

By Senator Burgess

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1 A bill to be entitled
2 An act relating to emergency management; amending s.
3 252.311, F.S.; revising legislative intent with
4 respect to the State Emergency Management Act;
5 amending s. 252.34, F.S.; revising the definition of
6 the term "natural emergency" to include public health
7 emergencies; amending s. 252.35, F.S.; requiring the
8 Division of Emergency Management's comprehensive
9 emergency plan to include specified provisions
10 regarding public health emergency preparedness,
11 response, recovery, and mitigation; requiring the
12 division to cooperate with the Centers for Disease
13 Control and Prevention; requiring statewide awareness
14 and education programs to include education on public
15 health emergency preparedness and mitigation;
16 requiring the division to complete and maintain an
17 inventory of personal protection equipment;
18 prescribing reporting requirements regarding the
19 inventory; authorizing the division to maintain a list
20 of private entities that can provide personal
21 protective equipment; providing limitations on the
22 timeframe within which the division may delegate or
23 subdelegate certain authorities granted under the
24 State Emergency Management Act; requiring the division
25 to report biennially to the Chief Justice of the
26 Supreme Court on the status of emergency management
27 capabilities; requiring such report to include matters
28 relating to public health emergencies; amending s.
29 252.355, F.S.; requiring the division to maintain

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30 certain information on special needs options during
31 certain public health emergencies; deleting obsolete
32 language; amending s. 252.356, F.S.; requiring state
33 agencies that contract with providers for the care of
34 persons with certain disabilities or limitations to
35 include in such contracts a procedure for providing
36 essential services in preparation for, during, and
37 following public health emergencies; amending s.
38 252.359, F.S.; redefining the term "essentials" to
39 include personal protective equipment used during
40 public health emergencies; amending s. 252.36, F.S.;
41 limiting the duration of emergency orders; authorizing
42 such orders to be renewed if certain conditions are
43 met; clarifying that the Governor is responsible for
44 meeting the needs arising out of emergencies
45 consistent with legislative policy and intent;
46 providing a presumption that K-12 public schools
47 should remain open if possible during an extended
48 public health emergency; providing a presumption that
49 businesses should remain open if possible during an
50 extended public health emergency; requiring the
51 Governor to provide specific reasons if such schools
52 or businesses are to close as part of an emergency
53 declaration; requiring the Governor to regularly
54 review and reassess any issued emergency declarations;
55 requiring the Governor to provide notice of
56 declarations of emergencies to the Legislature;
57 expanding the Legislature's authority to terminate
58 states of emergency; requiring that all emergency

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59 declarations and orders be filed with the Division of
60 Administrative Hearings within a specified timeframe;
61 specifying that failure to timely file such
62 declarations or orders results in their being voided;
63 requiring the division to index and make such
64 emergency orders available on its website; providing
65 for retroactive application; limiting the suspension
66 of any regulatory statute during a state of emergency
67 to a specified timeframe; authorizing any such
68 suspensions to be extended for additional timeframes
69 if certain conditions are met; requiring notice to the
70 Legislature if a transfer of direction, personnel, or
71 functions of state departments and agencies is made to
72 facilitate emergency services; amending s. 252.365,
73 F.S.; specifying that disaster preparedness plans of
74 specified agencies must address circumstances
75 including a pandemic or another public health
76 emergency; providing that the baseline of preparedness
77 consider and include rapid and large-scale increases
78 in the public's access of government services through
79 technology or other means during an emergency;
80 requiring that such plans include the availability and
81 distribution of personal protective equipment;
82 requiring agencies to update disaster preparedness
83 plans on an annual basis; amending s. 252.37, F.S.;
84 requiring that emergency spending from the Budget
85 Stabilization Fund be consistent with legislative
86 policy and intent; requiring the Governor to transfer
87 any such funds within a specified timeframe; requiring

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88 such expenditures to be directly related to the
89 disaster or emergency; requiring the state or
90 political subdivision to submit a spending plan for
91 certain emergency funds to the Legislature; amending
92 s. 252.38, F.S.; requiring district school boards to
93 provide facilities and necessary staff for such
94 facilities during public health emergencies; amending
95 s. 252.385, F.S.; requiring the division's hurricane
96 shelter plan to address hurricane shelter needs during
97 public health emergencies; amending s. 252.44, F.S.;
98 requiring emergency mitigation planning by state
99 agencies to include agencies with jurisdiction over
100 public health; amending 377.703, F.S., conforming a
101 cross-reference; requiring certain budget amendments
102 to be approved by the Legislative Budget Commission,
103 under certain conditions; providing that any emergency
104 orders issued before a specified date will expire but
105 may be reissued if certain conditions exist and a
106 certain requirement is met; providing an effective
107 date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Section 252.311, Florida Statutes, is amended to
112 read:

113 252.311 Legislative intent.—

114 (1) The Legislature finds and declares that the state is
115 vulnerable to a wide range of emergencies, including natural,
116 technological, and manmade disasters, all of which threaten the

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117 life, health, and safety of its people; damage and destroy
118 property; disrupt services and everyday business and
119 recreational activities; and impede economic growth and
120 development. The Legislature further finds that this
121 vulnerability is exacerbated by the tremendous growth in the
122 state's population, especially the growth in the number of
123 persons residing in coastal areas, in the elderly population, in
124 the number of seasonal vacationers, and in the number of persons
125 with special needs. This growth has greatly complicated the
126 state's ability to coordinate its emergency management resources
127 and activities.

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

140 (3) It is further the intent of the Legislature to promote
141 the state's emergency preparedness, response, recovery, and
142 mitigation capabilities through enhanced coordination, long-term
143 planning, and adequate funding. State policy for responding to
144 disasters is to support local emergency response efforts. In the
145 case of a major or catastrophic disaster, however, the needs of

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146 residents and communities will likely be greater than local
147 resources. In these situations, the state must be capable of
148 providing effective, coordinated, and timely support to
149 communities and the public. Therefore, the Legislature hereby
150 determines and declares that the provisions of this act fulfill
151 an important state interest.

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

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

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

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

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

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

172 252.35 Emergency management powers; Division of Emergency
173 Management.—

174 (2) The division is responsible for carrying out the

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175 provisions of ss. 252.31-252.90. In performing its duties, the
176 division shall:

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

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

200 2. Include a shelter component that includes specific
201 regional and interregional planning provisions and promotes
202 coordination of shelter activities between the public, private,
203 and nonprofit sectors. This component must, at a minimum:

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204 contain strategies to ensure the availability of adequate public
205 shelter space in each region of the state; establish strategies
206 for refuge-of-last-resort programs; provide strategies to assist
207 local emergency management efforts to ensure that adequate
208 staffing plans exist for all shelters, including medical and
209 security personnel; provide for a postdisaster communications
210 system for public shelters; establish model shelter guidelines
211 for operations, registration, inventory, power generation
212 capability, information management, and staffing; and set forth
213 policy guidance for sheltering people with special needs.

214 3. Include a postdisaster response and recovery component
215 that includes specific regional and interregional planning
216 provisions and promotes intergovernmental coordination of
217 postdisaster response and recovery activities. This component
218 must provide for postdisaster response and recovery strategies
219 according to whether a disaster is minor, major, or
220 catastrophic. The postdisaster response and recovery component
221 must, at a minimum: establish the structure of the state's
222 postdisaster response and recovery organization; establish
223 procedures for activating the state's plan; set forth policies
224 used to guide postdisaster response and recovery activities;
225 describe the chain of command during the postdisaster response
226 and recovery period; describe initial and continuous
227 postdisaster response and recovery actions; identify the roles
228 and responsibilities of each involved agency and organization;
229 provide for a comprehensive communications plan; establish
230 procedures for monitoring mutual aid agreements; provide for
231 rapid impact assessment teams; ensure the availability of an
232 effective statewide urban search and rescue program coordinated

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233 with the fire services; ensure the existence of a comprehensive
234 statewide medical care and relief plan administered by the
235 Department of Health; and establish systems for coordinating
236 volunteers and accepting and distributing donated funds and
237 goods.

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

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

246 ~~6.5.~~ Address the need for coordinated and expeditious
247 deployment of state resources, including the Florida National
248 Guard. In the case of an imminent major disaster, procedures
249 should address predeployment of the Florida National Guard, and,
250 in the case of an imminent catastrophic disaster, procedures
251 should address predeployment of the Florida National Guard and
252 the United States Armed Forces.

253 ~~7.6.~~ Establish a system of communications and warning to
254 ensure that the state's population and emergency management
255 agencies are warned of developing emergency situations,
256 including public health emergencies, and can communicate
257 emergency response decisions.

258 ~~8.7.~~ Establish guidelines and schedules for annual
259 exercises that evaluate the ability of the state and its
260 political subdivisions to respond to minor, major, and
261 catastrophic disasters and support local emergency management

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262 agencies. Such exercises shall be coordinated with local
263 governments and, to the extent possible, the Federal Government.

264 ~~9.8.~~ Assign lead and support responsibilities to state
265 agencies and personnel for emergency support functions and other
266 support activities.

267
268 The complete state comprehensive emergency management plan must
269 ~~shall~~ be submitted to the President of the Senate, the Speaker
270 of the House of Representatives, and the Governor on February 1
271 of every even-numbered year.

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

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

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

286 (e) Cooperate with the President, the heads of the Armed
287 Forces, the various federal emergency management agencies, the
288 Centers for Disease Control and Prevention, and the officers and
289 agencies of other states in matters pertaining to emergency
290 management in the state and the nation and incidents thereof

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291 and, in connection therewith, take any measures that it deems
292 proper to carry into effect any request of the President and the
293 appropriate federal officers and agencies for any emergency
294 management action, including the direction or control of:

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

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

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

306 (g) In accordance with the state comprehensive emergency
307 management plan and program for emergency management, ascertain
308 the requirements of the state and its political subdivisions for
309 equipment and supplies of all kinds in the event of an
310 emergency; plan for and either procure supplies, medicines,
311 materials, and equipment or enter into memoranda of agreement or
312 open purchase orders that will ensure their availability; and
313 use and employ from time to time any of the property, services,
314 and resources within the state in accordance with ss. 252.31-
315 252.90.

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

318 (i) Institute statewide public awareness programs,
319 including. ~~This shall include~~ an intensive public educational

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320 campaign on emergency preparedness issues. Such programs must
321 include, ~~including~~, but need not be limited to, the personal
322 responsibility of individual citizens to be self-sufficient for
323 up to 72 hours following a natural or manmade disaster or a
324 public health emergency. The public educational campaign must
325 ~~shall~~ include relevant information on public health emergency
326 mitigation, statewide disaster plans, evacuation routes, fuel
327 suppliers, and shelters. All educational materials must be
328 available in alternative formats and mediums to ensure that they
329 are available to persons with disabilities.

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

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

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

346 (m) Establish a schedule of fees that may be charged by
347 local emergency management agencies for review of emergency
348 management plans on behalf of external agencies and

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349 institutions. In establishing such schedule, the division shall
350 consider facility size, review complexity, and other factors.

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

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

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

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

370 (r) Cooperate with the Federal Government and any public or
371 private agency or entity in achieving any purpose of ss. 252.31-
372 252.90 and in implementing programs for mitigation, preparation,
373 response, and recovery.

374 (s) Complete an inventory of portable generators owned by
375 the state and local governments which are capable of operating
376 during a major disaster. The inventory must identify, at a
377 minimum, the location of each generator, the number of

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378 generators stored at each specific location, the agency to which
379 each generator belongs, the primary use of the generator by the
380 owner agency, and the names, addresses, and telephone numbers of
381 persons having the authority to loan the stored generators as
382 authorized by the division during a declared emergency.

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

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

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

406 (w) ~~(v)~~ Delegate, as necessary and appropriate, authority

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407 vested in it under ss. 252.31-252.90 and provide for the
408 subdelegation of such authority. Any such delegation or
409 subdelegation during a public health emergency must be limited
410 to no more than 30 days and may be renewed only as necessary.

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

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

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

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

431 252.355 Registry of persons with special needs; notice;
432 registration program.—

433 (2) In order to ensure that all persons with special needs
434 may register, the division shall develop and maintain a special
435 needs shelter registration program. In the case of a public

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436 health emergency and the need for physical distancing, the
437 division must maintain information on special needs shelter
438 options for such persons which mitigate the threat of the spread
439 of infectious diseases ~~The registration program must be~~
440 ~~developed by January 1, 2015, and fully implemented by March 1,~~
441 ~~2015.~~

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

451 (b) To assist in identifying persons with special needs,
452 home health agencies, hospices, nurse registries, home medical
453 equipment providers, the Department of Children and Families,
454 the Department of Health, the Agency for Health Care
455 Administration, the Department of Education, the Agency for
456 Persons with Disabilities, the Department of Elderly Affairs,
457 and memory disorder clinics shall, and any physician licensed
458 under chapter 458 or chapter 459 and any pharmacy licensed under
459 chapter 465 may, annually provide registration information to
460 all of their special needs clients or their caregivers. The
461 division shall develop a brochure that provides information
462 regarding special needs shelter registration procedures. The
463 brochure must be easily accessible on the division's website.
464 All appropriate agencies and community-based service providers,

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465 including aging and disability resource centers, memory disorder
466 clinics, home health care providers, hospices, nurse registries,
467 and home medical equipment providers, shall, and any physician
468 licensed under chapter 458 or chapter 459 may, assist emergency
469 management agencies by annually registering persons with special
470 needs for special needs shelters, collecting registration
471 information for persons with special needs as part of the
472 program intake process, and establishing programs to educate
473 clients about the registration process and disaster preparedness
474 safety procedures. A client of a state-funded or federally
475 funded service program who has a physical, mental, or cognitive
476 impairment or sensory disability and who needs assistance in
477 evacuating, or when in a shelter, must register as a person with
478 special needs. The registration program shall give persons with
479 special needs the option of preauthorizing emergency response
480 personnel to enter their homes during search and rescue
481 operations if necessary to ensure their safety and welfare
482 following disasters.

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

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

492 1. An initial notification upon the activation of new
493 residential service with the electric utility, followed by one

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494 annual notification between January 1 and May 31; or

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

497
498 The notification may be made by any available means, including,
499 but not limited to, written, electronic, or verbal notification,
500 and may be made concurrently with any other notification to
501 residential customers required by law or rule.

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

504 252.356 Emergency and disaster planning provisions to
505 assist persons with disabilities or limitations.—State agencies
506 that contract with providers for the care of persons with
507 disabilities or limitations that make such persons dependent
508 upon the care of others shall include emergency and disaster
509 planning provisions in such contracts at the time the contracts
510 are initiated or upon renewal. These provisions shall include,
511 but shall not be limited to:

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

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

518 252.359 Ensuring availability of emergency supplies.—

519 (2) As used in this section, the term "essentials" means
520 goods that are consumed or used as a direct result of a declared
521 emergency, or that are consumed or used to preserve, protect, or
522 sustain life, health, safety, or economic well-being. The term

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523 includes personal protective equipment used in the event of a
524 public health emergency.

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

527 252.36 Emergency management powers of the Governor.—

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

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

547 (c) The Legislature intends that, during an extended public
548 health emergency such as the COVID-19 pandemic, there should be
549 a presumption that K-12 public schools, to the greatest extent
550 possible, should remain open so long as the health and safety of
551 students and school personnel can be maintained. The Legislature

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552 also intends that during such an event, there should be a
553 presumption that businesses should remain open to the greatest
554 extent possible so long as the health and safety of employees
555 and customers can be reasonably protected.

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

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

568 (2) A state of emergency must ~~shall~~ be declared by
569 executive order or proclamation of the Governor if she or he
570 finds an emergency has occurred or that the occurrence or the
571 threat thereof is imminent. The state of emergency must ~~shall~~
572 continue until the Governor finds that the threat or danger has
573 been dealt with to the extent that the emergency conditions no
574 longer exist and she or he terminates the state of emergency by
575 executive order or proclamation, but no state of emergency may
576 continue for longer than 60 days unless renewed by the Governor.
577 ~~The Legislature by concurrent resolution may terminate a state~~
578 ~~of emergency at any time. Thereupon, the Governor shall issue an~~
579 ~~executive order or proclamation ending the state of emergency.~~
580 All executive orders or proclamations issued under this section

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581 ~~must shall~~ indicate the nature of the emergency, the area or
582 areas threatened, and the conditions which have brought the
583 emergency about or which make possible its termination. An
584 executive order or proclamation must ~~shall~~ be promptly
585 disseminated by means calculated to bring its contents to the
586 attention of the general public; and, unless the circumstances
587 attendant upon the emergency prevent or impede such filing, the
588 order or proclamation must ~~shall~~ be filed promptly with the
589 Department of State, the President of the Senate and the Speaker
590 of the House of Representatives, and ~~in~~ the offices of the
591 county commissioners in the counties to which the order or
592 proclamation applies.

593 (3) (a) At any time, the Legislature, by concurrent
594 resolution, may terminate a state of emergency or any specific
595 order or directive thereunder. Upon such concurrent resolution,
596 the Governor shall issue an executive order or proclamation
597 consistent with the concurrent resolution.

598 (b) Notwithstanding s. 252.46(2), all emergency
599 declarations and orders, regardless of how titled, issued under
600 the authority of this part by the Governor or any agency,
601 whether by direct, delegated, or subdelegated authority, before,
602 during, or after a declared emergency must be immediately filed
603 with the Division of Administrative Hearings. Failure to file
604 any such declaration or order with the division within 3 days
605 after issuance voids the declaration or order. The division
606 shall index all such declarations and orders and make them
607 available in searchable format on its website. The index must
608 include a search category that specifically identifies emergency
609 orders that are in effect at any given time. This subsection

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610 applies retroactively to all executive emergency declarations
611 and orders that are in effect when this subsection takes effect.

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

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

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

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

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

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

634 (5)~~(4)~~ During the continuance of a state of emergency, the
635 Governor is commander in chief of the Florida National Guard and
636 of all other forces available for emergency duty. To the
637 greatest extent practicable, the Governor shall delegate or
638 assign command authority by prior arrangement embodied in

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639 appropriate executive orders or rules, but nothing herein
640 restricts the Governor's authority to do so by orders issued at
641 the time of the emergency.

642 ~~(6)-(5)~~ In addition to any other powers conferred upon the
643 Governor by law, she or he may:

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

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

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

664 (d) Subject to any applicable requirements for compensation
665 under s. 252.43, commandeer or use ~~utilize~~ any private property
666 if she or he finds this necessary to adequately respond to ~~cope~~
667 ~~with~~ the emergency.

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668 (e) Direct and compel the evacuation of all or part of the
669 population from any stricken or threatened area within the state
670 if she or he deems this action necessary for the preservation of
671 life or other emergency mitigation, response, or recovery.

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

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

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

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

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

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

696 (l) Authorize the use of forces already mobilized as the

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697 result of an executive order, rule, or proclamation to assist
698 the private citizens of the state in cleanup and recovery
699 operations during emergencies when proper permission to enter
700 onto or into private property has been obtained from the
701 property owner. The provisions of s. 768.28(9) apply to this
702 paragraph.

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

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

713 (o) Waive the patient eligibility requirements of s.
714 465.1902.

715 (7)~~(6)~~ The Governor shall take such action and give such
716 direction to state and local law enforcement officers and
717 agencies as may be reasonable and necessary for the purpose of
718 securing compliance with the provisions of ss. 252.31-252.90 and
719 with the orders and rules made pursuant thereto.

720 (8)~~(7)~~ The Governor shall employ such measures and give
721 such directions to the Department of Health and the Agency for
722 Health Care Administration as may be reasonably necessary for
723 the purpose of securing compliance with the provisions of ss.
724 252.31-252.90 or with the findings or recommendations of such
725 agency of health by reason of conditions arising from

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726 emergencies or threats of emergency.

727 (9)~~(8)~~ The Governor shall delegate emergency
728 responsibilities to the officers and agencies of the state and
729 of the political subdivisions thereof prior to an emergency or
730 threat of an emergency and shall utilize the services and
731 facilities of existing officers and agencies of the state and of
732 the political subdivisions thereof, including their personnel
733 and other resources, as the primary emergency management forces
734 of the state, and all such officers and agencies shall cooperate
735 with and extend their services and facilities to the division,
736 as it may require.

737 (10)~~(9)~~ The Governor and the division shall establish
738 agencies and offices and appoint executive, professional,
739 technical, clerical, and other personnel as may be necessary to
740 carry out the provisions of ss. 252.31-252.90.

741 (11)~~(10)~~ The Governor shall formulate and execute plans and
742 rules for the control of traffic in order to provide for the
743 rapid and safe movement or evacuation over public highways and
744 streets of people, troops, or vehicles and materials for
745 national defense or for use in any defense industry and may
746 coordinate the activities of the departments or agencies of the
747 state and the political subdivisions thereof concerned directly
748 or indirectly with public highways and streets in a manner which
749 will best effectuate such plans.

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

752 252.365 Emergency coordination officers; disaster-
753 preparedness plans.—

754 (3) The emergency coordination officers shall ensure ~~These~~

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755 ~~individuals shall be responsible for ensuring~~ that each state
756 agency and facility, such as a prison, office building, or
757 university, has a disaster preparedness plan that is coordinated
758 with the applicable local emergency-management agency and
759 approved by the division.

760 (a) The disaster-preparedness plan must outline a
761 comprehensive and effective program to ensure continuity of
762 essential state functions under all circumstances, including a
763 pandemic or another public health emergency. The plan must
764 identify a baseline of preparedness for a full range of
765 potential emergencies to establish a viable capability to
766 perform essential functions during any emergency or other
767 situation that disrupts normal operations. This baseline must
768 consider and include preparedness for rapid and large-scale
769 increases in the public's need to access government services
770 through technology or other means during an emergency such as
771 the COVID-19 pandemic.

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

782 (c) The division shall develop and distribute guidelines
783 for developing and implementing the plan. By December 31 of each

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

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

789 252.37 Financing.—

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

793 (2) It is the legislative intent that the first recourse be
794 made to funds regularly appropriated to state and local
795 agencies. If the Governor finds that the demands placed upon
796 these funds in coping with a particular disaster declared by the
797 Governor as a state of emergency are unreasonably great, she or
798 he may make funds available by transferring and expending moneys
799 appropriated for other purposes or ~~τ~~ by transferring and
800 expending moneys out of any unappropriated surplus funds~~τ~~ or
801 from the Budget Stabilization Fund consistent with legislative
802 policy and intent. Following the expiration or termination of
803 the state of emergency, or 6 months after the expiration or
804 termination of the initial state of emergency, whichever occurs
805 earlier, the Governor may transfer moneys with a budget
806 amendment, subject to approval, in whole or in part, by the
807 Legislative Budget Commission, to satisfy the budget authority
808 granted for such emergency. The expenditures supporting the
809 amendment must be directly related to the stated disaster or
810 emergency.

811 (3) ~~Nothing contained in~~ This section may not shall be
812 construed to limit the authority of the Governor to apply for,

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813 administer, and expend any grants, gifts, or payments in aid of
814 emergency prevention, mitigation, preparedness, response, or
815 recovery.

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

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

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

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842 (a) Whenever the state accepts financial assistance from
843 the Federal Government or its agencies under the federal Public
844 Assistance Program and such financial assistance is conditioned
845 upon a requirement for matching funds, the state shall provide
846 the entire match requirement for state agencies and one-half of
847 the required match for grants to local governments. The affected
848 local government shall be required to provide one-half of the
849 required match prior to receipt of such financial assistance.

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

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

867
868 The agency or political subdivision must submit in advance a
869 detailed spending plan for any such grants, gifts, loans, funds,
870 payments, services, equipment, supplies, or materials in aid of

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871 or for the purpose of emergency prevention, management,
872 mitigation, preparedness, response, or recovery received under
873 this section to the President of the Senate, the Speaker of the
874 House of Representatives, and the chairs of the legislative
875 appropriations committees. If an emergency situation precludes
876 the timely advanced submission of a detailed spending plan, the
877 plan must be submitted as soon as practicable, but no later than
878 30 days after initiation of any expenditures and continuing
879 every 30 days so long as the emergency continues and funds
880 continue to be disbursed.

881 Section 10. Paragraph (d) of subsection (1) of section
882 252.38, Florida Statutes, is amended to read:

883 252.38 Emergency management powers of political
884 subdivisions.—Safeguarding the life and property of its citizens
885 is an innate responsibility of the governing body of each
886 political subdivision of the state.

887 (1) COUNTIES.—

888 (d) During a declared state or local emergency, including a
889 public health emergency, and upon the request of the director of
890 a local emergency management agency, the district school board
891 or school boards in the affected area shall participate in
892 emergency management by providing facilities and necessary
893 personnel to staff such facilities. Each school board providing
894 transportation assistance in an emergency evacuation shall
895 coordinate the use of its vehicles and personnel with the local
896 emergency management agency.

897 Section 11. Subsections (1), (2), and (3) of section
898 252.385, Florida Statutes, are amended to read:

899 252.385 Public shelter space.—

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

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

916 (b) By January 31 of each even-numbered year, the division
917 shall prepare and submit a statewide emergency shelter plan to
918 the Governor and Cabinet for approval, subject to the
919 requirements for approval in s. 1013.37(2). The emergency
920 shelter plan must address the hurricane shelter needs of the
921 state, including during times of a concurrent public health
922 emergency that necessitates more space for each individual in
923 such shelters to accommodate physical distancing. In addition to
924 information on the general shelter needs throughout this state,
925 the plan must ~~shall~~ identify the general location and square
926 footage of special needs shelters, by regional planning council
927 region, during the next 5 years. The plan must ~~shall~~ also
928 include information on the availability of shelters that accept

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929 pets. The Department of Health shall assist the division in
930 determining the estimated need for special needs shelter space
931 and the adequacy of facilities to meet the needs of persons with
932 special needs based on information from the registries of
933 persons with special needs and other information.

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

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

948 252.44 Emergency mitigation.—

949 (1) In addition to prevention measures included in the
950 state and local comprehensive emergency management plans, the
951 Governor shall consider on a continuing basis steps that could
952 be taken to mitigate the harmful consequences of emergencies. At
953 the Governor's direction and pursuant to any other authority and
954 competence they have, state agencies, including, but not limited
955 to, those charged with responsibilities in connection with
956 protecting and maintaining the public health, flood plain
957 management, stream encroachment and flow regulation, weather

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958 modification, fire prevention and control, air quality, public
959 works, land use and land use planning, and construction
960 standards, shall make studies of emergency-mitigation-related
961 matters. The Governor, from time to time, shall make such
962 recommendations to the Legislature, local governments, and other
963 appropriate public and private entities as may facilitate
964 measures for mitigation of the harmful consequences of
965 emergencies.

966 Section 13. Paragraph (a) of subsection (2) of section
967 377.703, Florida Statutes, is amended to read:

968 377.703 Additional functions of the Department of
969 Agriculture and Consumer Services.—

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

973 (a) The Division of Emergency Management is responsible for
974 the development of an energy emergency contingency plan to
975 respond to serious shortages of primary and secondary energy
976 sources. Upon a finding by the Governor, implementation of any
977 emergency program shall be upon order of the Governor that a
978 particular kind or type of fuel is, or that the occurrence of an
979 event which is reasonably expected within 30 days will make the
980 fuel, in short supply. The Division of Emergency Management
981 shall then respond by instituting the appropriate measures of
982 the contingency plan to meet the given emergency or energy
983 shortage. The Governor may utilize the provisions of s.
984 252.36(6) ~~s. 252.36(5)~~ to carry out any emergency actions
985 required by a serious shortage of energy sources.

986 Section 14. Notwithstanding the requirements of s. 252.37,

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987 Florida Statutes, as amended by this act, and for purposes of
988 the declaration of emergency issued by the Governor for the
989 COVID-19 pandemic, any budget amendment submitted in accordance
990 with s. 252.37, Florida Statutes, upon the effective date of
991 this act is subject to approval, in whole or in part, by the
992 Legislative Budget Commission.

993 Section 15. For purposes of this act, all executive orders
994 issued pursuant to an emergency declaration by the Governor,
995 including through delegated or subdelegated authority, which are
996 issued more than 30 days before July 1, 2021, will expire upon
997 the effective date of this act; however, an expired executive
998 order may be reissued for 30-day periods if the emergency
999 conditions persist, and if the reissued order states with
1000 specificity the provisions that are being reissued.

1001 Section 16. This act shall take effect July 1, 2021.