

By Senator Hukill

8-00719-15

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1 A bill to be entitled
2 An act relating to public health emergencies; amending
3 s. 381.0012, F.S.; requiring certain state and local
4 officers to assist in enforcing rules and orders
5 issued by the Department of Health under ch. 381,
6 F.S.; amending s. 381.00315, F.S.; authorizing the
7 State Health Officer to issue orders to isolate
8 individuals; defining terms; clarifying the
9 responsibilities of the department for isolation and
10 quarantine; specifying that any order the department
11 issues is immediately enforceable by a law enforcement
12 officer; requiring the department to adopt rules for
13 the imposing and lifting of isolation orders;
14 providing a penalty for violating an isolation order;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (5) of section 381.0012, Florida
20 Statutes, is amended to read:

21 381.0012 Enforcement authority.—

22 (5) It shall be the duty of every state and county
23 attorney, sheriff, police officer, and other appropriate city
24 and county officials upon request to assist the department or
25 any of its agents in enforcing the state health laws, rules, and
26 orders ~~the rules~~ adopted under this chapter.

27 Section 2. Section 381.00315, Florida Statutes, is amended
28 to read:

29 381.00315 Public health advisories; public health

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30 emergencies; isolation and quarantines.—The State Health Officer
31 is responsible for declaring public health emergencies, issuing
32 public health advisories, and ordering isolation or ~~and~~
33 quarantines ~~and issuing public health advisories.~~

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

35 (a) "Isolation" means the separation of an individual who
36 is reasonably believed to be infected with a communicable
37 disease from those who are not infected with the disease to
38 prevent the spread of the disease.

39 (b)-(a) "Public health advisory" means any warning or report
40 giving information to the public about a potential public health
41 threat. Prior to issuing any public health advisory, the State
42 Health Officer must consult with any state or local agency
43 regarding areas of responsibility which may be affected by such
44 advisory. Upon determining that issuing a public health advisory
45 is necessary to protect the public health and safety, and prior
46 to issuing the advisory, the State Health Officer must notify
47 each county health department within the area which is affected
48 by the advisory of the State Health Officer's intent to issue
49 the advisory. The State Health Officer is authorized to take any
50 action appropriate to enforce any public health advisory.

51 (c)-(b) "Public health emergency" means any occurrence, or
52 threat thereof, whether natural or manmade ~~man-made~~, which
53 results or may result in substantial injury or harm to the
54 public health from infectious disease, chemical agents, nuclear
55 agents, biological toxins, or situations involving mass
56 casualties or natural disasters. Prior to declaring a public
57 health emergency, the State Health Officer shall, to the extent
58 possible, consult with the Governor and shall notify the Chief

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59 of Domestic Security. The declaration of a public health
60 emergency shall continue until the State Health Officer finds
61 that the threat or danger has been dealt with to the extent that
62 the emergency conditions no longer exist and he or she
63 terminates the declaration. However, a declaration of a public
64 health emergency may not continue for longer than 60 days unless
65 the Governor concurs in the renewal of the declaration. The
66 State Health Officer, upon declaration of a public health
67 emergency, may take actions that are necessary to protect the
68 public health. Such actions include, but are not limited to:

69 1. Directing manufacturers of prescription drugs or over-
70 the-counter drugs who are permitted under chapter 499 and
71 wholesalers of prescription drugs located in this state who are
72 permitted under chapter 499 to give priority to the shipping of
73 specified drugs to pharmacies and health care providers within
74 geographic areas that have been identified by the State Health
75 Officer. The State Health Officer must identify the drugs to be
76 shipped. Manufacturers and wholesalers located in the state must
77 respond to the State Health Officer's priority shipping
78 directive before shipping the specified drugs.

79 2. Notwithstanding chapters 465 and 499 and rules adopted
80 thereunder, directing pharmacists employed by the department to
81 compound bulk prescription drugs and provide these bulk
82 prescription drugs to physicians and nurses of county health
83 departments or any qualified person authorized by the State
84 Health Officer for administration to persons as part of a
85 prophylactic or treatment regimen.

86 3. Notwithstanding s. 456.036, temporarily reactivating the
87 inactive license of the following health care practitioners,

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88 when such practitioners are needed to respond to the public
89 health emergency: physicians licensed under chapter 458 or
90 chapter 459; physician assistants licensed under chapter 458 or
91 chapter 459; licensed practical nurses, registered nurses, and
92 advanced registered nurse practitioners licensed under part I of
93 chapter 464; respiratory therapists licensed under part V of
94 chapter 468; and emergency medical technicians and paramedics
95 certified under part III of chapter 401. Only those health care
96 practitioners specified in this paragraph who possess an
97 unencumbered inactive license and who request that such license
98 be reactivated are eligible for reactivation. An inactive
99 license that is reactivated under this paragraph shall return to
100 inactive status when the public health emergency ends or prior
101 to the end of the public health emergency if the State Health
102 Officer determines that the health care practitioner is no
103 longer needed to provide services during the public health
104 emergency. Such licenses may only be reactivated for a period
105 not to exceed 90 days without meeting the requirements of s.
106 456.036 or chapter 401, as applicable.

107 4. Ordering an individual to be examined, tested,
108 vaccinated, treated, isolated, or quarantined for communicable
109 diseases that have significant morbidity or mortality and
110 present a severe danger to public health. Individuals who are
111 unable or unwilling to be examined, tested, vaccinated, or
112 treated for reasons of health, religion, or conscience may be
113 subjected to isolation or quarantine.

114 a. Examination, testing, vaccination, or treatment may be
115 performed by any qualified person authorized by the State Health
116 Officer.

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117 b. If the individual poses a danger to the public health,
118 the State Health Officer may subject the individual to isolation
119 or quarantine. If there is no practical method to isolate or
120 quarantine the individual, the State Health Officer may use any
121 means necessary to vaccinate or treat the individual.

122
123 Any order of the State Health Officer given to effectuate this
124 paragraph shall be immediately enforceable by a law enforcement
125 officer under s. 381.0012.

126 (d) "Quarantine" means the separation of an individual
127 reasonably believed to have been exposed to a communicable
128 disease, but who is not yet showing symptoms, from others who
129 have not been exposed to the disease to prevent the possible
130 spread of the disease.

131 (2) Individuals who assist the State Health Officer at his
132 or her request on a volunteer basis during a public health
133 emergency are entitled to the benefits specified in s.
134 110.504(2), (3), (4), and (5).

135 (3) To facilitate effective emergency management, when the
136 United States Department of Health and Human Services contracts
137 for the manufacture and delivery of licensable products in
138 response to a public health emergency and the terms of those
139 contracts are made available to the states, the department shall
140 accept funds provided by counties, municipalities, and other
141 entities designated in the state emergency management plan
142 required under s. 252.35(2)(a) for the purpose of participation
143 in those contracts. The department shall deposit those funds in
144 the Grants and Donations Trust Fund and expend those funds on
145 behalf of the donor county, municipality, or other entity for

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146 the purchase of the licensable products made available under the
147 contract.

148 (4) The department has the duty and the authority to
149 declare, enforce, modify, and abolish the isolation or
150 quarantine ~~quarantines~~ of persons, animals, and premises as the
151 circumstances indicate for controlling communicable diseases or
152 providing protection from unsafe conditions that pose a threat
153 to public health, except as provided in ss. 384.28 and 392.545-
154 392.60. Any order the department issues pursuant to this
155 subsection shall be immediately enforceable by a law enforcement
156 officer under s. 381.0012.

157 (5) The department shall adopt rules to specify the
158 conditions and procedures for imposing and lifting an order for
159 isolation or ~~and releasing a~~ quarantine. The rules must include
160 provisions related to:

161 (a) The closure of premises.

162 (b) The movement of persons or animals exposed to or
163 infected with a communicable disease.

164 (c) The tests or treatment, including vaccination, for
165 communicable disease required prior to employment or admission
166 to the premises or to comply with an isolation or ~~a~~ quarantine
167 order.

168 (d) Testing or destruction of animals with or suspected of
169 having a disease transmissible to humans.

170 (e) Access by the department to persons in isolation or
171 quarantine or to premises housing persons in isolation or in
172 quarantine ~~quarantined~~ premises.

173 (f) The disinfection of isolated or quarantined animals,
174 persons, or premises.

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175 (g) Methods of isolation or quarantine.

176 (6) The rules adopted under this section and actions taken
177 by the department pursuant to a declared public health
178 emergency, isolation, or quarantine shall supersede all rules
179 enacted by other state departments, boards or commissions, and
180 ordinances and regulations enacted by political subdivisions of
181 the state. Any person who violates any rule adopted under this
182 section, any order of isolation or quarantine, or any
183 requirement adopted by the department pursuant to a declared
184 public health emergency, commits a misdemeanor of the second
185 degree, punishable as provided in s. 775.082 or s. 775.083.

186 Section 3. This act shall take effect July 1, 2015.