

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

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

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

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

33 (2)

34 (b) Before declaring a public health emergency, the State  
 35 Health Officer shall, to the extent possible, consult with the  
 36 Governor and shall notify the Chief of Domestic Security. The  
 37 declaration of a public health emergency shall continue until  
 38 the State Health Officer finds that the threat or danger has  
 39 been dealt with to the extent that the emergency conditions no  
 40 longer exist and he or she terminates the declaration. ~~However,~~

41 1. A declaration of a statewide public health emergency  
 42 expires may not continue for longer than 60 days after the  
 43 declaration unless the Governor concurs in the renewal of the  
 44 declaration, which extends the expiration of the declaration for  
 45 30 days. Any subsequent renewals must be approved by a two-  
 46 thirds majority vote of each chamber of the Legislature before  
 47 the declaration expires, with each renewal extending the  
 48 expiration of the declaration for 60 days. A statewide  
 49 declaration of a public health emergency automatically  
 50 terminates if it is not timely renewed before its expiration in

51 accordance with this subparagraph.

52 2. A declaration of a public health emergency, other than a  
 53 statewide declaration, may not continue for longer than 60 days  
 54 unless the Governor concurs in the renewal of the declaration.

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

58 1. Directing manufacturers of prescription drugs or over-  
 59 the-counter drugs who are permitted under chapter 499 and  
 60 wholesalers of prescription drugs located in this state who are  
 61 permitted under chapter 499 to give priority to the shipping of  
 62 specified drugs to pharmacies and health care providers within  
 63 geographic areas identified by the State Health Officer. The  
 64 State Health Officer must identify the drugs to be shipped.  
 65 Manufacturers and wholesalers located in this ~~the~~ state must  
 66 respond to the State Health Officer's priority shipping  
 67 directive before shipping the specified drugs.

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

75 3. Notwithstanding s. 456.036, temporarily reactivating

76 | the inactive license of the following health care practitioners,  
 77 | when such practitioners are needed to respond to the public  
 78 | health emergency: physicians licensed under chapter 458 or  
 79 | chapter 459; physician assistants licensed under chapter 458 or  
 80 | chapter 459; licensed practical nurses, registered nurses, and  
 81 | advanced practice registered nurses licensed under part I of  
 82 | chapter 464; respiratory therapists licensed under part V of  
 83 | chapter 468; and emergency medical technicians and paramedics  
 84 | certified under part III of chapter 401. Only those health care  
 85 | practitioners specified in this paragraph who possess an  
 86 | unencumbered inactive license and who request that such license  
 87 | be reactivated are eligible for reactivation. An inactive  
 88 | license that is reactivated under this paragraph returns ~~shall~~  
 89 | ~~return~~ to inactive status when the public health emergency ends,  
 90 | or before the end of the public health emergency if the State  
 91 | Health Officer determines that the health care practitioner is  
 92 | no longer needed to provide services during the public health  
 93 | emergency. Such licenses may only be reactivated for a period  
 94 | not to exceed 90 days without meeting the requirements of s.  
 95 | 456.036 or chapter 401, as applicable.

96 | 4. Ordering an individual to be examined, tested, treated,  
 97 | isolated, or quarantined for communicable diseases that have  
 98 | significant morbidity or mortality and present a severe danger  
 99 | to public health. However, an individual may refuse examination,  
 100 | testing, or treatment for reasons of health, religion, or

101 conscience by submitting a refusal in writing to the State  
 102 Health Officer. Such individuals may not be required to undergo  
 103 examination, testing, or treatment but ~~who are unable or~~  
 104 ~~unwilling to be examined, tested, or treated for reasons of~~  
 105 ~~health, religion, or conscience~~ may be subjected to isolation or  
 106 quarantine.

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

109 b. If the individual poses a danger to the public health,  
 110 the State Health Officer may subject the individual to isolation  
 111 or quarantine. ~~If there is no practical method to isolate or~~  
 112 ~~quarantine the individual, the State Health Officer may use any~~  
 113 ~~means necessary to treat the individual.~~

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

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