

HB 6003

2021

1 A bill to be entitled

2 An act relating to vaccinations during public health  
3 emergencies; amending s. 381.00315, F.S.; removing the  
4 authority of the State Health Officer to order  
5 vaccinations upon declaration of a public health  
6 emergency; revising a requirement that the Department  
7 of Health adopt certain rules; providing an effective  
8 date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Paragraph (c) of subsection (1) and paragraph  
13 (c) of subsection (5) of section 381.00315, Florida Statutes,  
14 are amended to read:

15 381.00315 Public health advisories; public health  
16 emergencies; isolation and quarantines.—The State Health Officer  
17 is responsible for declaring public health emergencies, issuing  
18 public health advisories, and ordering isolation or quarantines.

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

20 (c) "Public health emergency" means any occurrence, or  
21 threat thereof, whether natural or manmade, which results or may  
22 result in substantial injury or harm to the public health from  
23 infectious disease, chemical agents, nuclear agents, biological  
24 toxins, or situations involving mass casualties or natural  
25 disasters. Before declaring a public health emergency, the State

26 Health Officer shall, to the extent possible, consult with the  
27 Governor and shall notify the Chief of Domestic Security. The  
28 declaration of a public health emergency shall continue until  
29 the State Health Officer finds that the threat or danger has  
30 been dealt with to the extent that the emergency conditions no  
31 longer exist and he or she terminates the declaration. However,  
32 a declaration of a public health emergency may not continue for  
33 longer than 60 days unless the Governor concurs in the renewal  
34 of the declaration. The State Health Officer, upon declaration  
35 of a public health emergency, may take actions that are  
36 necessary to protect the public health. Such actions include,  
37 but are not limited to:

38 1. Directing manufacturers of prescription drugs or over-  
39 the-counter drugs who are permitted under chapter 499 and  
40 wholesalers of prescription drugs located in this state who are  
41 permitted under chapter 499 to give priority to the shipping of  
42 specified drugs to pharmacies and health care providers within  
43 geographic areas that have been identified by the State Health  
44 Officer. The State Health Officer must identify the drugs to be  
45 shipped. Manufacturers and wholesalers located in the state must  
46 respond to the State Health Officer's priority shipping  
47 directive before shipping the specified drugs.

48 2. Notwithstanding chapters 465 and 499 and rules adopted  
49 thereunder, directing pharmacists employed by the department to  
50 compound bulk prescription drugs and provide these bulk

51 prescription drugs to physicians and nurses of county health  
52 departments or any qualified person authorized by the State  
53 Health Officer for administration to persons as part of a  
54 prophylactic or treatment regimen.

55 3. Notwithstanding s. 456.036, temporarily reactivating  
56 the inactive license of the following health care practitioners,  
57 when such practitioners are needed to respond to the public  
58 health emergency: physicians licensed under chapter 458 or  
59 chapter 459; physician assistants licensed under chapter 458 or  
60 chapter 459; licensed practical nurses, registered nurses, and  
61 advanced practice registered nurses licensed under part I of  
62 chapter 464; respiratory therapists licensed under part V of  
63 chapter 468; and emergency medical technicians and paramedics  
64 certified under part III of chapter 401. Only those health care  
65 practitioners specified in this paragraph who possess an  
66 unencumbered inactive license and who request that such license  
67 be reactivated are eligible for reactivation. An inactive  
68 license that is reactivated under this paragraph shall return to  
69 inactive status when the public health emergency ends or before  
70 the end of the public health emergency if the State Health  
71 Officer determines that the health care practitioner is no  
72 longer needed to provide services during the public health  
73 emergency. Such licenses may only be reactivated for a period  
74 not to exceed 90 days without meeting the requirements of s.  
75 456.036 or chapter 401, as applicable.

76 4. Ordering an individual to be examined, tested,  
77 ~~vaccinated~~, treated, isolated, or quarantined for communicable  
78 diseases that have significant morbidity or mortality and  
79 present a severe danger to public health. Individuals who are  
80 unable or unwilling to be examined, tested, ~~vaccinated~~, or  
81 treated for reasons of health, religion, or conscience may be  
82 subjected to isolation or quarantine.

83 a. Examination, testing, ~~vaccination~~, or treatment may be  
84 performed by any qualified person authorized by the State Health  
85 Officer.

86 b. If the individual poses a danger to the public health,  
87 the State Health Officer may subject the individual to isolation  
88 or quarantine. If there is no practical method to isolate or  
89 quarantine the individual, the State Health Officer may use any  
90 means necessary to ~~vaccinate~~ or treat the individual.

91  
92 Any order of the State Health Officer given to effectuate this  
93 paragraph shall be immediately enforceable by a law enforcement  
94 officer under s. 381.0012.

95 (5) The department shall adopt rules to specify the  
96 conditions and procedures for imposing and releasing an  
97 isolation or a quarantine. The rules must include provisions  
98 related to:

99 (c) The tests or treatment, ~~including vaccination~~, for  
100 communicable disease required before employment or admission to

HB 6003

2021

101 | the premises or to comply with an isolation or a quarantine.  
102 |       Section 2. This act shall take effect July 1, 2021.