

1 A bill to be entitled
2 An act relating to public health; amending s.
3 381.0011, F.S.; revising the rulemaking
4 authority of the Department of Health with
5 respect to its power to impose quarantine,
6 including requiring vaccination; amending s.
7 381.00315, F.S.; defining the terms "public
8 health advisory" and "public health emergency";
9 specifying the terms under which a public
10 health emergency is declared; providing for
11 consultation for, notice, and duration of a
12 declaration of a public health emergency;
13 authorizing the State Health Officer to take
14 specified actions upon the declaration of a
15 public health emergency relating to shipping of
16 specified drugs, directing the compounding of
17 bulk prescription drugs, and specifying the use
18 of such drugs; authorizing the State Health
19 Officer to reactivate the inactive licenses of
20 certain practitioners who request such
21 reactivation; authorizing the State Health
22 Officer to order that an individual be
23 examined, tested, vaccinated, treated, or
24 quarantined for certain communicable diseases
25 under specified circumstances; specifying
26 benefits to be made available to volunteers
27 acting under a public health emergency;
28 amending s. 768.13, F.S.; providing immunity
29 from civil damages under the Good Samaritan Act
30 for actions taken in response to situations
31 during a declared public health emergency;

1 revising the circumstances under which immunity
2 from civil damages is extended to actions taken
3 by persons licensed to practice medicine;
4 providing an effective date.

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

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

10 381.0011 Duties and powers of the Department of
11 Health.--It is the duty of the Department of Health to:

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

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

20 1. The closure of premises.

21 2. The movement of persons or animals exposed to or
22 infected with a communicable disease.

23 3. The tests or ~~prophylactic~~ treatment, including
24 vaccination, for communicable disease required prior to
25 employment or admission to the premises or to comply with a
26 quarantine.

27 4. Testing or destruction of animals with or suspected
28 of having a disease transmissible to humans.

29 5. Access by the department to quarantined premises.

30 6. The disinfection of quarantined animals, persons,
31 or premises.

1 7. Methods of quarantine.

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

5 Section 2. Section 381.00315, Florida Statutes, is
6 amended to read:

7 381.00315 Public health advisories; public health
8 emergencies.--The State Health Officer is responsible for
9 declaring public health emergencies and issuing public health
10 advisories.

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

12 (a) "Public health advisory" means any warning or
13 report giving information to the public about a potential
14 public health threat.Prior to issuing any public health
15 advisory, the State Health Officer must consult with any state
16 or local agency regarding areas of responsibility which may be
17 affected by such advisory. Upon determining that issuing a
18 public health advisory is necessary to protect the public
19 health and safety, and prior to issuing the advisory, the
20 State Health Officer must notify each county health department
21 within the area which is affected by the advisory of the State
22 Health Officer's intent to issue the advisory. The State
23 Health Officer is authorized to take any action appropriate to
24 enforce any public health advisory.

25 (b) "Public health emergency" means any occurrence, or
26 threat thereof, whether natural or man made, which results or
27 may result in substantial injury or harm to the public health
28 from infectious disease, chemical agents, nuclear agents,
29 biological toxins, or situations involving mass casualties or
30 natural disasters. Prior to declaring a public health
31 emergency, the State Health Officer shall, to the extent

1 possible, consult with the Governor and shall notify the Chief
2 of Domestic Security Initiatives as created in s. 943.03. The
3 declaration of a public health emergency shall continue until
4 the State Health Officer finds that the threat or danger has
5 been dealt with to the extent that the emergency conditions no
6 longer exist and he or she terminates the declaration.
7 However, a declaration of a public health emergency may not
8 continue for longer than 60 days unless the Governor concurs
9 in the renewal of the declaration. The State Health Officer,
10 upon declaration of a public health emergency, may take
11 actions that are necessary to protect the public health. Such
12 actions include, but are not limited to:

13 1. Directing manufacturers of prescription drugs or
14 over-the-counter drugs who are permitted under chapter 499 and
15 wholesalers of prescription drugs located in this state who
16 are permitted under chapter 499 to give priority to the
17 shipping of specified drugs to pharmacies and health care
18 providers within geographic areas that have been identified by
19 the State Health Officer. The State Health Officer must
20 identify the drugs to be shipped. Manufacturers and
21 wholesalers located in the state must respond to the State
22 Health Officer's priority shipping directive before shipping
23 the specified drugs.

24 2. Notwithstanding chapters 465 and 499 and rules
25 adopted thereunder, directing pharmacists employed by the
26 department to compound bulk prescription drugs and provide
27 these bulk prescription drugs to physicians and nurses of
28 county health departments or any qualified person authorized
29 by the State Health Officer for administration to persons as
30 part of a prophylactic or treatment regimen.

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

23 4. Ordering an individual to be examined, tested,
24 vaccinated, treated, or quarantined for communicable diseases
25 that have significant morbidity or mortality and present a
26 severe danger to public health. Individuals who are unable or
27 unwilling to be examined, tested, vaccinated or treated for
28 reasons of health, religion or conscience may be subjected to
29 quarantine.

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1 a. Examination, testing, vaccination, or treatment may
2 be performed by any qualified person authorized by the State
3 Health Officer.

4 b. If the individual poses a danger to the public
5 health, the State Health Officer may subject the individual to
6 quarantine. If there is no practical method to quarantine the
7 individual, the State Health Officer may use any means
8 necessary to vaccinate or treat the individual.

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10 Any order of the State Health Officer given to effectuate this
11 paragraph shall be immediately enforceable by a law
12 enforcement officer under s. 381.0012.

13 (2) Individuals who assist the State Health Officer at
14 his or her request on a volunteer basis during a public health
15 emergency are entitled to the benefits specified in s. 110.504
16 (2), (3), (4), and (5).

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

19 768.13 Good Samaritan Act; immunity from civil
20 liability.--

21 (2)(a) Any person, including those licensed to
22 practice medicine, who gratuitously and in good faith renders
23 emergency care or treatment either in direct response to
24 emergency situations related to and arising out of a public
25 health emergency declared pursuant to s. 381.00315,a state of
26 emergency which has been declared pursuant to s. 252.36 or at
27 the scene of an emergency outside of a hospital, doctor's
28 office, or other place having proper medical equipment,
29 without objection of the injured victim or victims thereof,
30 shall not be held liable for any civil damages as a result of
31 such care or treatment or as a result of any act or failure to

1 act in providing or arranging further medical treatment where
2 the person acts as an ordinary reasonably prudent person would
3 have acted under the same or similar circumstances.

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

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

22 a. Which occurs after the patient is stabilized and is
23 capable of receiving medical treatment as a nonemergency
24 patient, unless surgery is required as a result of the
25 emergency within a reasonable time after the patient is
26 stabilized, in which case the immunity provided by this
27 paragraph applies to any act or omission of providing medical
28 care or treatment which occurs prior to the stabilization of
29 the patient following the surgery; or

30 b. Unrelated to the original medical emergency.

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1 3. For purposes of this paragraph, "reckless
2 disregard" as it applies to a given health care provider
3 rendering emergency medical services shall be such conduct
4 which a health care provider knew or should have known, at the
5 time such services were rendered, would be likely to result in
6 injury so as to affect the life or health of another, taking
7 into account the following to the extent they may be present;

8 a. The extent or serious nature of the circumstances
9 prevailing.

10 b. The lack of time or ability to obtain appropriate
11 consultation.

12 c. The lack of a prior patient-physician relationship.

13 d. The inability to obtain an appropriate medical
14 history of the patient.

15 e. The time constraints imposed by coexisting
16 emergencies.

17 4. Every emergency care facility granted immunity
18 under this paragraph shall accept and treat all emergency care
19 patients within the operational capacity of such facility
20 without regard to ability to pay, including patients
21 transferred from another emergency care facility or other
22 health care provider pursuant to Pub. L. No. 99-272, s. 9121.
23 The failure of an emergency care facility to comply with this
24 subparagraph constitutes grounds for the department to
25 initiate disciplinary action against the facility pursuant to
26 chapter 395.

27 Section 4. This act shall take effect upon becoming a
28 law.

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