

Bill No. CS for SB 1262

Amendment No. Barcode 565000

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (6) of section 381.0011, Florida Statutes, is amended to read:

381.0011 Duties and powers of the Department of Health.--It is the duty of the Department of Health to:

(6) Declare, enforce, modify, and abolish quarantine of persons, animals, and premises as the circumstances indicate for controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health, except as provided in ss. 384.28 and 392.545-392.60.

(a) The department shall adopt rules to specify the conditions and procedures for imposing and releasing a quarantine. The rules must include provisions related to:

1. The closure of premises.
2. The movement of persons or animals exposed to or infected with a communicable disease.

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1 3. The tests or ~~prophylactic~~ treatment, including
2 vaccination, for communicable disease required prior to
3 employment or admission to the premises or to comply with a
4 quarantine.

5 4. Testing or destruction of animals with or suspected
6 of having a disease transmissible to humans.

7 5. Access by the department to quarantined premises.

8 6. The disinfection of quarantined animals, persons,
9 or premises.

10 7. Methods of quarantine.

11 (b) Any health regulation that restricts travel or
12 trade within the state may not be adopted or enforced in this
13 state except by authority of the department.

14 Section 2. Section 381.00315, Florida Statutes, is
15 amended to read:

16 381.00315 Public health advisories; public health
17 emergencies.--The State Health Officer is responsible for
18 declaring public health emergencies and issuing public health
19 advisories.

20 (1) As used in this section, the term:

21 (a) "Public health advisory" means any warning or
22 report giving information to the public about a potential
23 public health threat. Prior to issuing any public health
24 advisory, the State Health Officer must consult with any state
25 or local agency regarding areas of responsibility which may be
26 affected by such advisory. Upon determining that issuing a
27 public health advisory is necessary to protect the public
28 health and safety, and prior to issuing the advisory, the
29 State Health Officer must notify each county health department
30 within the area which is affected by the advisory of the State
31 Health Officer's intent to issue the advisory. The State

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1 Health Officer is authorized to take any action appropriate to
2 enforce any public health advisory.

3 (b) "Public health emergency" means any occurrence, or
4 threat thereof, whether natural or man made, which results or
5 may result in substantial injury or harm to the public health
6 from infectious disease, chemical agents, nuclear agents,
7 biological toxins, or situations involving mass casualties or
8 natural disasters. Prior to declaring a public health
9 emergency, the State Health Officer shall, to the extent
10 possible, consult with the Governor and shall notify the Chief
11 of Domestic Security Initiatives as created in s. 943.03. The
12 declaration of a public health emergency shall continue until
13 the State Health Officer finds that the threat or danger has
14 been dealt with to the extent that the emergency conditions no
15 longer exist and he or she terminates the declaration.
16 However, a declaration of a public health emergency may not
17 continue for longer than 60 days unless the Governor concurs
18 in the renewal of the declaration. The State Health Officer,
19 upon declaration of a public health emergency, may take
20 actions that are necessary to protect the public health. Such
21 actions include, but are not limited to:

22 1. Directing manufacturers of prescription drugs or
23 over-the-counter drugs who are permitted under chapter 499 and
24 wholesalers of prescription drugs located in this state who
25 are permitted under chapter 499 to give priority to the
26 shipping of specified drugs to pharmacies and health care
27 providers within geographic areas that have been identified by
28 the State Health Officer. The State Health Officer must
29 identify the drugs to be shipped. Manufacturers and
30 wholesalers located in the state must respond to the State
31 Health Officer's priority shipping directive before shipping

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1 the specified drugs.

2 2. Notwithstanding chapters 465 and 499 and rules
3 adopted thereunder, directing pharmacists employed by the
4 department to compound bulk prescription drugs and provide
5 these bulk prescription drugs to physicians and nurses of
6 county health departments or any qualified person authorized
7 by the State Health Officer for administration to persons as
8 part of a prophylactic or treatment regimen.

9 3. Notwithstanding s. 456.036, temporarily
10 reactivating the inactive license of the following health care
11 practitioners, when such practitioners are needed to respond
12 to the public health emergency: physicians licensed under
13 chapter 458 or chapter 459; physician assistants licensed
14 under chapter 458 or chapter 459; licensed practical nurses,
15 registered nurses, and advanced registered nurse practitioners
16 licensed under part I of chapter 464; respiratory therapists
17 licensed under part V of chapter 468; and emergency medical
18 technicians and paramedics certified under part III of chapter
19 401. Only those health care practitioners specified in this
20 paragraph who possess an unencumbered inactive license and who
21 request that such license be reactivated are eligible for
22 reactivation. An inactive license that is reactivated under
23 this paragraph shall return to inactive status when the public
24 health emergency ends or prior to the end of the public health
25 emergency if the State Health Officer determines that the
26 health care practitioner is no longer needed to provide
27 services during the public health emergency. Such licenses may
28 only be reactivated for a period not to exceed 90 days without
29 meeting the requirements of s. 456.036 or chapter 401, as
30 applicable.

31 4. Ordering an individual to be examined, tested,

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1 vaccinated, treated, or quarantined for communicable diseases
2 that have significant morbidity or mortality and present a
3 severe danger to public health. Individuals who are unable or
4 unwilling to be examined, tested, vaccinated or treated for
5 reasons of health, religion or conscience may be subjected to
6 quarantine.

7 a. Examination, testing, vaccination, or treatment may
8 be performed by any qualified person authorized by the State
9 Health Officer.

10 b. If the individual poses a danger to the public
11 health, the State Health Officer may subject the individual to
12 quarantine. If there is no practical method to quarantine the
13 individual, the State Health Officer may use any means
14 necessary to vaccinate or treat the individual.

15
16 Any order of the State Health Officer given to effectuate this
17 paragraph shall be immediately enforceable by a law
18 enforcement officer under s. 381.0012.

19 (2) Individuals who assist the State Health Officer at
20 his or her request on a volunteer basis during a public health
21 emergency are entitled to the benefits specified in s. 110.504
22 (2), (3), (4), and (5).

23 Section 3. Paragraphs (a) and (b) of subsection (2) of
24 section 768.13, Florida Statutes, are amended to read:

25 768.13 Good Samaritan Act; immunity from civil
26 liability.--

27 (2)(a) Any person, including those licensed to
28 practice medicine, who gratuitously and in good faith renders
29 emergency care or treatment either in direct response to
30 emergency situations related to and arising out of a public
31 health emergency declared pursuant to s. 381.00315, a state of

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1 emergency which has been declared pursuant to s. 252.36 or at
2 the scene of an emergency outside of a hospital, doctor's
3 office, or other place having proper medical equipment,
4 without objection of the injured victim or victims thereof,
5 shall not be held liable for any civil damages as a result of
6 such care or treatment or as a result of any act or failure to
7 act in providing or arranging further medical treatment where
8 the person acts as an ordinary reasonably prudent person would
9 have acted under the same or similar circumstances.

10 (b)1. Any hospital licensed under chapter 395, any
11 employee of such hospital working in a clinical area within
12 the facility and providing patient care, and any person
13 licensed to practice medicine who in good faith renders
14 medical care or treatment necessitated by a sudden, unexpected
15 situation or occurrence resulting in a serious medical
16 condition demanding immediate medical attention, for which the
17 patient enters the hospital through its emergency room or
18 trauma center, or necessitated by a public health emergency
19 declared pursuant to s. 381.00315 shall not be held liable for
20 any civil damages as a result of such medical care or
21 treatment unless such damages result from providing, or
22 failing to provide, medical care or treatment under
23 circumstances demonstrating a reckless disregard for the
24 consequences so as to affect the life or health of another.

25 2. The immunity provided by this paragraph does not
26 apply to damages as a result of any act or omission of
27 providing medical care or treatment:

28 a. Which occurs after the patient is stabilized and is
29 capable of receiving medical treatment as a nonemergency
30 patient, unless surgery is required as a result of the
31 emergency within a reasonable time after the patient is

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1 stabilized, in which case the immunity provided by this
2 paragraph applies to any act or omission of providing medical
3 care or treatment which occurs prior to the stabilization of
4 the patient following the surgery; or
5 b. Unrelated to the original medical emergency.
6 3. For purposes of this paragraph, "reckless
7 disregard" as it applies to a given health care provider
8 rendering emergency medical services shall be such conduct
9 which a health care provider knew or should have known, at the
10 time such services were rendered, would be likely to result in
11 injury so as to affect the life or health of another, taking
12 into account the following to the extent they may be present;
13 a. The extent or serious nature of the circumstances
14 prevailing.
15 b. The lack of time or ability to obtain appropriate
16 consultation.
17 c. The lack of a prior patient-physician relationship.
18 d. The inability to obtain an appropriate medical
19 history of the patient.
20 e. The time constraints imposed by coexisting
21 emergencies.
22 4. Every emergency care facility granted immunity
23 under this paragraph shall accept and treat all emergency care
24 patients within the operational capacity of such facility
25 without regard to ability to pay, including patients
26 transferred from another emergency care facility or other
27 health care provider pursuant to Pub. L. No. 99-272, s. 9121.
28 The failure of an emergency care facility to comply with this
29 subparagraph constitutes grounds for the department to
30 initiate disciplinary action against the facility pursuant to
31 chapter 395.

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1 Section 4. This act shall take effect upon becoming a
2 law.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 Delete everything before the enacting clause

8
9 and insert:

10 A bill to be entitled
11 An act relating to public health; amending s.
12 381.0011, F.S.; revising the rulemaking
13 authority of the Department of Health with
14 respect to its power to impose quarantine,
15 including requiring vaccination; amending s.
16 381.00315, F.S.; defining the terms "public
17 health advisory" and "public health emergency";
18 specifying the terms under which a public
19 health emergency is declared; providing for
20 consultation for, notice, and duration of a
21 declaration of a public health emergency;
22 authorizing the State Health Officer to take
23 specified actions upon the declaration of a
24 public health emergency relating to shipping of
25 specified drugs, directing the compounding of
26 bulk prescription drugs, and specifying the use
27 of such drugs; authorizing the State Health
28 Officer to reactivate the inactive licenses of
29 certain practitioners who request such
30 reactivation; authorizing the State Health
31 Officer to order that an individual be

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1 examined, tested, vaccinated, treated, or
 2 quarantined for certain communicable diseases
 3 under specified circumstances; specifying
 4 benefits to be made available to volunteers
 5 acting under a public health emergency;
 6 amending s. 768.13, F.S.; providing immunity
 7 from civil damages under the Good Samaritan Act
 8 for actions taken in response to situations
 9 during a declared public health emergency;
 10 revising the circumstances under which immunity
 11 from civil damages is extended to actions taken
 12 by persons licensed to practice medicine;
 13 providing an effective date.

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