Legislature of all
   state expenditures, revenues received, and funds transferred by
   an agency during the previous month to support the declared
   state of emergency.

(3) Once an emergency exceeds 1 year, the Auditor General
shall conduct a financial audit of all associated expenditures
and a compliance audit of all associated contracts entered into
during the declared emergency. The Auditor General must update
the audit annually until the emergency is declared to be ended.

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

Section 10. Subsection (3) of section 252.365, Florida
Statutes, is amended to read:

252.365 Emergency coordination officers; disaster-
preparedness plans.—
   (3) Emergency coordination officers shall ensure These
individuals shall be responsible for ensuring that each state agency and facility, such as a prison, office building, or university, has a disaster preparedness plan that is coordinated with the applicable local emergency-management agency and approved by the division.

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

(b) The plan must include, at a minimum, the following elements: identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification and accountability; delegations of authority and lines of succession; identification of alternative facilities and related infrastructure, including those for communications; identification and protection of vital records and databases; provisions regarding the availability of, and distribution plans for, personal protective equipment; and schedules and procedures for periodic tests, training, and exercises.

(c) The division shall develop and distribute guidelines for developing and implementing the plan. By December 31, 2022,
each agency must update its plan to include provisions related
to preparation for pandemics and other public health emergencies
consistent with the plan developed pursuant to s. 381.00315.
Each agency plan must be updated as needed to remain consistent
with the state public health emergency management plan.

Section 11. Subsections (7) and (8) are added to section
252.37, Florida Statutes, and subsection (2) of that section is
amended, contingent upon SB 1892 or similar legislation creating
the Emergency Preparedness and Response Fund taking effect, to
read:

252.37 Financing.—
(2)(a) It is the legislative intent that the first recourse
be made to funds specifically regularly appropriated to state
and local agencies for disaster relief or response.
(b) If the Governor finds that the demands placed upon
these funds in coping with a particular disaster declared by the
Governor as a state of emergency are unreasonably great, she or
he may make funds available by transferring and expending moneys
appropriated for other purposes, from the Emergency Preparedness
and Response Fund.
(c) If additional funds are needed, the Governor may make
funds available by transferring and expending moneys out of any
unappropriated surplus funds, or from the Budget Stabilization
Fund if the transfers and expenditures are directly related to
the declared disaster or emergency. Notice of such action, as
provided in s. 216.177, must be delivered at least 7 days before
the effective date of the action, unless a shorter period is
agreed to in writing by the President of the Senate and the
Speaker of the House of Representatives. If the President of the
Senate and the Speaker of the House of Representatives timely advise in writing that the parties object to the transfer, the Governor must void such action.

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

(7) An agency or political subdivision shall submit in advance a detailed spending plan for any grants, gifts, loans, funds, payments, services, equipment, supplies, or materials in aid of or for the purposes of emergency prevention, recovery, mitigation, preparedness, and management, other than emergency response, received under this section to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees. This paragraph does not apply to the receipt of any funds from an agency, department, or other affiliated entity of the Federal Government as part of an expedited project worksheet in anticipation of emergency response expenditures. If an emergency situation precludes the timely advanced submission of a detailed spending plan, the plan must be submitted as soon as practicable, but not later than 30 days after initiation of any expenditures, and be resubmitted every 30 days as long as the emergency continues and funds continue to be disbursed.

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

Section 12. Section 252.38, Florida Statutes, is amended to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state. However, political subdivisions are given police powers to preserve, not impair, private rights. Therefore, a political subdivision that deprives any person of a constitutional right, a fundamental liberty, a statutory right, or property to address a purported emergency bears the burden of proving that the exercise of police power is narrowly tailored, serves a compelling governmental interest, and accomplishes the intended goal through the use of the least intrusive means.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. 252.31-252.90, each county within this
state shall be within the jurisdiction of, and served by, the
division. Except as otherwise provided in ss. 252.31-252.90,
each local emergency management agency shall have jurisdiction
over and serve an entire county. Unless part of an
interjurisdictional emergency management agreement entered into
pursuant to paragraph (3)(b) which is recognized by the Governor
by executive order or rule, each county must establish and
maintain such an emergency management agency and shall develop a
county emergency management plan and program that is coordinated
and consistent with the state comprehensive emergency management
plan and program. Counties that are part of an
interjurisdictional emergency management agreement entered into
pursuant to paragraph (3)(b) which is recognized by the Governor
by executive order or rule shall cooperatively develop an
emergency management plan and program that is coordinated and
consistent with the state comprehensive emergency management
plan and program.

(b) Each county emergency management agency created and
established pursuant to ss. 252.31-252.90 shall have a director.
The director must meet the minimum training and education
qualifications established in a job description approved by the
county. The director shall be appointed by the board of county
commissioners or the chief administrative officer of the county,
as described in chapter 125 or the county charter, if
applicable, to serve at the pleasure of the appointing
authority, in conformance with applicable resolutions,
ordinances, and laws. A county constitutional officer, or an
employee of a county constitutional officer, may be appointed as
director following prior notification to the division. Each
board of county commissioners shall promptly inform the division
of the appointment of the director and other personnel. Each
director has direct responsibility for the organization,
administration, and operation of the county emergency management
agency. The director shall coordinate emergency management
activities, services, and programs within the county and shall
serve as liaison to the division and other local emergency
management agencies and organizations.

(c) Each county emergency management agency shall perform
emergency management functions within the territorial limits of
the county within which it is organized and, in addition, shall
conduct such activities outside its territorial limits as are
required pursuant to ss. 252.31-252.90 and in accordance with
state and county emergency management plans and mutual aid
agreements. Counties shall serve as liaison for and coordinator
of municipalities’ requests for state and federal assistance
during postdisaster emergency operations.

(d) During a declared state or local emergency and upon the
request of the director of a local emergency management agency,
the district school board or school boards in the affected area
shall participate in emergency management by providing
facilities and necessary personnel to staff such facilities.
Each school board providing transportation assistance in an
emergency evacuation shall coordinate the use of its vehicles
and personnel with the local emergency management agency.

(e) County emergency management agencies may charge and
collect fees for the review of emergency management plans on
behalf of external agencies and institutions. Fees must be
reasonable and may not exceed the cost of providing a review of
emergency management plans in accordance with fee schedules established by the division.

(2) MUNICIPALITIES.—Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs. Municipal emergency management programs shall coordinate their activities with those of the county emergency management agency. Municipalities without emergency management programs shall be served by their respective county agencies. If a municipality elects to establish an emergency management program, it must comply with all laws, rules, and requirements applicable to county emergency management agencies. Each municipal emergency management plan must be consistent with and subject to the applicable county emergency management plan. In addition, each municipality must coordinate requests for state or federal emergency response assistance with its county. This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—
(a) In carrying out the provisions of ss. 252.31-252.90, each political subdivision shall have the power and authority:

1. To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.

2. To appoint, employ, remove, or provide, with or without...
compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.

3. To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.

4. To assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the political subdivision for employment within or outside the political limits of the subdivision.

5. To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

   a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
   b. Entering into contracts.
   c. Incurring obligations.
   d. Employment of permanent and temporary workers.
e. Utilization of volunteer workers.
f. Rental of equipment.
g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
h. Appropriation and expenditure of public funds.

(b) Upon the request of two or more adjoining counties, or if the Governor finds that two or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate emergency management agencies and services, the Governor may delineate by executive order or rule an interjurisdictional area adequate to plan for, prevent, mitigate, or respond to emergencies in such area and may direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency plan, a provision for mutual aid, or an area organization for emergency planning and services. A finding of the Governor pursuant to this paragraph shall be based on one or more factors related to the difficulty of maintaining an efficient and effective emergency prevention, mitigation, preparedness, response, and recovery system on a unijurisdictional basis, such as:

1. Small or sparse population.
2. Limitations on public financial resources severe enough to make maintenance of a separate emergency management agency and services unreasonably burdensome.
3. Unusual vulnerability to emergencies as evidenced by a past history of emergencies, topographical features, drainage characteristics, emergency potential, and presence of emergency-prone facilities or operations.
4. The interrelated character of the counties in a
multicounty area.

5. Other relevant conditions or circumstances.

Section 13. Subsections (1), (2), and (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space.—

(1) It is the intent of the Legislature that this state not have a deficit of safe public hurricane evacuation shelter space in any region of the state by 1998 and thereafter.

(2)(a) The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The state university boards of trustees, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the division or the local emergency management agency.

(b) By January 31 of each even-numbered year, the division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The emergency shelter plan must project, for each of the next 5 years, the hurricane shelter needs of the state, including periods of time during which a concurrent public health emergency may necessitate more space for each individual to accommodate
physical distancing. In addition to information on the general
shelter needs throughout this state, the plan must identify the general location and square footage of special
needs shelters, by regional planning council region, during the
next 5 years. The plan must also include information on
the availability of shelters that accept pets. The Department of
Health shall assist the division in determining the estimated
need for special needs shelter space and the adequacy of
facilities to meet the needs of persons with special needs based
on information from the registries of persons with special needs
and other information.

(3) The division shall annually provide to the President of
the Senate, the Speaker of the House of Representatives, and the
Governor a list of facilities recommended to be retrofitted
using state funds. State funds should be maximized and targeted
to regional planning council regions with hurricane evacuation
shelter deficits. Retrofitting facilities in regions with public
hurricane evacuation shelter deficits shall be given first
priority and should be completed by 2003. All recommended
facilities should be retrofitted by 2008. The owner or lessee of
a public hurricane evacuation shelter that is included on the
list of facilities recommended for retrofitting is not required
to perform any recommended improvements.

Section 14. Subsection (1) of section 252.44, Florida
Statutes, is amended to read:

252.44 Emergency mitigation.—

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

Section 15. Present subsection (3) of section 252.46,
Florida Statutes, is redesignated as subsection (6), a new
subsection (3) and subsections (4) and (5) are added to that
section, and subsection (2) of that section is amended, to read:

252.46 Orders and rules.—
(2) All orders and rules adopted by the division or any
political subdivision or other agency authorized by ss. 252.31-
252.90 to make orders and rules have full force and effect of
law after adoption in accordance with the provisions of chapter
120 in the event of issuance by the division or any state agency
or, if adopted promulgated by a political subdivision of the
state or agency thereof, when filed in the office of the clerk
or recorder of the political subdivision or agency adopting
promulgating the same. Failure of a political subdivision to
file any such order or rule with the office of the clerk or
recorder within 3 days after issuance voids the order or rule. All existing laws, ordinances, and rules inconsistent with the provisions of ss. 252.31-252.90, or any order or rule issued under the authority of ss. 252.31-252.90, must be suspended during the period of time and to the extent that such conflict exists.

(3) Emergency ordinances, declarations, and orders adopted by a political subdivision under the authority of ss. 252.31-252.90, including those enacted by a municipality pursuant to s. 166.041(3)(b), must be available on a dedicated webpage accessible through a conspicuous link on the political subdivision’s homepage. The dedicated webpage must identify the emergency ordinances, declarations, and orders currently in effect. Each political subdivision adopting emergency ordinances, declarations, or orders must provide the division with the link to the political subdivision’s dedicated webpage. The division must include these links in an easily identifiable format on its website.

(4)(a) An emergency order issued by a political subdivision automatically expires 10 days after its issuance; however, such an order may be extended before its expiration for 10-day periods, subject to ratification by a majority vote of the governing body of the political subdivision. In the event the governing body of the political subdivision is unable to convene before the expiration of the emergency order due to the impacts of a hurricane or other weather-related natural disaster, the 10-day period is tolled until the governing body is able to convene. However, an emergency order issued under this section may not be in effect for more than 30 days unless the governing
body approves an extension of the order. The governing body must ratify the extension of such order before it expires. Once ratified, the emergency order may not be amended or replaced by the chief elected officer or chief administrative officer, as applicable, without the ratification of the political subdivision’s governing body. In the event the governing body fails to ratify the extension of the emergency order, the chief elected officer or chief administrative officer, as applicable, may not reissue the order in response to the same emergency.

(b) As used in this subsection, the term:

1. “Chief elected officer” means a mayor, chairperson, or other separately elected official designated by a charter provision or ordinance of the political subdivision to exercise emergency management authority.

2. “Chief administrative officer” means the county administrator, county manager, or such other individual designated by ordinance of the political subdivision to exercise emergency management authority.

(c) When meeting in one physical location is prohibited or not feasible due to the conditions directly related to the declared state of emergency, a public meeting of the governing body of a political subdivision held for the limited purpose of ratifying the extension of an emergency order under this subsection may be conducted via telephone, real-time videoconferencing, or similar real-time electronic or video communication technology. Any communication technology used must be sufficient to permit all interested persons to remotely attend the meeting. Any law, charter provision, or ordinance requiring a quorum to be present in person or requiring the
governing body of any political subdivision to meet at a specific public place shall be suspended for purposes of such meeting. If the public meeting will be held via telephone, real-time videoconferencing, or similar real-time electronic or video communication technology, the meeting notice must include information necessary for persons interested in attending the meeting to do so, including the places where facilities necessary to allow attendance will be available.

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

Section 16. Paragraph (a) of subsection (2) of section 377.703, Florida Statutes, is amended to read:

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

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

(a) The Division of Emergency Management is responsible for the development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event which is reasonably expected within 30 days will make the fuel, in short supply. The Division of Emergency Management
shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may utilize the provisions of s. 252.36(6) s. 252.36(5) to carry out any emergency actions required by a serious shortage of energy sources.

Section 17. Paragraph (c) of subsection (1) and subsection (2) of section 381.00315, Florida Statutes, are amended to read:

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

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

c) "Public health emergency" means any occurrence, or threat thereof, whether natural or manmade, which 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.

(2)(a) The department shall prepare and maintain a state public health emergency management plan to serve as a comprehensive guide to public health emergency response in this state. The department shall develop the plan in collaboration with the Division of Emergency Management, other executive agencies with functions relevant to public health emergencies, district medical examiners, and national and state public health experts and ensure that it integrates and coordinates with the public health emergency management plans and programs of the Federal Government. The plan must address each element of public health emergency planning and incorporate public health and
epidemiological best practices to ensure that the state is prepared for every foreseeable public health emergency. The plan must include an assessment of state and local public health infrastructure, including information systems, physical plant, commodities, and human resources, and an analysis of the infrastructure necessary to achieve the level of readiness proposed by the plan for short-term and long-term public emergencies. Beginning July 1, 2022, the department shall submit the plan to the Division of Emergency Management for inclusion in the state comprehensive emergency management plan pursuant to s. 252.35. The department shall review the plan after the declared end of each public health emergency, and, in any event, at least every 5 years, and update its terms as necessary to ensure continuous planning.

(b) Before declaring a public health emergency, the State Health Officer shall, to the extent possible, consult with the Governor and shall notify the Chief of Domestic Security. The declaration of a public health emergency shall continue until the State Health Officer finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and he or she terminates the declaration. However, a declaration of a public health emergency may not continue for longer than 60 days unless the Governor concurs in the renewal of the declaration.

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

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

1. Establishing screening protocols consistent with s. 381.00316.

2. Directing manufacturers of prescription drugs or over-
the-counter drugs who are permitted under chapter 499 and
wholesalers of prescription drugs located in this state who are
permitted under chapter 499 to give priority to the shipping of
specified drugs to pharmacies and health care providers within
geographic areas that have been identified by the State Health
Officer. The State Health Officer must identify the drugs to be
shipped. Manufacturers and wholesalers located in the state must
respond to the State Health Officer’s priority shipping
directive before shipping the specified drugs.

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

4.3. Notwithstanding s. 456.036, temporarily reactivating
the inactive license of the following health care practitioners,
when such practitioners are needed to respond to the public
health emergency: physicians licensed under chapter 458 or
chapter 459; physician assistants licensed under chapter 458 or
chapter 459; licensed practical nurses, registered nurses, and
advanced practice registered nurses licensed under part I of
chapter 464; respiratory therapists licensed under part V of
chapter 468; and emergency medical technicians and paramedics
certified under part III of chapter 401. Only those health care
practitioners specified in this paragraph who possess an
unencumbered inactive license and who request that such license
be reactivated are eligible for reactivation. An inactive
license that is reactivated under this paragraph shall return to
inactive status when the public health emergency ends or before
the end of the public health emergency if the State Health
Officer determines that the health care practitioner is no
longer needed to provide services during the public health
emergency. Such licenses may only be reactivated for a period
not to exceed 90 days without meeting the requirements of s.
456.036 or chapter 401, as applicable.

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

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

   b. If the individual poses a danger to the public health, the State Health Officer may subject the individual to isolation or quarantine. If there is no practical method to isolate or quarantine the individual, the State Health Officer may use any means necessary to vaccinate or treat the individual.

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

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

Section 18. Section 381.00316, Florida Statutes, is created to read:

   381.00316 COVID-19 vaccine documentation.—

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

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

(4) The department may impose a fine not to exceed $5,000 per violation.

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

(6) The department may adopt rules pursuant to ss. 120.536 and 120.54 to implement this section.

============== T I T L E  A M E N D M E N T ================

And the title is amended as follows:

Delete lines 87 – 136
and insert:

Preparedness and Response Fund, surplus funds, or the Budget Stabilization Fund under specified conditions; requiring notice of certain actions within a specified timeframe unless specific conditions exist; requiring the Governor to void such action if the Legislature timely objects to such transfer in writing; authorizing the Governor to transfer additional moneys, subject to approval by the Legislative Budget Commission, if specified conditions exist; requiring an agency or political subdivision to submit in advance a detailed spending plan for certain emergency funds to the Legislature; providing an exception; requiring an agency or political subdivision to submit a certain notice and a project worksheet to the Legislature under specified conditions within a specified timeframe; amending s. 252.38, F.S.; specifying that a political subdivision has the burden of proving the proper exercise of its police power in the issuance of certain emergency orders; amending s. 252.385, F.S.; requiring the division’s hurricane shelter plan to address projected hurricane shelter needs during public health emergencies; amending s. 252.44, F.S.; requiring emergency mitigation planning by state agencies to include agencies with jurisdiction over public health; amending s. 252.46, F.S.; providing that a failure by a political subdivision to file certain orders and rules with specified entities within a specified timeframe voids
the issued orders or rules; requiring that certain
orders be available on a dedicated webpage; requiring
the division to provide links to such webpage on its
website in a specified format; providing for the
automatic expiration of emergency orders issued by a
political subdivision; providing for the tolling of
the expiration of such orders under certain conditions
for a specified time; authorizing the extension of an
emergency order by a majority vote of the governing
body of the political subdivision; requiring the
political subdivision to ratify the emergency order;
prohibiting the chief elected officer or chief
administrative officer from amending or replacing such
order once ratified without approval from the
governing body; prohibiting the chief elected officer
or chief administrative officer from issuing a
subsequent order in response to the same emergency
unless ratified by the governing body; defining terms;
authorizing the governing body of a political
subdivision to convene, for a limited purpose, by
specified means; suspending quorum requirements under
specified conditions; requiring the meeting notice to
contain specified information; requiring that orders
issued by a political subdivision which impose a
curfew restricting travel or movement allow persons to
travel during the curfew to and from their places of
employment; amending s. 377.703, F.S.; conforming a
cross-reference; amending s. 381.00315, F.S.; revising
a definition; directing the Department of Health, in
collaboration with specified entities, to develop a specified public health emergency plan; requiring the department to submit the plan to the division; requiring the department to review and update the plan as necessary; directing the State Health Officer to establish methods of reporting certain data; authorizing the State Health Officer to order and request assistance with specified duties; revising the duties of the State Health Officer during a declared public health emergency; creating s. 381.00316, F.S.; prohibiting a business entity from requiring patrons or customers to provide documentation certifying vaccination against or recovery from COVID-19; prohibiting governmental entities from requiring persons to provide documentation certifying vaccination against or recovery from COVID-19; prohibiting educational institutions from requiring students or residents to provide documentation certifying vaccination against or recovery from COVID-19; authorizing specified screening protocols; providing application; providing noncriminal penalties; authorizing the department to adopt rules; amending s.