

A bill to be entitled

An act relating to emergency powers during a declared public health emergency; amending s. 381.00315, F.S.; revising requirements for the declaration of a public health emergency; providing exemptions for local municipalities under certain circumstances; authorizing an individual to refuse examination, testing, or treatment for specified reasons; prohibiting such individual from being required to undergo examination, testing, or treatment or to isolate at home or quarantine under certain circumstances; providing requirements for at-home isolation or quarantine; prohibiting public employees from knowingly and willfully taking actions that violate an individual's constitutional rights during a declared public health emergency; providing for disciplinary action; providing for civil and criminal penalties; providing whistle-blower protections for public employees who report specified violations; providing construction; providing an effective date.

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

Section 1. Subsection (6) of section 381.00315, Florida Statutes, is renumbered as subsection (7), paragraphs (b) and

26 **(d) of subsection (2) are amended, and a new subsection (6) is**
27 **added to that section, to read:**

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

32 (2)

33 (b)1. Before declaring a public health emergency, the
34 State Health Officer shall~~, to the extent possible,~~ consult with
35 the Governor and shall notify the Chief of Domestic Security.
36 ~~The declaration of a public health emergency shall continue~~
37 ~~until the State Health Officer finds that the threat or danger~~
38 ~~has been dealt with to the extent that the emergency conditions~~
39 ~~no longer exist and he or she terminates the declaration.~~
40 ~~However,~~ A declaration of a public health emergency expires ~~may~~
41 ~~not continue for longer than~~ 60 days after the declaration
42 unless the Governor concurs in the renewal of the declaration,
43 which shall extend the expiration of the declaration for 30
44 days. Any subsequent renewals of the declaration must be
45 approved by a two-thirds majority vote of each house of the
46 Legislature before the declaration expires, with each renewal
47 extending the expiration of the declaration for 30 days. A
48 declaration of a public health emergency automatically
49 terminates if it is not timely renewed before its expiration in
50 accordance with this subparagraph. The Legislature shall convene

51 within 30 days after the declaration of a public health
52 emergency. Either the Senate or the House of Representatives, by
53 a petition signed by a majority of the members of that house,
54 may terminate the declaration of a public health emergency or
55 any part of the declaration at any time. Without subsequent
56 authorization by general law, the Governor or State Health
57 Officer may not renew a declaration, or declare a public health
58 emergency that is substantially similar to one that expired,
59 without legislative approval. However, the Governor may renew a
60 declaration based on significantly changed circumstances for a
61 single period of up to 3 days if the Governor calls upon the
62 Legislature to reconsider the declaration and the changed
63 circumstances. The petition to terminate the declaration of a
64 public health emergency or any part of the declaration, which is
65 duly signed by a majority of the members of the Senate or the
66 House of Representatives, shall be transmitted to the Secretary
67 of the Senate or the Clerk of the House of Representatives, as
68 applicable, who shall transmit the petition to the Governor. The
69 termination of the declaration of a public health emergency is
70 effective upon the transmission of the petition to the Governor.

71 2. A local municipality may, after consultation with
72 public health experts and officials, exempt itself from the
73 declared public health emergency. This subparagraph applies only
74 to specific public health emergency measures imposed by
75 authorities, such as quarantine mandates, lockdowns, and travel

76 restrictions. The procedure for an exemption is as follows:

77 a. The governing body of a local municipality must pass a
78 resolution by a two-thirds vote that declares its intent to
79 exempt itself from the declared public health emergency.

80 b. The resolution must include:

81 (I) The reasons for the exemption.

82 (II) The specific alternate public health measures the
83 local municipality intends to implement.

84 (III) The steps taken by the local municipality to ensure
85 the safety and well-being of its residents.

86 c. The local municipality must notify the Department of
87 Health, local media outlets, and relevant stakeholders within 24
88 hours after passage of the resolution.

89 3. A local municipality that has exempted itself from a
90 declared public health emergency must renew its exemption every
91 30 days. The procedure for a renewal is as follows:

92 a. The governing body of the local municipality must pass
93 a resolution by a two-thirds vote that affirms its decision to
94 renew the exemption.

95 b. The resolution must include:

96 (I) An updated assessment of the public health emergency
97 in the local municipality.

98 (II) A review of the effectiveness of the alternate public
99 health measures taken by the local municipality.

100 (III) A statement that the exemption continues to be in

101 the best interest of public health and the local population.

102 c. The local municipality must notify the Department of
 103 Health within 24 hours after passage of the resolution.

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

107 1. Directing manufacturers of prescription drugs or over-
 108 the-counter drugs who are permitted under chapter 499 and
 109 wholesalers of prescription drugs located in this state who are
 110 permitted under chapter 499 to give priority to the shipping of
 111 specified drugs to pharmacies and health care providers within
 112 geographic areas identified by the State Health Officer. The
 113 State Health Officer must identify the drugs to be shipped.
 114 Manufacturers and wholesalers located in the state must respond
 115 to the State Health Officer's priority shipping directive before
 116 shipping the specified drugs.

117 2. Notwithstanding chapters 465 and 499 and rules adopted
 118 thereunder, directing pharmacists employed by the department to
 119 compound bulk prescription drugs and provide these bulk
 120 prescription drugs to physicians and nurses of county health
 121 departments or any qualified person authorized by the State
 122 Health Officer for administration to persons as part of a
 123 prophylactic or treatment regimen.

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

126 when such practitioners are needed to respond to the public
127 health emergency: physicians licensed under chapter 458 or
128 chapter 459; physician assistants licensed under chapter 458 or
129 chapter 459; licensed practical nurses, registered nurses, and
130 advanced practice registered nurses licensed under part I of
131 chapter 464; respiratory therapists licensed under part V of
132 chapter 468; and emergency medical technicians and paramedics
133 certified under part III of chapter 401. Only those health care
134 practitioners specified in this paragraph who possess an
135 unencumbered inactive license and who request that such license
136 be reactivated are eligible for reactivation. An inactive
137 license that is reactivated under this paragraph shall return to
138 inactive status when the public health emergency ends or before
139 the end of the public health emergency if the State Health
140 Officer determines that the health care practitioner is no
141 longer needed to provide services during the public health
142 emergency. Such licenses may only be reactivated for a period
143 not to exceed 90 days without meeting the requirements of s.
144 456.036 or chapter 401, as applicable.

145 4. Ordering an individual to be examined, tested, treated,
146 isolated, or quarantined for communicable diseases that have
147 significant morbidity or mortality and present a severe danger
148 to public health. However, an individual may refuse examination,
149 testing, or treatment for reasons of health, religion, or
150 conscience by submitting a refusal in writing to the State

151 Health Officer. Such individuals are not required to undergo
152 examination, testing, or treatment and ~~who are unable or~~
153 ~~unwilling to be examined, tested, or treated for reasons of~~
154 ~~health, religion, or conscience~~ may not be subjected to at-home
155 isolation or quarantine without a confirmed clinical diagnosis
156 of the communicable disease subject to the declared public
157 health emergency. Such individuals may appeal an isolation order
158 to an appropriate court if they believe the order is unjust or
159 unnecessary.

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

162 b. If the individual poses a danger to the public health,
163 the State Health Officer may subject the individual to isolation
164 or quarantine.

165 c. Isolation or quarantine shall, to the greatest extent
166 possible, occur at an individual's home. The State Health
167 Officer shall ensure that the individual is provided with
168 appropriate guidelines and support to safely isolate at home ~~if~~
169 ~~there is no practical method to isolate or quarantine the~~
170 ~~individual, the State Health Officer may use any means necessary~~
171 ~~to treat the individual.~~

172 ~~d.e.~~ Any order of the State Health Officer given to
173 effectuate this paragraph is immediately enforceable by a law
174 enforcement officer under s. 381.0012.

175

176 This subsection does not diminish the rights guaranteed to all
177 individuals under the State Constitution or the United States
178 Constitution. The courts shall be open, and every individual
179 shall have an adequate remedy by due process of law and justice,
180 administered without denial, partiality, or unreasonable delay,
181 for injury to him or her in person, property, reputation, or any
182 other right. The orders of all courts have full force and
183 effect. The Legislature may call itself into session at any time
184 and shall exercise its powers and duties and its ability to
185 enact laws, appropriate funds, and confirm appointees.

186 (6) (a) During a declared public health emergency, a public
187 employee is prohibited from knowingly and willfully taking
188 actions that violate the constitutional rights of an individual,
189 including, but not limited to, all of the following:

190 1. Illegally detaining or quarantining the individual
191 without due process or legal authority.

192 2. Conducting searches or seizures without probable cause
193 or a warrant.

194 3. Unlawfully restricting free speech, assembly, or
195 religious practices, including the restriction of peaceful
196 protest or freedom of movement.

197 4. Discriminating against the individual or a group of
198 individuals based on race, religion, gender, sexual orientation,
199 or any other protected characteristic.

200 5. Enforcing unconstitutional or disproportionate public

201 health measures that disproportionately harm a specific group of
202 individuals or violate an individual's rights.

203 (b) A public employee who is found to have knowingly and
204 willfully violated an individual's constitutional rights during
205 a declared public health emergency is subject to disciplinary
206 action, including all of the following:

- 207 1. Suspension without pay.
- 208 2. Demotion or reassignment.
- 209 3. Termination of employment.

210 (c) In addition to disciplinary action, a public employee
211 who is found to have knowingly and willfully violated an
212 individual's constitutional rights during a declared public
213 health emergency may be subject to civil penalties, including
214 all of the following:

- 215 1. A fine imposed by the relevant governmental agency or
216 independent oversight body.
- 217 2. Liability for damages, including compensatory damages,
218 punitive damages, and legal fees, which may be sought by the
219 individual whose rights were violated.

220 (d) In cases in which a public employee's violation of an
221 individual's constitutional rights during a declared public
222 health emergency rises to the level of criminal conduct, the
223 public employee may be prosecuted under applicable criminal
224 statutes, including, but not limited to, 18 U.S.C. s. 242.

225 (e)1. A public employee who reports a violation of an

226 individual's constitutional rights during a declared public
227 health emergency shall be protected from retaliation,
228 harassment, or any other adverse action.

229 2. A public employee who faces retaliation after reporting
230 a violation of an individual's constitutional rights during a
231 declared public health emergency may seek legal remedies,
232 including reinstatement, back pay, and damages.

233 (f) Notwithstanding any other law, public health emergency
234 declarations, including decrees, regulations, or other mandates,
235 issued by state or local officials that bind, curtail, or
236 infringe upon the rights of private parties must be narrowly
237 tailored to serve a compelling public health or safety purpose.
238 Each public health emergency declaration shall be limited in
239 duration, applicability, and scope in order to reduce any
240 infringement upon individual liberty. This paragraph does not
241 apply to a declaration of a state of emergency pursuant to s.
242 252.36 for a hurricane.

243 **Section 2.** This act shall take effect July 1, 2025.