

By Senator Gruters

23-00469-22

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1 A bill to be entitled

2 An act relating to vaccinations during public health
3 emergencies; amending s. 381.00315, F.S.; removing the
4 authority of the State Health Officer to order the
5 vaccination of individuals upon declaration of a
6 public health emergency; revising a requirement that
7 the Department of Health adopt certain rules;
8 providing an effective date.

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

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12 Section 1. Paragraph (d) of subsection (2) and paragraph
13 (c) of subsection (5) of section 381.00315, Florida Statutes,
14 are amended to read:

15 381.00315 Public health advisories; public health
16 emergencies; isolation and quarantines.—The State Health Officer
17 is responsible for declaring public health emergencies, issuing
18 public health advisories, and ordering isolation or quarantines.

19 (2)

20 (d) The State Health Officer, upon declaration of a public
21 health emergency, may take actions that are necessary to protect
22 the public health. Such actions include, but are not limited to:

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

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30 Manufacturers and wholesalers located in the state must respond
31 to the State Health Officer's priority shipping directive before
32 shipping the specified drugs.

33 2. Notwithstanding chapters 465 and 499 and rules adopted
34 thereunder, directing pharmacists employed by the department to
35 compound bulk prescription drugs and provide these bulk
36 prescription drugs to physicians and nurses of county health
37 departments or any qualified person authorized by the State
38 Health Officer for administration to persons as part of a
39 prophylactic or treatment regimen.

40 3. Notwithstanding s. 456.036, temporarily reactivating the
41 inactive license of the following health care practitioners,
42 when such practitioners are needed to respond to the public
43 health emergency: physicians licensed under chapter 458 or
44 chapter 459; physician assistants licensed under chapter 458 or
45 chapter 459; licensed practical nurses, registered nurses, and
46 advanced practice registered nurses licensed under part I of
47 chapter 464; respiratory therapists licensed under part V of
48 chapter 468; and emergency medical technicians and paramedics
49 certified under part III of chapter 401. Only those health care
50 practitioners specified in this paragraph who possess an
51 unencumbered inactive license and who request that such license
52 be reactivated are eligible for reactivation. An inactive
53 license that is reactivated under this paragraph shall return to
54 inactive status when the public health emergency ends or before
55 the end of the public health emergency if the State Health
56 Officer determines that the health care practitioner is no
57 longer needed to provide services during the public health
58 emergency. Such licenses may only be reactivated for a period

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59 not to exceed 90 days without meeting the requirements of s.
60 456.036 or chapter 401, as applicable.

61 4. Ordering an individual to be examined, tested,
62 ~~vaccinated~~, treated, isolated, or quarantined for communicable
63 diseases that have significant morbidity or mortality and
64 present a severe danger to public health. Individuals who are
65 unable or unwilling to be examined, tested, ~~vaccinated~~, or
66 treated for reasons of health, religion, or conscience may be
67 subjected to isolation or quarantine.

68 a. Examination, testing, ~~vaccination~~, or treatment may be
69 performed by any qualified person authorized by the State Health
70 Officer.

71 b. If the individual poses a danger to the public health,
72 the State Health Officer may subject the individual to isolation
73 or quarantine. If there is no practical method to isolate or
74 quarantine the individual, the State Health Officer may use any
75 means necessary to ~~vaccinate or~~ treat the individual.

76 c. Any order of the State Health Officer given to
77 effectuate this paragraph is immediately enforceable by a law
78 enforcement officer under s. 381.0012.

79 (5) The department shall adopt rules to specify the
80 conditions and procedures for imposing and releasing an
81 isolation or a quarantine. The rules must include provisions
82 related to:

83 (c) The tests or treatment, ~~including vaccination~~, for
84 communicable disease required before employment or admission to
85 the premises or to comply with an isolation or a quarantine.

86 Section 2. This act shall take effect July 1, 2022.