

26 prevention and control program; requiring written
 27 consent of participating individuals or their legal
 28 guardians for any medical care offered or provided
 29 through such program; providing an effective date.
 30

31 Be It Enacted by the Legislature of the State of Florida:
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33 Section 1. This act may be cited as the "Medical Emergency
 34 Requirement for Clear and Convincing Information and Evidence
 35 (MERCIE) Act."

36 Section 2. Paragraphs (a) and (b) of subsection (1),
 37 paragraphs (b) and (d) of subsection (2), subsection (4), and
 38 paragraphs (a) and (b) of subsection (5) of section 381.00315,
 39 Florida Statutes, are amended, and paragraph (e) is added to
 40 subsection (1) of that section, to read:

41 381.00315 Public health advisories; public health
 42 emergencies; isolation and quarantines.—The State Health Officer
 43 is responsible for declaring public health emergencies, issuing
 44 public health advisories, and ordering isolation or quarantines.

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

46 (a) "Isolation" means the separation of an individual who
 47 is ~~reasonably~~ believed beyond a reasonable doubt to be infected
 48 with a communicable disease from individuals who are not
 49 infected, to prevent the possible spread of the disease.

50 (b) "Public health advisory" means any warning or report

HB 1487

2023

51 giving information to the public about a potential public health
52 threat. Before issuing any public health advisory, the State
53 Health Officer must consult with any state or local agency
54 regarding areas of responsibility which may be affected by such
55 advisory. Upon determining that issuing a public health advisory
56 is necessary to protect the public health and safety, and prior
57 to issuing the advisory, the State Health Officer must notify
58 each county health department within the area which is affected
59 by the advisory of the State Health Officer's intent to issue
60 the advisory. The State Health Officer is authorized to take any
61 action that is legal and appropriate to enforce any public
62 health advisory.

63 (e) The term "treat," "treated," or "treatment" does not
64 include administration of vaccinations.

65 (2)

66 (b) Before declaring a public health emergency, the State
67 Health Officer must obtain the consent of ~~shall, to the extent~~
68 ~~possible, consult with~~ the Governor, the President of the
69 Senate, and the Speaker of the House of Representatives and
70 ~~shall~~ notify the Chief of Domestic Security. The declaration of
71 a public health emergency shall continue until the State Health
72 Officer, the Governor, the Senate President, or the Speaker of
73 the House of Representatives notifies the Chief of Domestic
74 Security that they have determined ~~finds~~ that the threat or
75 danger has been dealt with to the extent that the emergency

76 | conditions no longer exist and wish to remove consent to the
 77 | continuation of the emergency and terminate ~~he or she terminates~~
 78 | the declaration. ~~However,~~ A declaration of a public health
 79 | emergency will automatically expire ~~may not continue for longer~~
 80 | ~~than~~ 60 days after the declaration unless the Governor files in
 81 | writing a ~~concurs in the~~ renewal of the declaration. A renewal
 82 | declaration by the Governor will be valid for 30 days after
 83 | which the Governor may file additional renewal declarations in
 84 | writing. Each subsequent renewal declaration will extend the
 85 | termination of the emergency an additional 30 days after the
 86 | date of the last renewal declaration. The declaration of a
 87 | public health emergency will automatically expire if the
 88 | Governor does not timely file a renewal declaration.

89 | (d) The State Health Officer, during ~~upon declaration of~~ a
 90 | public health emergency, may take actions that are necessary to
 91 | protect the public health. Such actions include, but are not
 92 | limited to:

93 | 1. Directing manufacturers of prescription drugs or over-
 94 | the-counter drugs who are permitted under chapter 499 and
 95 | wholesalers of prescription drugs located in this state who are
 96 | permitted under chapter 499 to give priority to the shipping of
 97 | specified drugs to pharmacies and health care providers within
 98 | geographic areas identified by the State Health Officer. The
 99 | State Health Officer must identify the drugs to be shipped.

100 | Manufacturers and wholesalers located in the state must respond

101 to the State Health Officer's priority shipping directive before
102 shipping the specified drugs.

103 2. Notwithstanding chapters 465 and 499 and rules adopted
104 thereunder, directing pharmacists employed by the department to
105 compound bulk prescription drugs and provide these bulk
106 prescription drugs to physicians and nurses of county health
107 departments or any qualified person authorized by the State
108 Health Officer for administration to persons as part of a
109 prophylactic or treatment regimen.

110 3. Notwithstanding s. 456.036, temporarily reactivating
111 the inactive license of the following health care providers
112 ~~practitioners~~, when such providers ~~practitioners~~ are needed to
113 respond to the public health emergency: physicians licensed
114 under chapter 458 or chapter 459; physician assistants licensed
115 under chapter 458 or chapter 459; licensed practical nurses,
116 registered nurses, and advanced practice registered nurses
117 licensed under part I of chapter 464; respiratory therapists
118 licensed under part V of chapter 468; and emergency medical
119 technicians and paramedics certified under part III of chapter
120 401. Only those health care practitioners specified in this
121 paragraph who possess an unencumbered inactive license and who
122 request that such license be reactivated are eligible for
123 reactivation. An inactive license that is reactivated under this
124 paragraph shall return to inactive status when the public health
125 emergency ends or before the end of the public health emergency

HB 1487

2023

126 | if the State Health Officer determines that the health care
127 | provider ~~practitioner~~ is no longer needed to provide services
128 | during the public health emergency. Such licenses may only be
129 | reactivated for a period not to exceed 90 days without meeting
130 | the requirements of s. 456.036 or chapter 401, as applicable.

131 | 4. Requesting ~~Ordering~~ an individual to be examined,
132 | tested, treated, isolated, or quarantined for communicable
133 | diseases that have significant morbidity or mortality and
134 | present a severe danger to public health. Individuals who are
135 | unable or unwilling to be examined, tested, or treated for
136 | reasons of health, religion, or conscience may be subjected to
137 | isolation or quarantine.

138 | a. Examination, testing, or treatment may be performed by
139 | any qualified person authorized by the State Health Officer.

140 | b. If isolation or quarantine is permitted by this section
141 | to protect public health, such isolation or quarantine shall be
142 | carried out by the least restrictive means that protects the
143 | liberty, safety, and comfort of the individual and that
144 | minimizes the cost of such isolation and quarantine ~~the~~
145 | ~~individual poses a danger to the public health, the State Health~~
146 | ~~Officer may subject the individual to isolation or quarantine.~~
147 | ~~If there is no practical method to isolate or quarantine the~~
148 | ~~individual, the State Health Officer may use any means necessary~~
149 | ~~to treat the individual.~~

150 | c. An individual subject to a request under this section

151 may request judicial review of such request with the burden on
152 the state to prove, beyond a reasonable doubt, that such actions
153 are necessary for public health and will benefit public health.

154 d.e. Any request ~~order~~ of the State Health Officer given
155 to effectuate this paragraph is ~~immediately~~ enforceable by a law
156 enforcement officer under s. 381.0012.

157 e. Closures of churches, businesses, government buildings
158 and services, schools, groups of private residences, and public
159 domains, and altering or adjusting elections procedures and
160 protocols, are prohibited. Any such actions that affect entire
161 groups or communities are only permitted when approved by a two-
162 thirds vote of the membership of each house of the Legislature.

163 (4) The department has the duty and the authority to
164 declare, enforce, modify, and abolish the isolation and
165 quarantine of ~~persons,~~ animals, and premises as the
166 circumstances indicate for controlling communicable diseases or
167 providing protection from unsafe conditions that pose a threat
168 to public health, except as provided in ss. 384.28 and 392.545-
169 392.60. Any order of the department issued pursuant to this
170 subsection shall be immediately enforceable by a law enforcement
171 officer under s. 381.0012.

172 (5) The department shall adopt rules to specify the
173 conditions and procedures for imposing and releasing an
174 isolation or a quarantine. The rules must include provisions
175 related to:

176 (a) The closure of individual premises.

177 (b) The movement of individuals on a case by case basis
 178 ~~persons~~ or animals exposed to or infected with a communicable
 179 disease.

180 Section 3. Paragraph (e) of subsection (1) of section
 181 381.003, Florida Statutes, is amended to read:

182 381.003 Communicable disease and AIDS prevention and
 183 control.—

184 (1) The department shall conduct a communicable disease
 185 prevention and control program as part of fulfilling its public
 186 health mission. A communicable disease is any disease caused by
 187 transmission of a specific infectious agent, or its toxic
 188 products, from an infected person, an infected animal, or the
 189 environment to a susceptible host, either directly or
 190 indirectly. The communicable disease program must include, but
 191 need not be limited to:

192 (e) Develop and provide access to, but not require the
 193 participation in programs for the prevention and control of
 194 vaccine-preventable diseases, including programs to immunize
 195 school children as required by s. 1003.22(3)-(11) and the
 196 development of an automated, electronic, and centralized
 197 database and registry of immunizations. The department shall
 198 ensure that all children in this state are afforded access to be
 199 immunized against vaccine-preventable diseases. The immunization
 200 registry must allow the department to enhance current

201 immunization activities for the purpose of improving the
202 immunization of all children in this state.

203 1. Except as provided in subparagraph 2., the department
204 shall include all children born in this state in the
205 immunization registry by using the birth records from the Office
206 of Vital Statistics. The department shall add other children to
207 the registry as immunization services are provided.

208 2. The parent or guardian of a child may refuse to have
209 the child included in the immunization registry by signing a
210 form obtained from the department, or from the health care
211 practitioner or entity that provides the immunization, which
212 indicates that the parent or guardian does not wish to have the
213 child included in the immunization registry. Each consent to
214 treatment form provided by a health care practitioner or by an
215 entity that administers vaccinations or causes vaccinations to
216 be administered to children from birth through 17 years of age
217 must contain a notice stating that the parent or guardian of a
218 child may refuse to have his or her child included in the
219 immunization registry. The parent or guardian must provide such
220 opt-out form to the health care practitioner or entity upon
221 administration of the vaccination. Such health care practitioner
222 or entity shall submit the form to the department. A parent or
223 guardian may submit the opt-out form directly to the department.
224 Any records or identifying information pertaining to the child
225 shall be removed from the registry, if the parent or guardian

226 | has refused to have his or her child included in the
227 | immunization registry.

228 | 3. A college or university student, from 18 years of age
229 | to 23 years of age, who obtains a vaccination from a college or
230 | university student health center or clinic in the state may
231 | refuse to be included in the immunization registry by signing a
232 | form obtained from the department, health center, or clinic
233 | which indicates that the student does not wish to be included in
234 | the immunization registry. The student must provide such opt-out
235 | form to the health center or clinic upon administration of the
236 | vaccination. Such health center or clinic shall submit the form
237 | to the department. A student may submit the opt-out form
238 | directly to the department. Any records or identifying
239 | information pertaining to the student shall be removed from the
240 | registry if the student has refused to be included in the
241 | immunization registry.

242 | 4. The immunization registry shall allow for immunization
243 | records to be electronically available to entities that are
244 | required by law to have such records, including, but not limited
245 | to, schools and licensed child care facilities.

246 | 5. A health care practitioner licensed under chapter 458,
247 | chapter 459, or chapter 464 in this state who administers
248 | vaccinations or causes vaccinations to be administered to
249 | children from birth through 17 years of age is required to
250 | report vaccination data to the immunization registry, unless a

251 parent or guardian of a child has refused to have the child
252 included in the immunization registry by meeting the
253 requirements of subparagraph 2. A health care practitioner
254 licensed under chapter 458, chapter 459, or chapter 464 in this
255 state who administers vaccinations or causes vaccinations to be
256 administered to college or university students from 18 years of
257 age to 23 years of age at a college or university student health
258 center or clinic is required to report vaccination data to the
259 immunization registry, unless the student has refused to be
260 included in the immunization registry by meeting the
261 requirements of subparagraph 3. Vaccination data for students in
262 other age ranges may be submitted to the immunization registry
263 only if the student consents to inclusion in the immunization
264 registry. The upload of data from existing automated systems is
265 an acceptable method for updating immunization information in
266 the immunization registry. The information in the immunization
267 registry must include the child's name, date of birth, address,
268 and any other unique identifier necessary to correctly identify
269 the child; the immunization record, including the date, type of
270 administered vaccine, and vaccine lot number; and the presence
271 or absence of any adverse reaction or contraindication related
272 to the immunization. Information received by the department for
273 the immunization registry retains its status as confidential
274 medical information and the department must maintain the
275 confidentiality of that information as otherwise required by

HB 1487

2023

276 law. A health care practitioner or other agency that obtains
277 information from the immunization registry must maintain the
278 confidentiality of any medical records in accordance with s.
279 456.057 or as otherwise required by law.

280 6. This section does not prevent individuals from refusing
281 all medical treatments, procedures, and prophylactic medical
282 measures, including, but not limited to, testing, treatment,
283 gene therapy, and vaccinations. All medical care offered or
284 implemented through a communicable disease prevention and
285 control program shall be done with the written consent of
286 participating individuals or their legal guardians.

287 Section 4. This act shall take effect July 1, 2023.