

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 1-B — COVID-19 Mandates

by Reps. Grall, Massullo, and others (SB 2-B by Senators Burgess, Gruters, and Perry)

The bill (Chapter 2021-272, L.O.F.) regulates COVID-19 mandates. It:

- Prohibits private employers from mandating COVID-19 vaccination without providing employees the ability to opt out of the mandate.
- Requires private employers that choose to impose a COVID-19 vaccination mandate to authorize all of the following exemptions: medical, which includes pregnancy or anticipated pregnancy; religious; COVID-19 immunity; periodic testing; or use of employer-provided personal protective equipment. These exemptions must be submitted to the employer on forms adopted by the Department of Health (DOH) or substantially similar forms.
- Authorizes the Attorney General to receive and investigate complaints and impose administrative fines of up to \$50,000 per violation, if an employee is terminated for refusing vaccination and the employer failed to follow the exemption procedures.
- Prohibits public educational institutions and governmental entities from requiring COVID-19 vaccination as a condition of employment and authorizes the DOH to impose a fine not to exceed \$5,000 per violation.
- Specifies that employees improperly terminated on the basis of COVID-19 vaccination mandates may be eligible for reemployment benefits, and establishes that reemployment benefits may not be denied or discontinued based on a new job offer that would require COVID-19 vaccination.
- Prohibits educational institutions and elected or appointed local officials from mandating COVID-19 vaccination for students.
- Prohibits school boards and local officials from requiring students to wear a face mask, face shield, or other face covering without providing for parental exemption from such requirements and limits the quarantining of asymptomatic students and teachers for exposure to COVID-19.
- Allows parents and students to bring an action for declaratory and injunctive relief relating to unlawful student vaccination requirements, face mask requirements, or restrictions on a student based on an exposure to COVID-19, and requires courts to award attorney fees and court costs to prevailing parents and students.
- Appropriates \$5 million from the General Revenue Fund for the Department of Legal Affairs to investigate complaints and to take legal action to stop the enforcement of vaccination mandates imposed by the federal government.
- Sunsets the above provisions on June 1, 2023.

These provisions became law upon approval by the Governor on November 18, 2021.

Vote: Senate 24-14; House 78-39

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CS/HB 3-B — Public Records/Vaccination Policies and Practices

by Commerce Committee and Reps. Massullo, Grall, and others (SB 4-B by Senators Burgess, Gruters, and Perry)

The bill (Chapter 2021-273, L.O.F.) makes confidential and exempt from public copying and inspection requirements an employee complaint alleging a private employer's violation of state law regarding such employer's COVID-19 vaccination policy or practices, and all information relating to an investigation of such complaint, held by the Department of Legal Affairs.

After the investigation is completed or ceases to be active, information in records relating to the investigation remain confidential and exempt from public copying and inspection requirements if disclosure of that information:

- Jeopardizes the integrity of another active investigation;
- Reveals medical information about an employee; or
- Reveals information regarding the employee's religious beliefs.

The bill permits release of the confidential and exempt information to another governmental entity in the furtherance of that entity's lawful duties and responsibilities. Additionally, the bill permits disclosure of information in an aggregated format.

The public records exemption expires on October 2, 2023.

These provisions became law upon approval by the Governor on November 18, 2021.

Vote: Senate 26-10; House 85-31

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HB 5-B — Florida Occupational Safety and Health State Plan

by Rep. Zika and others (SB 6-B by Senators Hutson, Gruters, and Perry)

The bill (Chapter 2021-274, L.O.F.) provides legislative intent to establish a Florida Occupational Safety and Health State Plan. Currently, the federal Occupational Safety and Health Administration (OSHA) has jurisdiction over health and safety regulations for most private sector employers in this state.

Federal law allows for a state to assert its own regulatory state plan in lieu of the standard OSHA regulations so long as the state plan is at least as effective as OSHA and applies to public sector employees. There are 27 states and one U.S. territory that operate an OSHA-approved plan of some form.

The bill directs the Executive Office of the Governor to develop a proposal for a state plan and requires the office to submit a status report of its efforts to the President of the Senate and the Speaker of the House of Representatives by January 17, 2022.

The bill appropriates \$1 million to the Executive Office of the Governor from the General Revenue Fund to implement the bill.

These provisions became law upon approval by the Governor on November 18, 2021.

Vote: Senate 23-13; House 76-38

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HB 7-B — Vaccinations During Public Health Emergencies

by Rep. Andrade and others (SB 8-B by Senators Bean, Gruters, and Perry)

The bill (Chapter 2021-275, L.O.F.) repeals the State Health Officer's authority to order, by any means necessary, an individual to be vaccinated for communicable diseases that have significant morbidity or mortality and present a severe danger to public health during a public health emergency.

These provisions became law upon approval by the Governor on November 18, 2021.

Vote: Senate 23-13; House 82-34