

Governor's Budget Recommendation Conforming Bill  
Emergency Fund Management

1                   A bill to be entitled  
2           An act relating to emergency fund management; amending s.  
3           252.3711, F.S.; amending s. 252.37, F.S.; providing an  
4           effective date.

5  
6 Be It Enacted by the Legislature of the State of Florida:

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8           Section 1. Subsection (2) of section 252.37, Florida  
9 Statutes, is amended to read:

10           252.37 Financing.-

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

14           (b) If the Governor finds that the demands placed upon  
15 these funds in coping with a particular disaster declared by the  
16 Governor as a state of emergency are unreasonably great, she or  
17 he may make funds available by transferring and expending moneys  
18 from the Emergency Preparedness and Response Fund created under  
19 s. 252.3711. The Governor may request that additional funds be  
20 transferred or appropriated to the Emergency Preparedness and  
21 Response Fund by a budget amendment, subject to approval of the  
22 Legislative Budget Commission.

23           (c) If the balance of the Emergency Preparedness and  
24 Response Fund is insufficient to support the State's response to  
25 a declared state of emergency, and the Governor finds, in his  
26 sole discretion, that obtaining the approval of the Legislative  
27 Budget Commission to transfer and appropriate additional funds  
28 would prevent, hinder, or delay the State's response to the

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29 emergency, the Governor may transfer and expend moneys  
30 appropriated for other purposes, by transferring and expending  
31 moneys out of any unappropriated surplus funds, or from the  
32 Budget Stabilization Fund. The Governor shall notify the Speaker  
33 of the House of Representatives and the President of the Senate  
34 of transfers made under this paragraph and provide a description  
35 of the exigent circumstances necessitating a departure from the  
36 budget amendment process set forth in subparagraph (b) within  
37 three (3) days following such transfer.

38 (d) Agencies may expend funds appropriated for another  
39 purpose to immediately respond to an emergency and shall record  
40 those expenditures against the Emergency Preparedness and  
41 Response Fund as soon as practicable, but no more than 90 days  
42 after such expenditure, unless an alternate timeframe is set by  
43 the Executive Office of the Governor.

44 (e) Agencies may expend funds from regularly appropriated  
45 unexpended resources for the response and recovery efforts of  
46 emergencies declared by the Governor if expenditures are for the  
47 sole purpose of funding fixed capital outlay projects, if  
48 reimbursement is expected from a federal entity other than the  
49 Federal Emergency Management Agency or if reimbursement is  
50 expected from the state's Risk Management Program.

51 (f) For purposes of this subsection, the funds available to  
52 the state against which obligations may be made in the response  
53 to an emergency shall be determined by the combination of the  
54 cash balance of the Emergency Preparedness and Response Fund as  
55 well as any available reimbursements, grants, or payments in aid  
56 from the federal government which is available for draw for use

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57 by the state and which are required to be used for the specified  
58 emergency.

59 (3) Nothing contained in this section shall be construed to  
60 limit the authority of the Governor to apply for, administer,  
61 and expend any grants, gifts, or payments in aid of emergency  
62 prevention, mitigation, preparedness, response, or recovery.

63 Section 2. Section 252.3711, Florida Statutes, is amended  
64 to read:

65 (2) (a) The fund is established for use as a depository for  
66 moneys specifically transferred or appropriated to the fund. The  
67 moneys deposited in the fund are available as a primary funding  
68 source for the Governor for purposes of preparing or responding  
69 to a disaster declared by the Governor as a state of emergency  
70 that exceeds regularly appropriated funding sources.

71 (b) Notwithstanding the provisions of s. 216.301 and  
72 pursuant to s. 216.351, any balance in the trust fund at the end  
73 of any fiscal year shall remain in the trust fund at the end of  
74 the year and shall be available for carrying out the purposes of  
75 the trust fund.

76 (3) Unless specifically directed otherwise in the General  
77 Appropriations Act, the June 30 ending unreserved fund balance  
78 for the fund shall be not less than \$1 billion. The Governor  
79 shall authorize the Chief Financial Officer to transfer the  
80 amount of money needed to raise the balance of the fund to \$1  
81 billion.

82 (4) (a) Funds received from the federal government for  
83 reimbursement of expenditures related to an emergency declared  
84 by the Governor as a state of emergency on or after July 1,

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85 2022, shall be deposited into the fund at an amount not to  
86 exceed what was withdrawn from, transferred to other agencies,  
87 or expended from the fund to prepare for and respond to the  
88 emergency.

89 (b) Up to \$500 million in funds received from the federal  
90 government for reimbursement of expenditures related to  
91 emergencies declared by the Governor as a state of emergency  
92 that occurred prior to July 1, 2022, shall be deposited into the  
93 fund, and any additional reimbursements exceeding that amount  
94 shall be deposited into the General Revenue Fund.

95 (5) The Department of Financial Services shall deposit the  
96 balance of the fund in interest bearing accounts, and all  
97 interest accrued to the balance of the fund shall be deposited  
98 in the fund.

99 (6)~~(3)~~ In accordance with s. 19(f)(2), Art. III of the  
100 State 23 Constitution, the Emergency Preparedness and Response  
101 Fund shall, unless terminated sooner, be terminated on July 1,  
102 2025. Before its scheduled termination, the fund shall be  
103 reviewed as provided in s. 215.3206(1) and (2).

104 Section 3. This act shall take effect upon becoming law.