

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Ron DeSantis**  
Governor

**Joseph A. Ladapo, MD, PhD**  
State Surgeon General

**Vision:** To be the Healthiest State in the Nation

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

In Re:

SUSPENSION OF STATUTES,  
ORDERS, AND RULES PURSUANT TO  
EXECUTIVE ORDER NUMBER  
23-171 MADE NECESSARY BY  
TROPICAL STORM IDALIA.

DOH No. 23-002

RECEIVED  
DEPARTMENT OF HEALTH  
2023 AUG 28 PM 6:21  
OFFICE OF THE CLERK

**EMERGENCY ORDER**

**WHEREAS**, on August 26, 2023, Governor Ron DeSantis issued Executive Order 23-171 regarding Invest 93L and declared a state of emergency in 33 counties; and

**WHEREAS**, on August 27, 2023, Invest 93L strengthened to a Tropical Storm with sustained winds of 40 miles per hour; and

**WHEREAS**, on August 28, 2023, Governor Ron DeSantis issued Executive Order 23-172, declaring a state of emergency in an additional 13 counties; and

**WHEREAS**, Tropical Storm Idalia is expected to continue to strengthen before making landfall in Florida and poses a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, beach erosion, and the potential for isolated tornadic activity for Florida's Gulf Coast; and

**WHEREAS**, Section 4 of Executive Order 23-171 allows state agencies to suspend the provisions of any regulatory statute, order, or rule, if strict compliance with the provisions of the statute, order, or rule would prevent, hinder, or delay necessary action in coping with the emergency; and

**WHEREAS**, the threat posed by Tropical Storm Idalia requires precautions to minimize disruptions in the delivery of health care services in impacted areas; and

**WHEREAS**, I find that strict compliance with the provisions of certain statutes or rules prescribing procedures governing the Florida Department of Health would prevent, hinder, or delay necessary action in preparing for and mitigating the effects of this emergency.

**NOW, THEREFORE, I, JOSEPH A. LADAPO, MD, PhD**, pursuant to section 4.B. of Executive Order No. 23-171, find that strict compliance with the provisions of certain regulatory statutes and rules prescribing the procedures for conduct of state business by the Florida Department of Health will prevent, hinder, or delay necessary action in coping with the emergency caused by Tropical Storm Idalia. In order to effectively respond to the threat posed by Tropical Storm Idalia it is necessary to promulgate the following:

Section 1: Mobile Pharmacies

Section 465.022(11)(c), Florida Statutes, and Florida Administrative Code Rule 64B16-28.113, which limit pharmacies and prescription department managers from operating in multiple or mobile locations, are likely to impede the Florida Department of Health's ability to take actions needed to effectively facilitate the mitigation, response, and recovery necessary to respond to this emergency and are hereby suspended for the duration of Executive Order 23-171 and any modifications or extensions thereof.

Section 2: Prescription Drug Monitoring Reporting

Section 893.055(3)(a), Florida Statutes, which requires dispensers to report controlled substance prescription data to the Prescription Drug Monitoring Program within one business day, is likely to impede the Florida Department of Health's ability to take actions needed to effectively facilitate the mitigation, response, and recovery necessary to respond to this emergency. The Florida Department of Health authorizes a reporting extension in accordance with section 893.055(3)(a), Florida Statutes, for up to 30 days.

Section 3: Renewal Extensions

Sections 468.309(1)(a), 480.043(10), and 480.0415, Florida Statutes, which require certain health care providers to renew their licenses every two years, are likely to impede the Florida Department of Health's ability to take actions needed to effectively facilitate the mitigation, response, and recovery necessary to respond to this emergency. The Florida Department of Health authorizes an extension of the upcoming renewal deadlines for Radiological Personnel, Massage Therapists, and Massage Establishments until October 2, 2023.

Executed this 28<sup>th</sup> day of August 2023, in Florida Department of Health offices, Tallahassee, Leon County, Florida.



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Joseph A. Ladapo, MD, PhD  
State Surgeon General