

1 A bill to be entitled
 2 An act relating to public health; amending s.
 3 381.0012, F.S.; providing additional enforcement
 4 authority relating to public health orders issued by
 5 the Department of Health; amending s. 381.00315, F.S.;
 6 defining terms; authorizing the department to declare,
 7 enforce, modify, and abolish isolation of persons,
 8 animals, and premises for controlling communicable
 9 diseases or providing protection from unsafe
 10 conditions that pose a threat to public health;
 11 requiring the department to establish rules for
 12 conditions and procedures for imposing and releasing
 13 an order for isolation; providing that rules
 14 established under this section supersede all rules
 15 enacted by other state agencies, boards, or political
 16 subdivisions; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsection (5) of section 381.0012, Florida
 21 Statutes, is amended to read:

22 381.0012 Enforcement authority.—

23 (5) It shall be the duty of every state and county
 24 attorney, sheriff, police officer, and other appropriate city
 25 and county officials upon request to assist the department or
 26 any of its agents in enforcing the state health laws, and ~~the~~

27 | rules, and orders adopted under this chapter.

28 | Section 2. Section 381.00315, Florida Statutes, is amended
 29 | to read:

30 | 381.00315 Public health advisories; public health
 31 | emergencies; isolation and quarantines.—The State Health Officer
 32 | is responsible for declaring public health emergencies, issuing
 33 | public health advisories, and ordering isolation or ~~and~~
 34 | ~~quarantines and issuing public health advisories.~~

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

36 | (a) "Isolation" means the separation of an individual who
 37 | is reasonably believed to be infected with a communicable
 38 | disease from individuals who are not infected, to prevent the
 39 | possible spread of the disease.

40 | ~~(b)(a)~~ "Public health advisory" means any warning or
 41 | report giving information to the public about a potential public
 42 | health threat. Before ~~Prior to~~ issuing any public health
 43 | advisory, the State Health Officer must consult with any state
 44 | or local agency regarding areas of responsibility which may be
 45 | affected by such advisory. Upon determining that issuing a
 46 | public health advisory is necessary to protect the public health
 47 | and safety, and prior to issuing the advisory, the State Health
 48 | Officer must notify each county health department within the
 49 | area which is affected by the advisory of the State Health
 50 | Officer's intent to issue the advisory. The State Health Officer
 51 | is authorized to take any action appropriate to enforce any
 52 | public health advisory.

53 (c) ~~(b)~~ "Public health emergency" means any occurrence, or
54 threat thereof, whether natural or man made, which results or
55 may result in substantial injury or harm to the public health
56 from infectious disease, chemical agents, nuclear agents,
57 biological toxins, or situations involving mass casualties or
58 natural disasters. Before ~~Prior to~~ declaring a public health
59 emergency, the State Health Officer shall, to the extent
60 possible, consult with the Governor and shall notify the Chief
61 of Domestic Security. The declaration of a public health
62 emergency shall continue until the State Health Officer finds
63 that the threat or danger has been dealt with to the extent that
64 the emergency conditions no longer exist and he or she
65 terminates the declaration. However, a declaration of a public
66 health emergency may not continue for longer than 60 days unless
67 the Governor concurs in the renewal of the declaration. The
68 State Health Officer, upon declaration of a public health
69 emergency, may take actions that are necessary to protect the
70 public health. Such actions include, but are not limited to:
71 1. Directing manufacturers of prescription drugs or over-
72 the-counter drugs who are permitted under chapter 499 and
73 wholesalers of prescription drugs located in this state who are
74 permitted under chapter 499 to give priority to the shipping of
75 specified drugs to pharmacies and health care providers within
76 geographic areas that have been identified by the State Health
77 Officer. The State Health Officer must identify the drugs to be
78 shipped. Manufacturers and wholesalers located in the state must

79 | respond to the State Health Officer's priority shipping
80 | directive before shipping the specified drugs.

81 | 2. Notwithstanding chapters 465 and 499 and rules adopted
82 | thereunder, directing pharmacists employed by the department to
83 | compound bulk prescription drugs and provide these bulk
84 | prescription drugs to physicians and nurses of county health
85 | departments or any qualified person authorized by the State
86 | Health Officer for administration to persons as part of a
87 | prophylactic or treatment regimen.

88 | 3. Notwithstanding s. 456.036, temporarily reactivating
89 | the inactive license of the following health care practitioners,
90 | when such practitioners are needed to respond to the public
91 | health emergency: physicians licensed under chapter 458 or
92 | chapter 459; physician assistants licensed under chapter 458 or
93 | chapter 459; licensed practical nurses, registered nurses, and
94 | advanced registered nurse practitioners licensed under part I of
95 | chapter 464; respiratory therapists licensed under part V of
96 | chapter 468; and emergency medical technicians and paramedics
97 | certified under part III of chapter 401. Only those health care
98 | practitioners specified in this paragraph who possess an
99 | unencumbered inactive license and who request that such license
100 | be reactivated are eligible for reactivation. An inactive
101 | license that is reactivated under this paragraph shall return to
102 | inactive status when the public health emergency ends or before
103 | ~~prior to~~ the end of the public health emergency if the State
104 | Health Officer determines that the health care practitioner is

105 no longer needed to provide services during the public health
 106 emergency. Such licenses may only be reactivated for a period
 107 not to exceed 90 days without meeting the requirements of s.
 108 456.036 or chapter 401, as applicable.

109 4. Ordering an individual to be examined, tested,
 110 vaccinated, treated, isolated, or quarantined for communicable
 111 diseases that have significant morbidity or mortality and
 112 present a severe danger to public health. Individuals who are
 113 unable or unwilling to be examined, tested, vaccinated, or
 114 treated for reasons of health, religion, or conscience may be
 115 subjected to isolation or quarantine.

116 a. Examination, testing, vaccination, or treatment may be
 117 performed by any qualified person authorized by the State Health
 118 Officer.

119 b. If the individual poses a danger to the public health,
 120 the State Health Officer may subject the individual to isolation
 121 or quarantine. If there is no practical method to isolate or
 122 quarantine the individual, the State Health Officer may use any
 123 means necessary to vaccinate or treat the individual.

124
 125 Any order of the State Health Officer given to effectuate this
 126 paragraph shall be immediately enforceable by a law enforcement
 127 officer under s. 381.0012.

128 (d) "Quarantine" means the separation of an individual
 129 reasonably believed to have been exposed to a communicable
 130 disease, but who is not yet ill, from individuals who have not

131 been so exposed, to prevent the possible spread of the disease.

132 (2) Individuals who assist the State Health Officer at his
133 or her request on a volunteer basis during a public health
134 emergency are entitled to the benefits specified in s.
135 110.504(2), (3), (4), and (5).

136 (3) To facilitate effective emergency management, when the
137 United States Department of Health and Human Services contracts
138 for the manufacture and delivery of licensable products in
139 response to a public health emergency and the terms of those
140 contracts are made available to the states, the department shall
141 accept funds provided by counties, municipalities, and other
142 entities designated in the state emergency management plan
143 required under s. 252.35(2)(a) for the purpose of participation
144 in those contracts. The department shall deposit those funds in
145 the Grants and Donations Trust Fund and expend those funds on
146 behalf of the donor county, municipality, or other entity for
147 the purchase of the licensable products made available under the
148 contract.

149 (4) The department has the duty and the authority to
150 declare, enforce, modify, and abolish the isolation and
151 quarantine ~~quarantines~~ of persons, animals, and premises as the
152 circumstances indicate for controlling communicable diseases or
153 providing protection from unsafe conditions that pose a threat
154 to public health, except as provided in ss. 384.28 and 392.545-
155 392.60. Any order of the department issued pursuant to this
156 subsection shall be immediately enforceable by a law enforcement

157 officer under s. 381.0012.

158 (5) The department shall adopt rules to specify the
159 conditions and procedures for imposing and releasing an
160 isolation or a quarantine. The rules must include provisions
161 related to:

162 (a) The closure of premises.

163 (b) The movement of persons or animals exposed to or
164 infected with a communicable disease.

165 (c) The tests or treatment, including vaccination, for
166 communicable disease required before ~~prior to~~ employment or
167 admission to the premises or to comply with an isolation or a
168 quarantine.

169 (d) Testing or destruction of animals with or suspected of
170 having a disease transmissible to humans.

171 (e) Access by the department to isolated or quarantined
172 premises.

173 (f) The disinfection of isolated or quarantined animals,
174 persons, or premises.

175 (g) Methods of isolation or quarantine.

176 (6) The rules adopted under this section and actions taken
177 by the department pursuant to a declared public health
178 emergency, isolation, or quarantine shall supersede all rules
179 enacted by other state departments, boards or commissions, and
180 ordinances and regulations enacted by political subdivisions of
181 the state. Any person who violates any rule adopted under this
182 section, any isolation or quarantine, or any requirement adopted

HB 697

2015

183 | by the department pursuant to a declared public health
184 | emergency, commits a misdemeanor of the second degree,
185 | punishable as provided in s. 775.082 or s. 775.083.

186 | Section 3. This act shall take effect July 1, 2015.