

By Senator Yarborough

4-00417-24

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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:

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

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

46 1. Directing manufacturers of prescription drugs or over-the-counter drugs who are permitted under chapter 499 and
47 wholesalers of prescription drugs located in this state who are
48 permitted under chapter 499 to give priority to the shipping of
49 specified drugs to pharmacies and health care providers within
50 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, 2024.