

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 applicability for
 5 significant emergency orders; providing exceptions;
 6 providing legislative intent; specifying requirements
 7 for the purpose and scope of significant emergency
 8 orders; providing for the automatic expiration of
 9 significant emergency orders; authorizing the
 10 extension of significant emergency orders for a
 11 specified duration; prohibiting the issuance of
 12 certain significant emergency orders; providing an
 13 effective date.

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

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

19 252.38 Emergency management powers of political
 20 subdivisions.—Safeguarding the life and property of its citizens
 21 is an innate responsibility of the governing body of each
 22 political subdivision of the state.

23 (4) EXPIRATION AND EXTENSION OF SIGNIFICANT EMERGENCY
 24 ORDERS.—

25 (a) As used in this subsection, the term "significant

26 emergency order" means an order or ordinance issued or enacted
27 by a political subdivision in response to an emergency pursuant
28 to this chapter or chapter 381 that applies to all residents
29 within the political subdivision and limits the right of a
30 resident to:

31 1. Exercise religious freedom, including the right to
32 attend a religious service;

33 2. Speak freely or assemble;

34 3. Work, be rewarded for industry, or enter into a
35 contract;

36 4. Travel;

37 5. Acquire, possess, or protect real or personal property;

38 6. Not be subject to unreasonable search and seizure; or

39 7. Purchase, keep, or bear a lawful firearm or ammunition.

40 (b) A significant emergency order may provide an exception
41 for first responders as defined in s. 112.1815(1), health care
42 practitioners as defined in s. 456.001, and employees of a
43 public utility as defined in s. 366.02(1).

44 (c) It is the intent of the Legislature to minimize the
45 negative effects of an extended significant emergency order
46 issued by a political subdivision. Notwithstanding any other
47 law, a significant emergency order issued by a political
48 subdivision must be narrowly tailored to serve a compelling
49 public health or safety purpose. Any such emergency order must
50 be limited in duration, applicability, and scope in order to

51 reduce any infringement on individual liberty to the greatest
52 extent possible.

53 (d) A significant emergency order automatically expires 7
54 days after issuance but may be extended, as necessary, in 7-day
55 increments for a total duration of not more than 42 days.

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

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