

1                                   A bill to be entitled  
 2           An act relating to emergency management powers of  
 3           political subdivisions; amending s. 252.38, F.S.;  
 4           providing a definition; providing legislative intent;  
 5           specifying requirements for the purpose and scope of  
 6           emergency orders; providing for the automatic  
 7           expiration of emergency orders; authorizing the  
 8           extension of emergency orders for a specified  
 9           duration; requiring such extension to be approved by a  
 10          majority vote of the governing body; authorizing the  
 11          governing body to convene and vote remotely;  
 12          authorizing the Governor or Legislature to invalidate  
 13          emergency orders upon certain determinations;  
 14          prohibiting the issuance of certain emergency orders;  
 15          providing an effective date.

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

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 19           Section 1. Subsection (4) is added to section 252.38,  
 20 Florida Statutes, to read:

21           252.38 Emergency management powers of political  
 22 subdivisions.—Safeguarding the life and property of its citizens  
 23 is an innate responsibility of the governing body of each  
 24 political subdivision of the state.

25           (4) EXPIRATION AND EXTENSION OF EMERGENCY ORDERS.—

26 (a) As used in this subsection, the term "emergency order"  
27 means an order or ordinance issued or enacted by a political  
28 subdivision in response to an emergency pursuant to this chapter  
29 or chapter 381 that limits the rights or liberties of  
30 individuals or businesses within the political subdivision.

31 (b) It is the intent of the Legislature to minimize the  
32 negative effects of an emergency order issued by a political  
33 subdivision. Notwithstanding any other law, an emergency order  
34 issued by a political subdivision must be narrowly tailored to  
35 serve a compelling public health or safety purpose. Any such  
36 emergency order must be limited in duration, applicability, and  
37 scope in order to reduce any infringement on individual liberty  
38 to the greatest extent possible.

39 (c)1. An emergency order automatically expires 7 days  
40 after issuance but may be extended, as necessary, in 7-day  
41 increments for a total duration of not more than 42 days.

42 2. An emergency order may be extended only upon a majority  
43 vote of the governing body of the political subdivision  
44 approving the extension. The governing body may convene and vote  
45 remotely through electronic means for the sole purpose of  
46 extending an emergency order under this paragraph. The order  
47 extending the emergency order shall recite the circumstances  
48 requiring remote convening and voting, the method or methods of  
49 electronic means used to convene and vote, and the governing  
50 body's finding of necessity to convene and vote by electronic

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51 means.

52 (d) The Governor, or the Legislature by concurrent  
53 resolution, may at any time invalidate an emergency order issued  
54 by a political subdivision if the Governor or Legislature  
55 determines that such order unnecessarily restricts individual  
56 liberty.

57 (e) Upon the expiration of an emergency order, a political  
58 subdivision may not issue a substantially similar order.

59 Section 2. This act shall take effect July 1, 2021.