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 protective 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 shelter 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 such emergency orders and make them 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 specified entities to submit specified contracts and 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 other 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 from the Emergency Preparedness and Response Fund, surplus funds, or the
Budget Stabilization Fund under specified conditions; requiring notice of certain actions within a specified timeframe unless specific conditions exist; requiring the Governor to void such action if the Legislature timely objects to such transfer in writing; authorizing the Governor to transfer additional moneys, subject to approval by the Legislative Budget Commission, if specified conditions exist; requiring an agency or political subdivision to submit in advance a detailed spending plan for certain emergency funds to the Legislature; providing an exception; requiring an agency or political subdivision to submit a certain notice and a project worksheet to the Legislature under specified conditions within a specified timeframe; amending s. 252.38, F.S.; specifying that a political subdivision has the burden of proving the proper exercise of its police power in the issuance of certain emergency orders; amending s. 252.385, F.S.; requiring the division’s hurricane shelter plan to address projected hurricane shelter needs during public health emergencies; amending s. 252.44, F.S.; requiring emergency mitigation planning by state agencies to include agencies with jurisdiction over public health; amending s. 252.46, F.S.; providing that a failure by a political subdivision to file certain orders and rules with specified entities within a specified timeframe voids the issued orders or rules; requiring that certain orders be available on a dedicated webpage; requiring
the division to provide links to such webpage on its
website in a specified format; providing for the
automatic expiration of emergency orders issued by a
political subdivision; providing for the tolling of
the expiration of such orders under certain conditions
for a specified time; authorizing the extension of an
emergency order by a majority vote of the governing
body of the political subdivision; requiring the
political subdivision to ratify the emergency order;
prohibiting the chief elected officer or chief
administrative officer from amending or replacing such
order once ratified without approval from the
governing body; prohibiting the chief elected officer
or chief administrative officer from issuing a
subsequent order in response to the same emergency
unless ratified by the governing body; defining terms;
authorizing the governing body of a political
subdivision to convene, for a limited purpose, by
specified means; suspending quorum requirements under
specified conditions; requiring the meeting notice to
contain specified information; requiring that orders
issued by a political subdivision which impose a
curfew restricting travel or movement allow persons to
drive during the curfew to and from their places of
employment; amending s. 377.703, F.S.; conforming a
cross-reference; amending s. 381.00315, F.S.; revising
a definition; directing the Department of Health, in
collaboration with specified entities, to develop a
specified public health emergency plan; requiring the
department to submit the plan to the division;
requiring the department to review and update the plan
as necessary; directing the State Health Officer to
establish methods of reporting certain data;
authorizing the State Health Officer to order and
request assistance with specified duties; revising the
duties of the State Health Officer during a declared
public health emergency; creating s. 381.00316, F.S.;
prohibiting a business entity from requiring patrons
or customers to provide documentation certifying
vaccination against or recovery from COVID-19;
prohibiting governmental entities from requiring
persons to provide documentation certifying
vaccination against or recovery from COVID-19;
prohibiting educational institutions from requiring
students or residents to provide documentation
certifying vaccination against or recovery from COVID-
19; authorizing specified screening protocols;
providing application; providing noncriminal
penalties; authorizing the department to adopt rules;
amending s. 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 subsection (9) and subsection (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 must 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 must 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, when determined to be necessary by the State Coordinating Officer, 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) 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 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 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 indicate the nature of the emergency, the area or areas threatened, and the conditions which brought the emergency about or which make possible its termination. An executive order or proclamation must 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 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, proclamation, or rule thereunder. Upon such concurrent resolution, the Governor shall issue an executive order or proclamation consistent with the concurrent resolution.

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

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

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

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

252.3611 Transparency; audits.—

(1) Each order, proclamation, or rule issued by the Governor, the division, or any agency must specify the statute or rule being amended or waived, if applicable, and the expiration date for the order, proclamation, or rule.
When the duration of an emergency exceeds 90 days:

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

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

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

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

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

252.365 Emergency coordination officers; disaster-preparedness plans.—

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

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

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

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

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

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

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

(c) If additional funds are needed, the Governor may make funds available by transferring and expending moneys out of any unappropriated surplus funds, or from the Budget Stabilization Fund if the transfers and expenditures are directly related to the declared disaster or emergency. Notice of such action, as provided in s. 216.177, must be delivered at least 7 days before the effective date of the action, unless a shorter period is agreed to in writing by the President of the Senate and the Speaker of the House of Representatives. If the President of the Senate and the Speaker of the House of Representatives timely
advise in writing that the parties object to the transfer, the Governor must void such action.

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

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

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

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

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

(1) COUNTIES.—

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

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

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

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

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

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

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

(a) In carrying out the provisions of ss. 252.31-252.90, each political subdivision shall have the power and authority:

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

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

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

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

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

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

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

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

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

252.385 Public shelter space.—

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

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

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

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

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

252.44 Emergency mitigation.—

(1) In addition to prevention measures included in the state and local comprehensive emergency management plans, the Governor shall consider on a continuing basis steps that could be taken to mitigate the harmful consequences of emergencies. At
the Governor’s direction and pursuant to any other authority and
competence they have, state agencies, including, but not limited
to, those charged with responsibilities in connection with
protecting and maintaining the public health, flood plain
management, stream 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 15. Present subsection (3) of section 252.46,
Florida Statutes, is redesignated as subsection (6), a new
subsection (3) and subsections (4) and (5) are added to that
section, and subsection (2) of that section is amended, to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Establishing screening protocols consistent with s. 381.00316.

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

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

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

5.4. Ordering an individual to be examined, tested, vaccinated, treated, isolated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. Individuals who are
unable or unwilling to be examined, tested, vaccinated, or
treated for reasons of health, religion, or conscience may be
subjected to isolation or quarantine.
   a. Examination, testing, vaccination, or treatment may be
performed by any qualified person authorized by the State Health
Officer.
   b. If the individual poses a danger to the public health,
the State Health Officer may subject the individual to isolation
or quarantine. If there is no practical method to isolate or
quarantine the individual, the State Health Officer may use any
means necessary to vaccinate or treat the individual.
   c. Any order of the State Health Officer given to
effectuate this paragraph is shall be immediately enforceable by
a law enforcement officer under s. 381.0012.

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

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

381.00316 COVID-19 vaccine documentation.—
(1) A business entity, as defined in s. 768.38 to include
any business operating in this state, may not require patrons or
customers to provide any documentation certifying COVID-19
vaccination or post-infection recovery to gain access to, entry
upon, or service from the business operations in this state.
This subsection does not otherwise restrict businesses from
instituting screening protocols in accordance with state or
federal law to protect public health.
(2) A governmental entity as defined in s. 768.38 may not require persons to provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, entry upon, or service from the governmental entity’s operations in this state. This subsection does not otherwise restrict governmental entities from instituting screening protocols in accordance with state or federal law to protect public health.

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

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

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

(6) The department may adopt rules pursuant to ss. 120.536 and 120.54 to implement this section.
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 have performed such examinations,
investigations, and autopsies as he or she deems shall deem
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 20. 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 21. 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 22. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.