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CS/HB 697

2015 Legislature

1  
2 An act relating to public health emergencies; amending  
3 s. 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; amending s. 817.50, F.S.; prohibiting a  
17 person in certain circumstances from falsely claiming  
18 to a health care provider, or falsely reporting to a  
19 law enforcement officer, that such person has  
20 contracted a communicable disease; providing criminal  
21 penalties; specifying that the act fulfills an  
22 important state interest; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Subsection (5) of section 381.0012, Florida

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27 Statutes, is amended to read:

28 381.0012 Enforcement authority.—

29 (5) It shall be the duty of every state and county  
 30 attorney, sheriff, police officer, and other appropriate city  
 31 and county officials upon request to assist the department or  
 32 any of its agents in enforcing the state health laws, and the  
 33 rules, and orders adopted under this chapter.

34 Section 2. Section 381.00315, Florida Statutes, is amended  
 35 to read:

36 381.00315 Public health advisories; public health  
 37 emergencies; isolation and quarantines.—The State Health Officer  
 38 is responsible for declaring public health emergencies, issuing  
 39 public health advisories, and ordering isolation or and  
 40 quarantines and issuing public health advisories.

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

42 (a) "Isolation" means the separation of an individual who  
 43 is reasonably believed to be infected with a communicable  
 44 disease from individuals who are not infected, to prevent the  
 45 possible spread of the disease.

46 (b) (a) "Public health advisory" means any warning or  
 47 report giving information to the public about a potential public  
 48 health threat. Before ~~Prior to~~ issuing any public health  
 49 advisory, the State Health Officer must consult with any state  
 50 or local agency regarding areas of responsibility which may be  
 51 affected by such advisory. Upon determining that issuing a  
 52 public health advisory is necessary to protect the public health

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53 and safety, and prior to issuing the advisory, the State Health  
54 Officer must notify each county health department within the  
55 area which is affected by the advisory of the State Health  
56 Officer's intent to issue the advisory. The State Health Officer  
57 is authorized to take any action appropriate to enforce any  
58 public health advisory.

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

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79 wholesalers of prescription drugs located in this state who are  
80 permitted under chapter 499 to give priority to the shipping of  
81 specified drugs to pharmacies and health care providers within  
82 geographic areas that have been identified by the State Health  
83 Officer. The State Health Officer must identify the drugs to be  
84 shipped. Manufacturers and wholesalers located in the state must  
85 respond to the State Health Officer's priority shipping  
86 directive before shipping the specified drugs.

87 2. Notwithstanding chapters 465 and 499 and rules adopted  
88 thereunder, directing pharmacists employed by the department to  
89 compound bulk prescription drugs and provide these bulk  
90 prescription drugs to physicians and nurses of county health  
91 departments or any qualified person authorized by the State  
92 Health Officer for administration to persons as part of a  
93 prophylactic or treatment regimen.

94 3. Notwithstanding s. 456.036, temporarily reactivating  
95 the inactive license of the following health care practitioners,  
96 when such practitioners are needed to respond to the public  
97 health emergency: physicians licensed under chapter 458 or  
98 chapter 459; physician assistants licensed under chapter 458 or  
99 chapter 459; licensed practical nurses, registered nurses, and  
100 advanced registered nurse practitioners licensed under part I of  
101 chapter 464; respiratory therapists licensed under part V of  
102 chapter 468; and emergency medical technicians and paramedics  
103 certified under part III of chapter 401. Only those health care  
104 practitioners specified in this paragraph who possess an

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105 unencumbered inactive license and who request that such license  
106 be reactivated are eligible for reactivation. An inactive  
107 license that is reactivated under this paragraph shall return to  
108 inactive status when the public health emergency ends or before  
109 ~~prior to~~ the end of the public health emergency if the State  
110 Health Officer determines that the health care practitioner is  
111 no longer needed to provide services during the public health  
112 emergency. Such licenses may only be reactivated for a period  
113 not to exceed 90 days without meeting the requirements of s.  
114 456.036 or chapter 401, as applicable.

115 4. Ordering an individual to be examined, tested,  
116 vaccinated, treated, isolated, or quarantined for communicable  
117 diseases that have significant morbidity or mortality and  
118 present a severe danger to public health. Individuals who are  
119 unable or unwilling to be examined, tested, vaccinated, or  
120 treated for reasons of health, religion, or conscience may be  
121 subjected to isolation or quarantine.

122 a. Examination, testing, vaccination, or treatment may be  
123 performed by any qualified person authorized by the State Health  
124 Officer.

125 b. If the individual poses a danger to the public health,  
126 the State Health Officer may subject the individual to isolation  
127 or quarantine. If there is no practical method to isolate or  
128 quarantine the individual, the State Health Officer may use any  
129 means necessary to vaccinate or treat the individual.

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131 Any order of the State Health Officer given to effectuate this  
132 paragraph shall be immediately enforceable by a law enforcement  
133 officer under s. 381.0012.

134 (d) "Quarantine" means the separation of an individual  
135 reasonably believed to have been exposed to a communicable  
136 disease, but who is not yet ill, from individuals who have not  
137 been so exposed, to prevent the possible spread of the disease.

138 (2) Individuals who assist the State Health Officer at his  
139 or her request on a volunteer basis during a public health  
140 emergency are entitled to the benefits specified in s.  
141 110.504(2), (3), (4), and (5).

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

155 (4) The department has the duty and the authority to  
156 declare, enforce, modify, and abolish the isolation and

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157 | quarantine ~~quarantines~~ of persons, animals, and premises as the  
 158 | circumstances indicate for controlling communicable diseases or  
 159 | providing protection from unsafe conditions that pose a threat  
 160 | to public health, except as provided in ss. 384.28 and 392.545-  
 161 | 392.60. Any order of the department issued pursuant to this  
 162 | subsection shall be immediately enforceable by a law enforcement  
 163 | officer under s. 381.0012.

164 |         (5) The department shall adopt rules to specify the  
 165 | conditions and procedures for imposing and releasing an  
 166 | isolation or a quarantine. The rules must include provisions  
 167 | related to:

168 |             (a) The closure of premises.

169 |             (b) The movement of persons or animals exposed to or  
 170 | infected with a communicable disease.

171 |             (c) The tests or treatment, including vaccination, for  
 172 | communicable disease required before ~~prior to~~ employment or  
 173 | admission to the premises or to comply with an isolation or a  
 174 | quarantine.

175 |             (d) Testing or destruction of animals with or suspected of  
 176 | having a disease transmissible to humans.

177 |             (e) Access by the department to isolated or quarantined  
 178 | premises.

179 |             (f) The disinfection of isolated or quarantined animals,  
 180 | persons, or premises.

181 |             (g) Methods of isolation or quarantine.

182 |         (6) The rules adopted under this section and actions taken

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183 by the department pursuant to a declared public health  
184 emergency, isolation, or quarantine shall supersede all rules  
185 enacted by other state departments, boards or commissions, and  
186 ordinances and regulations enacted by political subdivisions of  
187 the state. Any person who violates any rule adopted under this  
188 section, any isolation or quarantine, or any requirement adopted  
189 by the department pursuant to a declared public health  
190 emergency, commits a misdemeanor of the second degree,  
191 punishable as provided in s. 775.082 or s. 775.083.

192 Section 3. Subsection (1) of section 817.50, Florida  
193 Statutes, is amended to read:

194 817.50 Fraudulently obtaining goods, services, etc., from  
195 a health care provider; false reports of a communicable  
196 disease.-

197 (1) Whoever shall, willfully and with intent to defraud,  
198 obtain or attempt to obtain goods, products, merchandise, or  
199 services from any health care provider in this state, as defined  
200 in s. 641.19(14), including a person who, during a declared  
201 public health emergency as defined in s. 381.00315, willfully  
202 and with intent to defraud, claims that he or she has contracted  
203 a communicable disease, to obtain or attempt to obtain such  
204 goods, products, merchandise, or services or falsely reports  
205 that he or she has contracted a communicable disease to a law  
206 enforcement officer as defined in s. 943.10, commits a  
207 misdemeanor of the second degree, punishable as provided in s.  
208 775.082 or s. 775.083.



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209           Section 4. The Legislature finds that this act fulfills an  
210 important state interest.

211           Section 5. This act shall take effect July 1, 2015.