A bill to be entitled
An act relating to emergency management; amending s. 252.311, F.S.; revising legislative intent with respect to the State Emergency Management Act; amending s. 252.34, F.S.; revising the definition of the term "natural emergency" to include public health emergencies; amending s. 252.35, F.S.; requiring the Division of Emergency Management’s comprehensive emergency plan to include specified provisions regarding public health emergency preparedness, response, recovery, and mitigation; requiring the division to cooperate with the Centers for Disease Control and Prevention; requiring statewide awareness and education programs to include education on public health emergency preparedness and mitigation; requiring the division to complete and maintain an inventory of personal protection equipment; prescribing reporting requirements regarding the inventory; authorizing the division to maintain a list of private entities that can provide personal protective equipment; providing limitations on the timeframe within which the division may delegate or subdelegate certain authorities granted under the State Emergency Management Act; requiring the division to report biennially to the Chief Justice of the Supreme Court on the status of emergency management capabilities; requiring such report to include matters relating to public health emergencies; amending s. 252.355, F.S.; requiring the division to maintain
certain information on special needs options during
certain public health emergencies; deleting obsolete
language; amending s. 252.356, F.S.; requiring state
agencies that contract with providers for the care of
persons with certain disabilities or limitations to
include in such contracts a procedure for providing
essential services in preparation for, during, and
following public health emergencies; amending s.
252.359, F.S.; redefining the term “essentials” to
include personal protective equipment used during
public health emergencies; amending s. 252.36, F.S.;
limiting the duration of emergency orders; authorizing
such orders to be renewed if certain conditions are
met; clarifying that the Governor is responsible for
meeting the needs arising out of emergencies
consistent with legislative policy and intent;
providing a presumption that K-12 public schools
should remain open if possible during an extended
public health emergency; providing a presumption that
businesses should remain open if possible during an
extended public health emergency; requiring the
Governor to provide specific reasons if such schools
or businesses are to close as part of an emergency
declaration; requiring the Governor to regularly
review and reassess any issued emergency declarations;
requiring the Governor to provide notice of
declarations of emergencies to the Legislature;
expanding the Legislature’s authority to terminate
states of emergency; requiring that all emergency
declarations and orders be filed with the Division of Administrative Hearings within a specified timeframe; specifying that failure to timely file such declarations or orders results in their being voided; requiring the division to index and make such emergency orders available on its website; providing for retroactive application; limiting the suspension of any regulatory statute during a state of emergency to a specified timeframe; authorizing any such suspensions to be extended for additional timeframes if certain conditions are met; requiring notice to the Legislature if a transfer of direction, personnel, or functions of state departments and agencies is made to facilitate emergency services; amending s. 252.365, F.S.; specifying that disaster preparedness plans of specified agencies must address circumstances including a pandemic or another public health emergency; providing that the baseline of preparedness consider and include rapid and large-scale increases in the public’s access of government services through technology or other means during an emergency; requiring that such plans include the availability and distribution of personal protective equipment; requiring agencies to update disaster preparedness plans on an annual basis; amending s. 252.37, F.S.; requiring that emergency spending from the Budget Stabilization Fund be consistent with legislative policy and intent; requiring the Governor to transfer any such funds within a specified timeframe; requiring
such expenditures to be directly related to the
disaster or emergency; requiring the state or
political subdivision to submit a spending plan for
certain emergency funds to the Legislature; amending
s. 252.38, F.S.; requiring district school boards to
provide facilities and necessary staff for such
facilities during public health emergencies; amending
s. 252.385, F.S.; requiring the division’s hurricane
shelter plan to address 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 377.703, F.S., conforming a
cross-reference; requiring certain budget amendments
to be approved by the Legislative Budget Commission,
under certain conditions; providing that any emergency
orders issued before a specified date will expire but
may be reissued if certain conditions exist and a
certain requirement is met; providing an effective
date.

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

Section 1. Section 252.311, Florida Statutes, is amended to
read:

252.311 Legislative intent.—

(1) The Legislature finds and declares that the state is
vulnerable to a wide range of emergencies, including natural,
technological, and manmade disasters, all of which threaten the
life, health, and safety of its people; damage and destroy
property; disrupt services and everyday business and
recreational activities; and impede economic growth and
development. The Legislature further finds that this
vulnerability is exacerbated by the tremendous growth in the
state’s population, especially the growth in the number of
persons residing in coastal areas, in the elderly population, in
the number of seasonal vacationers, and in the number of persons
with special needs. This growth has greatly complicated the
state’s ability to coordinate its emergency management resources
and activities.

(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.

(3) It is further the intent of the Legislature to promote
the state’s emergency preparedness, response, recovery, and
mitigation capabilities through enhanced coordination, long-term
planning, and adequate funding. State policy for responding to
disasters is to support local emergency response efforts. In the
case of a major or catastrophic disaster, however, the needs of
residents and communities will likely be greater than local resources. In these situations, the state must be capable of providing effective, coordinated, and timely support to communities and the public. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.

(4) It is further the intent of the Legislature to minimize the negative effects of an extended emergency, such as a pandemic or another public health emergency. The Legislature recognizes that there are significant negative impacts on children and families associated with school closures during a public health emergency such as the COVID-19 pandemic. The Legislature also recognizes the significant negative impacts of such emergencies on the economy due to business closures.

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

Section 2. Subsection (8) of section 252.34, Florida Statutes, is amended to read:

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

(8) “Natural emergency” means an emergency caused by a natural event, including, but not limited to, a public health emergency, a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.

Section 3. Subsection (2) of section 252.35, Florida Statutes, is amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

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

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

1. Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: contain guidelines for lifting tolls on state highways; ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes; and establish policies and strategies for emergency medical evacuations.

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

3. Include a postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum: establish the structure of the state’s postdisaster response and recovery organization; establish procedures for activating the state’s plan; set forth policies used to guide postdisaster response and recovery activities; describe the chain of command during the postdisaster response and recovery period; describe initial and continuous postdisaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish procedures for monitoring mutual aid agreements; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated
with the fire services; ensure the existence of a comprehensive state-wide medical care and relief plan administered by the Department of Health; and establish systems for coordinating volunteers and accepting and distributing donated funds and goods.

4. Include provisions addressing public health emergency preparedness, response, recovery, and mitigation which must be developed in consultation with the Department of Health, the Agency for Health Care Administration, and other agencies as determined appropriate by the division.

5. Include additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the division.

6. Address the need for coordinated and expeditious deployment of state resources, including the Florida National Guard. In the case of an imminent major disaster, procedures should address predeployment of the Florida National Guard, and, in the case of an imminent catastrophic disaster, procedures should address predeployment of the Florida National Guard and the United States Armed Forces.

7. Establish a system of communications and warning to ensure that the state’s population and emergency management agencies are warned of developing emergency situations, including public health emergencies, and can communicate emergency response decisions.

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

9.8. Assign lead and support responsibilities to state
agencies and personnel for emergency support functions and other
support activities.

The complete state comprehensive emergency management plan must
shall be submitted to the President of the Senate, the Speaker
of the House of Representatives, and the Governor on February 1
of every even-numbered year.

(b) Adopt standards and requirements for county emergency
management plans. The standards and requirements must ensure
that county plans are coordinated and consistent with the state
comprehensive emergency management plan. If a municipality
elects to establish an emergency management program, it must
adopt a city emergency management plan that complies with all
standards and requirements applicable to county emergency
management plans.

(c) Assist political subdivisions in preparing and
maintaining emergency management plans.

(d) Review periodically political subdivision emergency
management plans for consistency with the state comprehensive
emergency management plan and standards and requirements adopted
under this section.

(e) Cooperate with the President, the heads of the Armed
Forces, the various federal emergency management agencies, the
Centers for Disease Control and Prevention, and the officers and
agencies of other states in matters pertaining to emergency
management in the state and the nation and incidents thereof
and, in connection therewith, take any measures that it deems proper to carry into effect any request of the President and the appropriate federal officers and agencies for any emergency management action, including the direction or control of:

1. Emergency management drills, tests, or exercises of whatever nature.

2. Warnings and signals for tests and drills, attacks, or other imminent emergencies or threats thereof and the mechanical devices to be used in connection with such warnings and signals.

(f) Make recommendations to the Legislature, building code organizations, and political subdivisions for zoning, building, and other land use controls; safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact.

(g) In accordance with the state comprehensive emergency management plan and program for emergency management, ascertain the requirements of the state and its political subdivisions for equipment and supplies of all kinds in the event of an emergency; plan for and either procure supplies, medicines, materials, and equipment or enter into memoranda of agreement or open purchase orders that will ensure their availability; and use and employ from time to time any of the property, services, and resources within the state in accordance with ss. 252.31-252.90.

(h) Anticipate trends and promote innovations that will enhance the emergency management system.

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

(j) In cooperation with the Department of Education, coordinate with the Agency for Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

(k) Prepare and distribute to appropriate state and local officials catalogs of federal, state, and private assistance programs.

(l) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters.

(m) Establish a schedule of fees that may be charged by local emergency management agencies for review of emergency management plans on behalf of external agencies and
institutions. In establishing such schedule, the division shall consider facility size, review complexity, and other factors.

(n) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local postdisaster response and recovery efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures.

(o) Review periodically emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program.

(p) Make such surveys of industries, resources, and facilities within the state, both public and private, as are necessary to carry out the purposes of ss. 252.31-252.90.

(q) Prepare, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the Governor as are necessary or appropriate for coping with emergencies and disasters.

(r) Cooperate with the Federal Government and any public or private agency or entity in achieving any purpose of ss. 252.31-252.90 and in implementing programs for mitigation, preparation, response, and recovery.

(s) Complete an inventory of portable generators owned by the state and local governments which are capable of operating during a major disaster. The inventory must identify, at a minimum, the location of each generator, the number of
generators stored at each specific location, the agency to which each generator belongs, the primary use of the generator by the owner agency, and the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the division during a declared emergency.

(t) Maintain an inventory list of generators owned by the state and local governments. In addition, the division may keep a list of private entities, along with appropriate contact information, which offer generators for sale or lease. The list of private entities shall be available to the public for inspection in written and electronic formats.

(u) Complete and maintain an inventory of personal protective equipment owned by the state. The inventory must include projections of the need for additional personal protective equipment, as reported by each government agency, to maintain the inventory and replace expired items. The initial inventory must be reported to the Governor, the Chief Justice of the Supreme Court, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2021, and updated annually thereafter. In addition, the division may keep a list of private entities, along with appropriate contact information, which sell personal protective equipment. The list of private entities must be available to the public for inspection in writing and electronically.

(v) Assist political subdivisions with the creation and training of urban search and rescue teams and promote the development and maintenance of a state urban search and rescue program.

(w) Delegate, as necessary and appropriate, authority
vested in it under ss. 252.31-252.90 and provide for the subdelegation of such authority. Any such delegation or subdelegation during a public health emergency must be limited to no more than 30 days and may be renewed only as necessary.

(x)(w) Report biennially to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Governor, no later than February 1 of every odd-numbered year, the status of the emergency management capabilities of the state and its political subdivisions. This report must include the emergency management capabilities related to public health emergencies.

(y)(x) In accordance with chapter 120, create, implement, administer, adopt, amend, and rescind rules, programs, and plans needed to carry out the provisions of ss. 252.31-252.90 with due consideration for, and in cooperating with, the plans and programs of the Federal Government. In addition, the division may adopt rules in accordance with chapter 120 to administer and distribute federal financial predisaster and postdisaster assistance for prevention, mitigation, preparedness, response, and recovery.

(z)(y) Do other things necessary, incidental, or appropriate for the implementation of ss. 252.31-252.90.

Section 4. Subsection (2) of section 252.355, Florida Statutes, is amended to read:

252.355 Registry of persons with special needs; notice; registration program.—

(2) In order to ensure that all persons with special needs may register, the division shall develop and maintain a special needs shelter registration program. In the case of a public
health emergency and the need for physical distancing, the division must maintain information on special needs shelter options for such persons which mitigate the threat of the spread of infectious diseases. The registration program must be developed by January 1, 2015, and fully implemented by March 1, 2015.

(a) The registration program shall include, at a minimum, a uniform electronic registration form and a database for uploading and storing submitted registration forms that may be accessed by the appropriate local emergency management agency. The link to the registration form shall be easily accessible on each local emergency management agency’s website. Upon receipt of a paper registration form, the local emergency management agency shall enter the person’s registration information into the database.

(b) To assist in identifying persons with special needs, home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Department of Education, the Agency for Persons with Disabilities, the Department of Elderly Affairs, and memory disorder clinics shall, and any physician licensed under chapter 458 or chapter 459 and any pharmacy licensed under chapter 465 may, annually provide registration information to all of their special needs clients or their caregivers. The division shall develop a brochure that provides information regarding special needs shelter registration procedures. The brochure must be easily accessible on the division’s website. All appropriate agencies and community-based service providers,
including aging and disability resource centers, memory disorder clinics, home health care providers, hospices, nurse registries, and home medical equipment providers, shall, and any physician licensed under chapter 458 or chapter 459 may, assist emergency management agencies by annually registering persons with special needs for special needs shelters, collecting registration information for persons with special needs as part of the program intake process, and establishing programs to educate clients about the registration process and disaster preparedness safety procedures. A client of a state-funded or federally funded service program who has a physical, mental, or cognitive impairment or sensory disability and who needs assistance in evacuating, or when in a shelter, must register as a person with special needs. The registration program shall give persons with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to ensure their safety and welfare following disasters.

(c) The division shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.

(d) On or before May 31 of each year, each electric utility in the state shall annually notify residential customers in its service area of the availability of the registration program available through their local emergency management agency by:

1. An initial notification upon the activation of new residential service with the electric utility, followed by one
annual notification between January 1 and May 31; or

2. Two separate annual notifications between January 1 and May 31.

The notification may be made by any available means, including, but not limited to, written, electronic, or verbal notification, and may be made concurrently with any other notification to residential customers required by law or rule.

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

252.356 Emergency and disaster planning provisions to assist persons with disabilities or limitations.—State agencies that contract with providers for the care of persons with disabilities or limitations that make such persons dependent upon the care of others shall include emergency and disaster planning provisions in such contracts at the time the contracts are initiated or upon renewal. These provisions shall include, but shall not be limited to:

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

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

252.359 Ensuring availability of emergency supplies.—

(2) As used in this section, the term “essentials” means goods that are consumed or used as a direct result of a declared emergency, or that are consumed or used to preserve, protect, or sustain life, health, safety, or economic well-being. The term
includes personal protective equipment used in the event of a public health emergency.

Section 7. Section 252.36, Florida Statutes, is amended to read:

252.36 Emergency management powers of the Governor.—

(1)(a) The Governor is responsible for meeting the dangers presented to this state and its people by emergencies. In the event of an emergency beyond local control, the Governor, or, in the Governor’s absence, her or his successor as provided by law, may assume direct operational control over all or any part of the emergency management functions within this state, and she or he shall have the power through proper process of law to carry out the provisions of this section consistent with legislative policy and intent. The Governor is authorized to delegate such powers as she or he may deem prudent.

(b) Pursuant to the authority vested in her or him under paragraph (a), the Governor may issue executive orders, proclamations, and rules and may amend or rescind them. Such executive orders, proclamations, and rules shall have the force and effect of law and must be limited in duration to no more than 30 days. An executive order, a proclamation, or a rule may be reissued for 30-day periods if the emergency conditions persist. If reissued, the order, proclamation, or rule must state with specificity the provisions that are being reissued.

(c) The Legislature intends that, during an extended public health emergency such as the COVID-19 pandemic, there should be a presumption that K-12 public schools, to the greatest extent possible, should remain open so long as the health and safety of students and school personnel can be maintained. The Legislature
also intends that during such an event, there should be a
presumption that businesses should remain open to the greatest
extent possible so long as the health and safety of employees
and customers can be reasonably protected.

1. If the Governor declares by executive order or
proclamation that the emergency requires closure of or
restricted in-person attendance at K-12 public schools, the
executive order or proclamation must contain specific reasons
for those determinations, and he or she must review and reassess
the situation regularly.

2. If the Governor declares by executive order or
proclamation that the emergency requires businesses to have
restricted operations or closures, the executive order or
proclamation must contain specific reasons for those
determinations, and he or she must review and reassess the
situation regularly.

(2) A state of emergency shall be declared by
executive order or proclamation of the Governor if she or he
finds an emergency has occurred or that the occurrence or the
threat thereof is imminent. The state of emergency shall
continue until the Governor finds that the threat or danger has
been dealt with to the extent that the emergency conditions no
longer exist and she or he terminates the state of emergency by
executive order or proclamation, but no state of emergency may
continue for longer than 60 days unless renewed by the Governor.
The Legislature by concurrent resolution may terminate a state
of emergency at any time. Thereupon, the Governor shall issue an
executive order or proclamation ending the state of emergency.

All executive orders or proclamations issued under this section
must shall indicate the nature of the emergency, the area or areas threatened, and the conditions which have brought the emergency about or which make possible its termination. An executive order or proclamation must shall be promptly disseminated by means calculated to bring its contents to the attention of the general public; and, unless the circumstances attendant upon the emergency prevent or impede such filing, the order or proclamation must shall be filed promptly with the Department of State, the President of the Senate and the Speaker of the House of Representatives, and in the offices of the county commissioners in the counties to which the order or proclamation applies.

(3)(a) At any time, the Legislature, by concurrent resolution, may terminate a state of emergency or any specific order or directive 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 3 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. The index must include a search category that specifically identifies emergency orders that are in effect at any given time. This subsection
applies retroactively to all executive emergency declarations and orders that are in effect when this subsection takes effect.

(4) An executive order or proclamation of a state of emergency must shall:

(a) Activate the emergency mitigation, response, and recovery aspects of the state, local, and interjurisdictional emergency management plans applicable to the political subdivision or area in question; and

(b) Be authority for the deployment and use of any forces to which the plan or plans apply and for the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to ss. 252.31-252.90 or any other provision of law relating to emergencies.

(c) Identify whether the state of emergency is due to a minor, major, or catastrophic disaster.

1. For a major or catastrophic disaster, the proclamation is authority for a health care practitioner licensed in another state to assist in providing health care in the disaster area according to the provisions specified in the proclamation.

2. For a catastrophic disaster, the proclamation constitutes a formal request for mobilization of the military, which shall be communicated to the President of the United States.

(5)(4) During the continuance of a state of emergency, the Governor is commander in chief of the Florida National Guard and of all other forces available for emergency duty. To the greatest extent practicable, the Governor shall delegate or assign command authority by prior arrangement embodied in
appropriate executive orders or rules, but nothing herein
restricts the Governor’s authority to do so by orders issued at
the time of the emergency.

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

(a) Suspend the provisions of any regulatory statute
prescribing the procedures for conduct of state business or the
orders or rules of any state agency, if strict compliance with
the provisions of any such statute, order, or rule would in any
way prevent, hinder, or delay necessary action in coping with
the emergency. Any such suspension must be consistent with
legislative policy and intent and must expire no later than 30
days after the initial suspension. The suspension may be
reissued for subsequent periods, not to exceed 30 days for each
reissuance, if the conditions underlying the emergency continue.

(b) Use all available resources of the state
government and of each political subdivision of the state, as
reasonably necessary, to respond to cope with the emergency.

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

(d) Subject to any applicable requirements for compensation
under s. 252.43, commandeer or use any private property
if she or he finds this necessary to adequately respond to cope
with the emergency.
(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if she or he deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery.

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation.

(g) Control ingress and egress to and from an emergency area, the movement of persons within the area, and the occupancy of premises therein.

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles. However, nothing contained in ss. 252.31-252.90 shall be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in the commission of a criminal act.

(i) Make provision for the availability and use of temporary emergency housing.

(j) Take effective measures for limiting or suspending lighting devices and appliances, gas and water mains, electric power distribution, and all other utility services in the general public interest.

(k) Take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic prior to, during, and subsequent to drills and actual or threatened emergencies, the calling of public meetings and gatherings, and the evacuation and reception of civilian population, as provided in the emergency management plan of the state and political subdivisions thereof.

(l) Authorize the use of forces already mobilized as the
result of an executive order, rule, or proclamation to assist
the private citizens of the state in cleanup and recovery
operations during emergencies when proper permission to enter
onto or into private property has been obtained from the
property owner. The provisions of s. 768.28(9) apply to this
paragraph.

(m) Authorize businesses and their employees who sell
commodities as defined in s. 501.160(1)(a) to exceed the times
of curfews for the purpose of ensuring that the supplies of
commodities are made available to the public and direct local
law enforcement to assist and accommodate those businesses and
their employees in ensuring that commodities are available in
coping with the emergency.

(n) By executive order, authorize the operator of solid
waste disposal facilities to extend operating hours to ensure
the health, safety, and welfare of the general public.

(o) Waive the patient eligibility requirements of s.
465.1902.

(7) The Governor shall take such action and give such
direction to state and local law enforcement officers and
agencies as may be reasonable and necessary for the purpose of
securing compliance with the provisions of ss. 252.31-252.90 and
with the orders and rules made pursuant thereto.

(8) The Governor shall employ such measures and give
such directions to the Department of Health and the Agency for
Health Care Administration as may be reasonably necessary for
the purpose of securing compliance with the provisions of ss.
252.31-252.90 or with the findings or recommendations of such
agency of health by reason of conditions arising from
emergencies or threats of emergency.

(9) The Governor shall delegate emergency responsibilities to the officers and agencies of the state and of the political subdivisions thereof prior to an emergency or threat of an emergency and shall utilize the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof, including their personnel and other resources, as the primary emergency management forces of the state, and all such officers and agencies shall cooperate with and extend their services and facilities to the division, as it may require.

(10) The Governor and the division shall establish agencies and offices and appoint executive, professional, technical, clerical, and other personnel as may be necessary to carry out the provisions of ss. 252.31-252.90.

(11) The Governor shall formulate and execute plans and rules for the control of traffic in order to provide for the rapid and safe movement or evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry and may coordinate the activities of the departments or agencies of the state and the political subdivisions thereof concerned directly or indirectly with public highways and streets in a manner which will best effectuate such plans.

Section 8. Subsection (3) of section 252.365, Florida Statutes, is amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.—

(3) The 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 a pandemic or another 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 such as the COVID-19 pandemic.

(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 of each
year, each agency must update its plan to include provisions related to preparation for pandemics and other public health emergencies. 

Section 9. Section 252.37, Florida Statutes, is amended to read:

252.37 Financing.—

(1) The Legislature intends and declares it to be the policy of the state that funds to meet emergencies shall always be available.

(2) It is the legislative intent that the first recourse be made to funds regularly appropriated to state and local agencies. 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 or by transferring and expending moneys out of any unappropriated surplus funds or from the Budget Stabilization Fund consistent with legislative policy and intent. Following the expiration or termination of the state of emergency, or 6 months after the expiration or termination of the initial state of emergency, whichever occurs earlier, the Governor may transfer moneys with a budget amendment, subject to approval, in whole or in part, by the Legislative Budget Commission, to satisfy the budget authority granted for such emergency. The expenditures supporting the amendment must be directly related to the stated disaster or emergency.

(3) Nothing contained in This section may not shall be construed to limit the authority of the Governor to apply for,
administer, and expend any grants, gifts, or payments in aid of emergency prevention, mitigation, preparedness, response, or recovery.

(4)(a) Whenever the Federal Government or any agency or officer thereof offers to the state or, through the state, to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, or loan for the purposes of emergency management or recovery, the state, acting through the division, or such political subdivision, acting with the consent of the Governor or the Governor’s authorized representative, may accept such offer. Upon such acceptance, the division or the presiding officer or governing body of such political subdivision may authorize receipt of the gift, grant, or loan on behalf of the state or such political subdivision, subject to the terms of the offer and the rules and regulations of the agency making the offer.

(b) Whenever any person, firm, or corporation offers to the state or to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, loan, or other agreement for the purpose of emergency management, the state, acting through the division, or such political subdivision, acting through its governing body or a local emergency management agency, may accept such offer. Upon such acceptance, the division or the presiding officer or governing body of the political subdivision may authorize receipt of the gift, grant, or loan on behalf of the state or such political subdivision, subject to the terms of the offer.

(5) Unless otherwise specified in the General Appropriations Act:

CODING: Words stricken are deletions; words underlined are additions.
(a) Whenever the state accepts financial assistance from the Federal Government or its agencies under the federal Public Assistance Program and such financial assistance is conditioned upon a requirement for matching funds, the state shall provide the entire match requirement for state agencies and one-half of the required match for grants to local governments. The affected local government shall be required to provide one-half of the required match prior to receipt of such financial assistance.

(b) The Executive Office of the Governor may approve a waiver, subject to the requirement for legislative notice and review under s. 216.177, of all or a portion of the required match for public assistance projects for local governments if the Executive Office of the Governor determines that such a match requirement cannot be provided, or that doing so would impose a documented hardship on the local government, and if the local government applies for the waiver within the first 18 months after the disaster is declared.

(6) Whenever the state accepts financial assistance from the Federal Government or its agencies under the federal Hazard Mitigation Assistance Grant Program and such financial assistance is conditioned upon a requirement for matching funds, the eligible subgrantee recipient shall be required to provide the full amount of the required match prior to receipt of such financial assistance unless otherwise specified in the General Appropriations Act.

The agency or political subdivision must submit in advance a detailed spending plan for any such grants, gifts, loans, funds, payments, services, equipment, supplies, or materials in aid of
or for the purpose of emergency prevention, management, mitigation, preparedness, response, or recovery 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. If an emergency situation precludes the timely advanced submission of a detailed spending plan, the plan must be submitted as soon as practicable, but no later than 30 days after initiation of any expenditures and continuing every 30 days so long as the emergency continues and funds continue to be disbursed.

Section 10. Paragraph (d) of subsection (1) of 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.

(1) COUNTIES.—

(d) During a declared state or local emergency, including a public health 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.

Section 11. 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 address the hurricane shelter needs of the state, including during times of a concurrent public health emergency that necessitates more space for each individual in such shelters to accommodate physical distancing. In addition to information on the general shelter needs throughout this state, the plan shall identify the general location and square footage of special needs shelters, by regional planning council region, during the next 5 years. The plan shall 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. Retrofitted facilities 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 12. 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 encroachment 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 13. 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 14. Notwithstanding the requirements of s. 252.37,
Florida Statutes, as amended by this act, and for purposes of the declaration of emergency issued by the Governor for the COVID-19 pandemic, any budget amendment submitted in accordance with s. 252.37, Florida Statutes, upon the effective date of this act is subject to approval, in whole or in part, by the Legislative Budget Commission.

Section 15. For purposes of this act, all executive orders issued pursuant to an emergency declaration by the Governor, including through delegated or subdelegated authority, which are issued more than 30 days before July 1, 2021, will expire upon the effective date of this act; however, an expired executive order may be reissued for 30-day periods if the emergency conditions persist, and if the reissued order states with specificity the provisions that are being reissued.

Section 16. This act shall take effect July 1, 2021.