

By Senator Yarborough

4-00849A-23

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1                                   A bill to be entitled  
2       An act relating to declarations of a public health  
3       emergency; amending s. 381.00315, F.S.; providing that  
4       the administration of vaccines is not included within  
5       the meaning of the terms "treat," "treated," or  
6       "treatment" as they relate to public health  
7       emergencies; revising provisions related to the  
8       expiration and renewal of declarations of a public  
9       health emergency; authorizing an individual to refuse  
10      examination, testing, or treatment under a State  
11      Health Officer's order during a public health  
12      emergency by submitting a written refusal to the State  
13      Health Officer; providing that such individuals may  
14      not be required to undergo such examination, testing,  
15      or treatment; deleting the State Health Officer's  
16      authority to use any means necessary to treat an  
17      individual under certain circumstances; providing an  
18      effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22       Section 1. Paragraphs (b) and (d) of subsection (2) of  
23      section 381.00315, Florida Statutes, are amended, and paragraph  
24      (e) is added to subsection (1) of that section, to read:

25       381.00315 Public health advisories; public health  
26      emergencies; isolation and quarantines.—The State Health Officer  
27      is responsible for declaring public health emergencies, issuing  
28      public health advisories, and ordering isolation or quarantines.

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

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30 (e) "Treat," "treated," or "treatment" does not include the  
31 administration of vaccinations.

32 (2)

33 (b) Before declaring a public health emergency, the State  
34 Health Officer shall, to the extent possible, consult with the  
35 Governor and shall notify the Chief of Domestic Security. ~~The~~  
36 ~~declaration of a public health emergency shall continue until~~  
37 ~~the State Health Officer finds that the threat or danger has~~  
38 ~~been dealt with to the extent that the emergency conditions no~~  
39 ~~longer exist and he or she terminates the declaration. However,~~  
40 A declaration of a public health emergency expires ~~may not~~  
41 ~~continue for longer than~~ 60 days after the declaration unless  
42 the Governor concurs in the renewal of the declaration, which  
43 extends the expiration of the declaration for 30 days. Any  
44 subsequent renewals must be approved by a two-thirds majority  
45 vote of each chamber of the Legislature before the declaration  
46 expires, with each renewal extending the expiration of the  
47 declaration for 30 days. A declaration of a public health  
48 emergency automatically terminates if it is not timely renewed  
49 before its expiration in accordance with this paragraph.

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

53 1. Directing manufacturers of prescription drugs or over-  
54 the-counter drugs who are permitted under chapter 499 and  
55 wholesalers of prescription drugs located in this state who are  
56 permitted under chapter 499 to give priority to the shipping of  
57 specified drugs to pharmacies and health care providers within  
58 geographic areas identified by the State Health Officer. The

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59 State Health Officer must identify the drugs to be shipped.  
60 Manufacturers and wholesalers located in this ~~the~~ state must  
61 respond to the State Health Officer's priority shipping  
62 directive before shipping the specified drugs.

63 2. Notwithstanding chapters 465 and 499 and rules adopted  
64 thereunder, directing pharmacists employed by the department to  
65 compound bulk prescription drugs and provide these bulk  
66 prescription drugs to physicians and nurses of county health  
67 departments or any qualified person authorized by the State  
68 Health Officer for administration to persons as part of a  
69 prophylactic or treatment regimen.

70 3. Notwithstanding s. 456.036, temporarily reactivating the  
71 inactive license of the following health care practitioners,  
72 when such practitioners are needed to respond to the public  
73 health emergency: physicians licensed under chapter 458 or  
74 chapter 459; physician assistants licensed under chapter 458 or  
75 chapter 459; licensed practical nurses, registered nurses, and  
76 advanced practice registered nurses licensed under part I of  
77 chapter 464; respiratory therapists licensed under part V of  
78 chapter 468; and emergency medical technicians and paramedics  
79 certified under part III of chapter 401. Only those health care  
80 practitioners specified in this paragraph who possess an  
81 unencumbered inactive license and who request that such license  
82 be reactivated are eligible for reactivation. An inactive  
83 license that is reactivated under this paragraph returns ~~shall~~  
84 ~~return~~ to inactive status when the public health emergency ends,  
85 or before the end of the public health emergency if the State  
86 Health Officer determines that the health care practitioner is  
87 no longer needed to provide services during the public health

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88 emergency. Such licenses may only be reactivated for a period  
89 not to exceed 90 days without meeting the requirements of s.  
90 456.036 or chapter 401, as applicable.

91 4. Ordering an individual to be examined, tested, treated,  
92 isolated, or quarantined for communicable diseases that have  
93 significant morbidity or mortality and present a severe danger  
94 to public health. However, an individual may refuse examination,  
95 testing, or treatment for reasons of health, religion, or  
96 conscience by submitting a refusal in writing to the State  
97 Health Officer. Such individuals may not be required to undergo  
98 examination, testing, or treatment but ~~who are unable or~~  
99 ~~unwilling to be examined, tested, or treated for reasons of~~  
100 ~~health, religion, or conscience~~ may be subjected to isolation or  
101 quarantine.

102 a. Examination, testing, or treatment may be performed by  
103 any qualified person authorized by the State Health Officer.

104 b. If the individual poses a danger to the public health,  
105 the State Health Officer may subject the individual to isolation  
106 or quarantine. ~~If there is no practical method to isolate or~~  
107 ~~quarantine the individual, the State Health Officer may use any~~  
108 ~~means necessary to treat the individual.~~

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

112 Section 2. This act shall take effect July 1, 2023.