

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/HB 1399](#)

**TITLE:** Emergency Powers During a Declared Public Health Emergency

**SPONSOR(S):** Miller

**COMPANION BILL:** [SB 1372](#) (Yarborough)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Health Professions & Programs](#)

16 Y, 0 N, As CS



[State Affairs](#)

17 Y, 4 N, As CS



[Health & Human Services](#)

## SUMMARY

### Effect of the Bill:

The bill revises the Governor's authority to renew a public health emergency. The bill reduces the length of time for which a public health emergency may last from 60 days after the declaration to 30 days after the declaration. The bill specifies that the renewal of a public health emergency extends the expiration of the declaration for 30 days. If a declaration of a public health emergency is not renewed before its expiration, it is automatically terminated. The bill prohibits an expired declaration from being renewed. The bill authorizes the Legislature to terminate a public health emergency or any related emergency order by concurrent resolution. If the Legislature terminates a public health emergency, the State Health Officer is prohibited from declaring a substantially similar emergency. .

### Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on the Legislature if the Legislature chooses to hold a special session to terminate a declaration of a public health emergency.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill revises the authority of the [State Health Officer](#) and Governor to renew a declaration of a [public health emergency](#). The bill reduces the length of time for which a public health emergency may last from 60 days after the declaration to 30 days after the declaration. The bill specifies that the renewal of a public health emergency extends the expiration of the declaration for 30 days. If a declaration of a public health emergency is not renewed before its expiration, it is automatically terminated. The bill prohibits an expired declaration from being renewed. (Section [1](#))

The bill authorizes the Legislature to, at any time, terminate a public health emergency or any related emergency order by concurrent resolution. If the public health emergency is terminated by the Legislature, the State Health Officer may not declare a substantially similar emergency. (Section [1](#))

The bill provides an effective date of July 1, 2025. (Section [2](#))

### FISCAL OR ECONOMIC IMPACT:

#### STATE GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on the Legislature if the Legislature chooses to hold a special session to terminate a declaration of a public health emergency.

**STORAGE NAME:** h1399b.SAC

**DATE:** 4/17/2025

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Department of Health

The Department of Health (DOH) is established under [s. 20.43, F.S.](#), to “protect and promote the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties.” The head of the Department of Health is the Surgeon General, who is also designated as the [State Health Officer](#).<sup>1</sup>

DOH regulates more than 1.5 million health care practitioners across 40 professions, 364 license types, and 10 facilities.<sup>2</sup> DOH administers the Children’s Medical Services safety net health care program, provides health care services in county health departments, and regulates environmental activities that affect public health.<sup>3</sup> DOH also administers state epidemiology functions, and is required to identify, diagnose, and conduct surveillance of diseases and health conditions in the state and accumulate the health statistics necessary to establish trends.

Current law also requires DOH to coordinate preparedness for and responses to public health emergencies.<sup>4</sup>

#### [Public Health Emergencies](#)

Under emergency conditions, the usual methods of disease prevention may be inadequate and require short-term expansion of the State Health Officer’s authority. Similar to the Governor’s authority to declare emergencies under [chapter 252, F.S.](#), emergency authority is available for emergencies of a public health nature. Section [381.00315, F.S.](#), makes the State Health Officer exclusively responsible for declaring public health emergencies, and establishes requirements for such situations. The law limits public health emergencies to natural or manmade occurrences that result 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.<sup>5</sup> Before declaring a public health emergency, the State Health Officer must, to the extent possible, consult with the Governor and notify the Chief of Domestic Security.<sup>6</sup> A public health emergency may not continue longer than 60 days unless the Governor concurs in the renewal of the declaration.<sup>7</sup> Current law does not limit the number of times that the State Health Officer may renew a declaration.

Upon declaration of a public health emergency, the State Health Officer must establish the method and procedures for identifying and reporting cases and deaths involving the infectious disease or other occurrence identified as the basis for the declared public health emergency.<sup>8</sup> The method and procedures must be consistent with federal standards specific to the declared emergency, or with public health best practices identified by the State Health Officer, if no federal standards exists.<sup>9</sup>

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<sup>1</sup> S. [20.43, F.S.](#)

<sup>2</sup> DOH, *Division of Medical Quality Assurance Annual Report and Long-Range Plan FY 2023-2024*, available at <https://mqawebteam.com/annualreports/2324/>, (last visited March 27, 2025).

<sup>3</sup> DOH, *County Health Departments*, available at <https://www.floridahealth.gov/programs-and-services/county-health-departments/index.html>; DOH, *Programs and Services*, available at <https://www.floridahealth.gov/programs-and-services/index.html>, and Office of Program Policy Analysis and Government Accountability, *DOH*, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=5055>, (last visited on March 27, 2025).

<sup>4</sup> S. [20.43, F.S.](#)

<sup>5</sup> S. [381.00315\(1\)\(c\), F.S.](#)

<sup>6</sup> S. [381.00315\(2\)\(b\), F.S.](#) The Chief of Domestic Security is the executive director of the Department of Law Enforcement, or his designee. S. [943.0311, F.S.](#)

<sup>7</sup> S. [381.00315\(2\)\(b\), F.S.](#)

<sup>8</sup> S. [381.00315\(2\)\(c\), F.S.](#)

<sup>9</sup> *Id.*

During a public health emergency, DOH is solely responsible for the collection, official reporting, and the publication of cases and deaths related to the emergency.<sup>10</sup> Current law, authorizes the State Health Officer to obtain assistance from licensed health care providers and district medical examiners, by order or emergency rule, to carry out these functions. Current law also authorizes the State Health Officer to take certain actions to protect public health during a declared public health emergency, including, but not limited to:<sup>11</sup>

- Directing manufacturers of prescription drugs or over-the-counter drugs to give priority shipping of specified drugs to certain pharmacies and hospitals;
- Directing pharmacies to compound bulk prescription drugs; and
- Temporarily reactivating inactive licenses of certain healthcare professionals.

#### *Public Health Emergencies Declared in Florida*

The State Health Officer has declared public health emergencies for statewide epidemics and localized outbreaks, among others. For example, in 2017, the Surgeon General declared a public health emergency related to the statewide opioid epidemic. As part of that declaration, the Surgeon General issued a standing order for naloxone,<sup>12</sup> which allowed law enforcement and emergency medical services personnel to obtain this potentially life-saving drug without a prescription.<sup>13</sup>

In 2019, the State Health Officer declared a public health emergency related to a Hepatitis A outbreak in several counties.<sup>14</sup> The declaration sought assistance from the Centers for Disease Control and Prevention, provided guidance to health care practitioners for screening and vaccinating individuals at high risk of contracting Hepatitis A and provided advice for the cleaning and sanitizing of public restrooms.<sup>15</sup>

In March 2020, the State Health Officer declared a state of emergency related to the COVID-19 outbreak. The Governor renewed the declaration every 60 days ultimately allowing the declaration to expire on June 26, 2021.<sup>16</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> S. 381.00315(2)(d), F.S.

<sup>12</sup> Naloxone is an opioid antagonist that rapidly reverses an opioid overdose. *Naloxone Drug Facts*, National Institute of Drug Abuse, available at <https://www.drugabuse.gov/publications/drugfacts/naloxone> (last visited on March 31, 2025).

<sup>13</sup> Amended DOH Declaration of Public Health Emergency and Standing Order for Naloxone, available at <http://www.floridahealth.gov/documents/newsroom/press-releases/2017/05/050317-health-emergency-opioid-epidemic.pdf> (last visited on March 31, 2025).

<sup>14</sup> DOH Declaration of Public Health Emergency, available at <http://www.floridahealth.gov/documents/newsroom/press-releases/2019/08/phe-hav-filed-08-01-2019.pdf> (last visited on November 9, 2021). The counties at issue were Brevard, Citrus, Glades, Hernando, Hillsborough, Lake, Liberty, Manatee, Marion, Martin, Okeechobee, Orange, Pasco, Pinellas, Sumter, Taylor and Volusia.

<sup>15</sup> DOH Declaration of Public Health Emergency, available at <http://www.floridahealth.gov/documents/newsroom/press-releases/2019/08/phe-hav-filed-08-01-2019.pdf> (last visited on March 31, 2025).

<sup>16</sup> The Governor issued Executive Order Number 21-94 on April 27, 2021, thereby extending the state of emergency until June 26, 2021. [https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO\\_21-94.pdf](https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-94.pdf), (last visited on March 31, 2025).

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Health Professions &amp; Programs Subcommittee</a>	16 Y, 0 N, As CS	4/3/2025	McElroy	Curry
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Removed the requirement that the Legislature must convene within 30 days after the declaration of a public health emergency.</li> <li>Removed the procedures for transmission of the petition to terminate a declaration of a public health emergency.</li> <li>Removed the authority of a local government to exempt itself from a declared public health emergency.</li> <li>Removed procedures for individuals who may refuse examination, testing, or treatment during a declared public health emergency.</li> <li>Removed provisions related to isolation or quarantine.</li> <li>Removed language relating to the rights guaranteed to individuals.</li> <li>Removed specified prohibitions on public employees during a declared public health emergency.</li> </ul>			
<a href="#">State Affairs Committee</a>	17 Y, 4 N, As CS	4/17/2025	Williamson	Gawin
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Reduced the length of time a declared public health emergency may last from 60 days to 30 days.</li> <li>Authorized the Legislature to terminate public health emergencies and any related orders by concurrent resolution.</li> <li>Removed the requirement that the Legislature must approve of each renewal of a public health emergency after the first renewal, and renewals of emergencies that are substantially similar to those that have expired.</li> </ul>			
<a href="#">Health &amp; Human Services Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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