

By the Committee on Health Policy; and Senator Hukill

588-02132-15

2015950c1

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 a legislative finding of important state  
16      interest; providing an effective date.

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

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

22       381.0012 Enforcement authority.—

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

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

588-02132-15

2015950c1

30 381.00315 Public health advisories; public health  
31 emergencies; isolation and quarantines.—The State Health Officer  
32 is responsible for declaring public health emergencies, issuing  
33 public health advisories, and ordering isolation or ~~and~~  
34 quarantines ~~and issuing public health advisories.~~

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

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

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

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

588-02132-15

2015950c1

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

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

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

87 3. Notwithstanding s. 456.036, temporarily reactivating the

588-02132-15

2015950c1

88 inactive license of the following health care practitioners,  
89 when such practitioners are needed to respond to the public  
90 health emergency: physicians licensed under chapter 458 or  
91 chapter 459; physician assistants licensed under chapter 458 or  
92 chapter 459; licensed practical nurses, registered nurses, and  
93 advanced registered nurse practitioners licensed under part I of  
94 chapter 464; respiratory therapists licensed under part V of  
95 chapter 468; and emergency medical technicians and paramedics  
96 certified under part III of chapter 401. Only those health care  
97 practitioners specified in this paragraph who possess an  
98 unencumbered inactive license and who request that such license  
99 be reactivated are eligible for reactivation. An inactive  
100 license that is reactivated under this paragraph shall return to  
101 inactive status when the public health emergency ends or prior  
102 to the end of the public health emergency if the State Health  
103 Officer determines that the health care practitioner is no  
104 longer needed to provide services during the public health  
105 emergency. Such licenses may only be reactivated for a period  
106 not to exceed 90 days without meeting the requirements of s.  
107 456.036 or chapter 401, as applicable.

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

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

588-02132-15

2015950c1

117 Officer.

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

123

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

127       (d) "Quarantine" means the separation of an asymptomatic  
128 individual or a premises reasonably believed to have been  
129 exposed to a communicable disease from individuals who have not  
130 been exposed to the disease to prevent its possible spread.

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

588-02132-15

2015950c1

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 is 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.

588-02132-15

2015950c1

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. The Legislature finds that this act fulfills an  
187 important state interest by providing measures for the control  
188 of communicable diseases and the protection of public health.

189 Section 4. This act shall take effect July 1, 2015.