

By the Committee on Health, Aging and Long-Term Care; and
Senator Brown-Waite

317-1824A-02

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 providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (6) of section 381.0011, Florida
2 Statutes, is amended to read:

3 381.0011 Duties and powers of the Department of
4 Health.--It is the duty of the Department of Health to:

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

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

13 1. The closure of premises.

14 2. The movement of persons or animals exposed to or
15 infected with a communicable disease.

16 3. The tests or ~~prophylactic~~ treatment, including
17 vaccination,for communicable disease required prior to
18 employment or admission to the premises or to comply with a
19 quarantine.

20 4. Testing or destruction of animals with or suspected
21 of having a disease transmissible to humans.

22 5. Access by the department to quarantined premises.

23 6. The disinfection of quarantined animals, persons,
24 or premises.

25 7. Methods of quarantine.

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

29 Section 2. Section 381.00315, Florida Statutes, is
30 amended to read:

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1 381.00315 Public health advisories; public health
2 emergencies.--The State Health Officer is responsible for
3 declaring public health emergencies and issuing public health
4 advisories.

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

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

19 (b) "Public health emergency" means any occurrence, or
20 threat thereof, whether natural or man made, which results or
21 may result in substantial injury or harm to the public health
22 from infectious disease, chemical agents, nuclear agents,
23 biological toxins, or situations involving mass casualties or
24 natural disasters. Prior to declaring a public health
25 emergency, the State Health Officer shall, to the extent
26 possible, consult with the Governor and shall notify the Chief
27 of Domestic Security Initiatives as created in s. 943.03. The
28 declaration of a public health emergency shall continue until
29 the State Health Officer finds that the threat or danger has
30 been dealt with to the extent that the emergency conditions no
31 longer exist and he or she terminates the declaration.

1 However, a declaration of a public health emergency may not
2 continue for longer than 60 days unless the Governor concurs
3 in the renewal of the declaration. The State Health Officer,
4 upon declaration of a public health emergency, may take
5 actions that are necessary to protect the public health. Such
6 actions include, but are not limited to:

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

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

25 3. Notwithstanding s. 456.036, temporarily
26 reactivating the inactive license of the following health care
27 practitioners, when such practitioners are needed to respond
28 to the public health emergency: physicians licensed under
29 chapter 458 or chapter 459; physician assistants licensed
30 under chapter 458 or chapter 459; licensed practical nurses,
31 registered nurses, and advanced registered nurse practitioners

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

16 4. Ordering an individual to be examined, tested,
17 vaccinated, treated, or quarantined for communicable diseases
18 that have significant morbidity or mortality and present a
19 severe danger to public health.

20 a. Examination, testing, vaccination, or treatment may
21 be performed by any qualified person authorized by the State
22 Health Officer.

23 b. If the individual poses a danger to the public
24 health, the State Health Officer may subject the individual to
25 quarantine. If there is no practical method to quarantine the
26 individual, the State Health Officer may use any means
27 necessary to vaccinate or treat the individual.

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

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

5 Section 3. This act shall take effect upon becoming a
6 law.

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 1264

11 The Committee Substitute for Senate Bill 1264 revises the
12 rulemaking authority of the Department of Health for its power
13 to impose a quarantine to include required vaccination and to
14 establish additional authority for the Department of Health to
15 impose methods of quarantine. "Public health advisory" and
16 "public health emergency" are defined. The State Health
17 Officer is required to consult with the Governor and to notify
18 the Chief of Domestic Security Initiatives before declaring a
19 public health emergency. A declaration of a public health
20 emergency may only continue for 60 days unless the Governor
21 concurs in the renewal of the declaration. The State Health
22 Officer may take specified actions to protect the public
23 health during a declared public health emergency.
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