By the Committee on Appropriations; and Senator Burgess

A bill to be entitled
An act relating to emergency management; amending s. 11.90, F.S.; authorizing the Legislative Budget Commission to convene to transfer certain funds to the Emergency Preparedness and Response Fund; amending s. 252.311, F.S.; revising legislative intent with respect to the State Emergency Management Act; amending s. 252.34, F.S.; defining terms; amending s. 252.35, F.S.; requiring that the state comprehensive emergency management plan provide for certain public health emergency communications and include the Department of Health’s public health emergency plan; requiring the Division of Emergency Management to cooperate with federal and state health agencies; 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; directing the division to submit a specified annual report to the Governor, the Legislature, and the Chief Justice of the Supreme Court; providing limitations on the timeframe for delegation of certain authorities by the division; requiring the division to submit a specified biennial report to the Chief Justice of the Supreme Court; 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, proclamations, and rules issued by the Governor; providing legislative 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 include specific reasons for closing or restricting in-person attendance at K-12 public schools and for closing or restricting operations of businesses during an extended public health emergency; requiring the Governor to provide specific reasons if such schools or businesses are closed 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 within a specified timeframe; requiring such orders to be searchable by specified criteria; requiring that the Division of Emergency Management publish a link to the index on its website; providing for retroactive application; directing the Governor to report certain department and agency activities to the Legislature during a state of emergency; creating s. 252.3611, F.S.; requiring specified information to be included in orders, proclamations, and rules issued by the Governor, the division, or an agency; directing the Governor to submit specified contracts to the Legislature; directing specified entities to submit reports to the Legislature; directing the Auditor General to conduct specified financial audits; amending s. 252.365, F.S.; requiring that disaster preparedness plans of specified agencies address pandemics and public health emergencies and include certain increases in public access of government services and availability and distribution of personal protective equipment during an emergency; directing agencies to update disaster preparedness plans by a specified date; amending s. 252.37, F.S.; revising legislative intent; authorizing the Governor to transfer and expend moneys in the Emergency
Preparedness and Response Fund; requiring certain notice and approval for the transfer and expenditure of specified funds; providing that if the President of the Senate and Speaker of the House of Representatives object in writing to the transfer, the Governor must void the action; authorizing the Governor to request additional funds from the Emergency Preparedness and Response Fund, subject to approval by the Legislative Budget Commission; providing construction; requiring state agencies, counties, or municipalities to submit to the Legislature a spending plan for certain emergency funds; 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 s. 252.46, F.S.; providing that a failure by a political subdivision to file certain orders and rules with specified entities within a specified timeframe voids the issued orders or rules; requiring that certain orders be available on a dedicated website; requiring the Division of Emergency Management to provide such links on its website in a specified format; amending s. 377.703, F.S.; conforming a cross-reference; amending s. 381.00315, F.S.; revising a definition; directing the Department of Health to develop a specified public health emergency plan; directing the State Health Officer to
establish methods of reporting certain data;
authorizing the State Health Officer to order and
request assistance with specified duties; amending s.
406.11, F.S.; requiring district medical examiners to
certify deaths and to assist the State Health Officer
with certain functions upon request; 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; requiring the
Department of Business and Professional Regulation, by
a specified date, to review all executive orders
issued under its delegated authority during the COVID-
19 pandemic to make recommendations to the
Legislature; providing effective dates.

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

Section 1. Contingent upon SB 1892 or similar legislation
creating the Emergency Preparedness and Response Fund taking
effect, subsection (8) is added to section 11.90, Florida
Statutes, to read:

11.90 Legislative Budget Commission.—
(8) The commission may convene to transfer unappropriated
surplus funds to the Emergency Preparedness and Response Fund.

Section 2. 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 made transparent to the public to the greatest extent possible.

Section 3. Present subsections (9) and (10) of section 252.34, Florida Statutes, are redesignated as subsections (10) and (12), respectively, and new subsections (9) and (11) are added to that section, to read:

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

(9) “Personal protective equipment” means protective clothing or equipment designed to protect an individual person from injury or the spread of infection.

(11) “Public health emergency” means any occurrence, or threat thereof, whether natural or manmade, which results or may result in substantial injury or harm to the public health from
infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters, declared as a public health emergency as declared by the State Health Officer.

Section 4. 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 adopt the plan as a rule in accordance with chapter 120. The plan shall be implemented by a continuous, integrated comprehensive emergency management program. The plan must 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 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
statewide 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 additional provisions addressing aspects of
preparedness, response, recovery, and mitigation as determined
necessary by the division.

5. 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.

6. 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.
7. 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.

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

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

The complete state comprehensive emergency management plan must 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, federal or state health agencies, 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 residents 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) Acquire and maintain a supply of personal protective equipment owned by the state for use by state agencies and to assist local government and the private sector in meeting safety needs during a declared emergency. The division shall conduct regular inventories of the supply, which must include projections of the need for additional personal protective equipment, as assessed by each governmental agency, to maintain the supply and replace expired items. The division shall maintain and replace the equipment on a standardized schedule that recognizes equipment expiration and obsolescence. This paragraph is subject to appropriation. The initial inventory must be reported by December 31, 2021, to the Governor, the
President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court and, thereafter, the inventory must be reported by each December 31 to those officers.

(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. The duration of each such delegation or subdelegation during an emergency may not exceed 60 days; however a delegation or subdelegation may be renewed during the emergency, as necessary.

(x) 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, as determined in collaboration with the Department of Health.

(y) 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 5. 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. During a public health emergency in which physical distancing is necessary, as determined by the State Health Officer, the division must maintain information on special needs shelter options that 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 6. 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 7. 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, but is not limited to, personal protective equipment
used in the event of a public health emergency.

Section 8. Present subsections (3) through (10) of section
252.36, Florida Statutes, are redesignated as subsections (4)
through (11), respectively, a new subsection (3) is added to
that section, and subsections (1) and (2) and paragraph (c) of
present subsection (5) of that section are 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. 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. An executive order, a proclamation, or a rule must be limited to a duration of not more than 60 days and may be renewed as necessary during the duration of the emergency. If renewed, the order, proclamation, or rule must specifically state which provisions are being renewed.

(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 by specific public health mitigation strategies recommended by federal or state health agencies for educational settings. The Legislature also intends that during such an event, there 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 by specific public health mitigation strategies recommended by federal or state health agencies, including but not limited to the Occupational Safety and Health Administration.

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 restrict
their operations or close, 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 must 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 must 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 thereunder. Upon such concurrent resolution, the Governor shall issue an executive order or proclamation consistent with the concurrent resolution.

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

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

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

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

252.3611 Transparency; audits.—

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

(2) When the duration of an emergency exceeds 90 days:

(a) Within 72 hours of executing a contract executed with moneys authorized for expenditure to support the response to the declared state of emergency, the Governor shall submit a copy of such contract to the Legislature. For contracts executed during the first 90 days of the emergency, the Governor shall submit a copy to the Legislature within the first 120 days of the declared emergency.

(b) The Executive Office of the Governor or the appropriate agency shall submit monthly reports to the Legislature of all state expenditures, revenues received, and funds transferred by an agency during the previous month to support the declared state of emergency.

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

(4) Following the expiration or termination of a state of emergency,
Section 10. Subsection (3) of section 252.365, Florida Statutes, is amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.—

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

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

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

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

Section 11. Subsection (3) of section 252.37, Florida Statutes, is amended, subsection (7) is added to that section, and subsection (2) of that section is amended contingent upon SB 1892 or similar legislation creating the Emergency Preparedness and Response Fund taking effect, to read:

252.37 Financing.—

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

(b) If the Governor finds that the demands placed upon these funds in coping with a particular disaster declared by the Governor as a state of emergency are unreasonably great, she or he may make funds available by transferring and expending moneys appropriated for other purposes, by transferring and expending moneys out of any unappropriated surplus funds, or from the Emergency Preparedness and Response Budget Stabilization Fund.
Notice of such action, as provided in s. 216.177, must be
delivered at least 7 days before the effective date of the
action. If the President of the Senate and the Speaker of the
House of Representatives timely advise in writing that they
object to the transfer, the Governor must void such action. The
Governor may request additional funds to be appropriated to the
Emergency Preparedness and Response Fund by a budget amendment,
subject to approval of the Legislative Budget Commission.

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

(3) Nothing contained in this section 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.

(7) Before any expenditures are made, an agency, a county,
or a municipality must submit a detailed spending plan for any
grants, gifts, loans, funds, payments, services, equipment,
supplies, or materials received under this section in aid of or
for the purpose of emergency prevention, management, mitigation,
preparedness, response, or recovery 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 advance submission of a
detailed spending plan, the plan must be submitted as soon as
practicable, but not later than 30 days after initiation of any expenditures and continuing every 30 days for the duration of the emergency and thereafter while funds continue to be disbursed in response to the emergency.

Section 12. Subsections (1), (2), and (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space.—

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

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

(b) By January 31 of each even-numbered year, the division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The emergency shelter plan must project, for each of the next 5 years, the hurricane shelter needs of the state, including periods of time
during which a concurrent public health emergency may necessitate more space for each individual to accommodate physical distancing. In addition to information on the general shelter needs throughout this state, the plan must shall identify the general location and square footage of special needs shelters, by regional planning council region, during the next 5 years. The plan must 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. Retrofitting facilities in regions with public hurricane evacuation shelter deficits shall be given first priority and should be completed by 2003. All recommended facilities should be retrofitted by 2008. The owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

Section 13. 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 14. Present subsection (3) of section 252.46, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

252.46 Orders and rules.—

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

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

Section 15. 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(5) to carry out any emergency actions required by a serious shortage of energy sources.

Section 16. Paragraph (c) of subsection (1) and subsection (2) of section 381.00315, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

406.11 Examinations, investigations, and autopsies.—

(1) In any of the following circumstances involving the death of a human being, the medical examiner of the district in
which the death occurred or the body was found shall determine the cause of death and certify the death and shall, for that purpose, make or perform such examinations, investigations, and autopsies as he or she deems necessary or as shall be requested by the state attorney:

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

1. Of criminal violence.
2. By accident.
4. Suddenly, when in apparent good health.
5. Unattended by a practicing physician or other recognized practitioner.
6. In any prison or penal institution.
7. In police custody.
8. In any suspicious or unusual circumstance.
9. By criminal abortion.
10. By poison.
11. By disease constituting a threat to public health.
12. By disease, injury, or toxic agent resulting from employment.

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

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

(2)

(c) A district medical examiner shall assist the State Health Officer in identifying and reporting deaths upon a request by the State Health Officer under s. 381.00315.

Section 18. 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 60 days before July 1, 2021, expire upon the effective date of this act; however, an expired executive order may be reissued for 60-day periods if the emergency conditions persist, and if the reissued order states with specificity the provisions being reissued.

Section 19. No later than September 30, 2021, the Department of Business and Professional Regulation must review all executive orders issued under its delegated authority during the COVID-19 pandemic and make written recommendations to the Legislature regarding any issues that should be codified in law.

Section 20. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.