A bill to be entitled

An act relating to public emergencies and assistance; creating s. 11.137, F.S.; requiring each house of the Legislature to provide by rule procedures authorizing the use of remote technology systems for remote participation in committee meetings and floor proceedings by members; specifying requirements for and limitations on the use of remote technology systems; specifying that a member's use of a remote technology system is subject to approval by the presiding officer of the applicable house; authorizing the Legislature to provide procedures by joint rule governing the use of remote technology systems in certain bicameral meetings; creating s. 83.5616, F.S.; tolling specified time periods for certain evictions during a declared state of emergency; requiring a court to stay certain eviction proceedings under certain circumstances; providing a definition; authorizing the Governor or governing body of a political subdivision to extend certain time periods under a certain condition; prohibiting certain actions during a specified state of emergency; authorizing a civil action against a landlord under certain circumstances; requiring attorney fees and costs for the prevailing party of such action; authorizing a
landlord to negotiate new rental agreements; requiring landlords to offer payment plans to tenants to pay past due rent; requiring such rent be paid within a specified time; amending s. 83.62, F.S.; prohibiting a sheriff from serving or executing a writ of possession until a specified time on certain premises that are under a declared state of emergency; providing a definition; tolling the notice period for a writ of possession issued on certain premises that are under a declared state of emergency; creating s. 220.198, F.S.; creating a legal aid organizations tax credit program for certain businesses; providing criteria for receiving tax credits; authorizing the Department of Revenue to adopt rules; requiring the department to identify eligible not-for-profit legal aid organizations that meet specified criteria; specifying a carryforward period; specifying a time period during which businesses may apply for such tax credit; creating s. 220.1985, F.S.; creating a social services agencies and homeless shelters tax credit program for certain businesses; providing criteria for receiving tax credits; authorizing the Department of Revenue to adopt rules; requiring the department to identify eligible nonprofit socials services agencies and nonprofit homeless shelters that meet specified
criteria; specifying a carryforward period; specifying a time period during which businesses may apply for such tax credit; creating s. 220.1987, F.S.; creating an edible crops tax credit program for certain farmers; requiring such farmers to apply to the Department of Revenue; specifying the maximum amount of the tax credit; authorizing the Department of Revenue to adopt specified rules; requiring the department to identify eligible nonprofit charities that meet specified criteria; specifying a carryforward period; specifying a time period during which farmers may apply for such tax credit; creating s. 286.31, F.S.; authorizing a local governmental entity to use remote technology systems to conduct public business; requiring a local governmental entity to preapprove remote technology systems for use in certain circumstances; specifying requirements for the use of remote technology systems; providing that a public official participating in a meeting or proceeding remotely is considered present and counts toward certain requirements; requiring the head of a local governmental agency to make certain determinations; amending s. 288.001, F.S.; requiring the Department of Economic Opportunity to complete a user-friendly application process for the Florida
Small Business Emergency Bridge Loan Program; amending s. 381.0031, F.S.; requiring the Department of Health to publish a certain report during certain public health emergencies; providing requirements for such reports; specifying that such reports are public records; providing construction; creating s. 381.00316, F.S.; requiring the state to reimburse local governments for certain expenses incurred as the result of a public health emergency; requiring each local government to submit its reimbursement request to the Department of Health and the Division of Emergency Management for approval within a specified timeframe; requiring the department and division to jointly review and approve such request within a specified timeframe; providing that the request is deemed approved if no action is taken by the department and division; authorizing the department and division to request additional time for the review of requests; authorizing the department to adopt rules; creating s. 381.00317, F.S.; requiring the Department of Health to develop certain guidelines and procedures; authorizing the department to adopt rules; requiring the division to allow certain individuals to make appointments for vaccinations at the division's vaccination sites; requiring the division to develop a
process for health care professionals to request vaccination allocations for certain individuals or groups of individuals; providing that certain school personnel are eligible for vaccination at certain vaccination sites; requiring that such personnel be prioritized for vaccination; authorizing the division to consult and coordinate with other state agencies; requiring that vaccination doses and allocation be distributed equitably based on certain federal guidance; prohibiting discrimination relating to vaccination distribution against communities or individuals based on certain factors; creating s. 395.1057, F.S.; providing definitions; requiring certain facilities to develop infectious and contagious disease preparedness plans; providing minimum requirements for such plans; authorizing the State Surgeon General to require additional information to be included in such plans; requiring each facility to submit its plan to the department by a specified date annually; authorizing the department to adopt rules; amending s. 409.904, F.S.; restoring retroactive eligibility for certain nonpregnant adults for a specified period; extending Medicaid eligibility to specified individuals; requiring the Agency for Health Care Administration, in coordination with the
Department of Children and Families, to direct qualified Medicaid providers to immediately enroll certain individuals for coverage; providing presumptive eligibility for such individuals; requiring the agency to notify the federal Centers for Medicare and Medicaid Services regarding the restoration of the retroactive eligibility period for Medicaid coverage; creating s. 440.095, F.S.; providing a presumption for specified employees that an impairment of health caused by COVID-19 occurred during the course and scope of employment; amending s. 443.111, F.S.; increasing the minimum and maximum weekly and yearly benefit amounts for reemployment assistance; increasing the duration of such benefits; amending s. 443.131, F.S.; prohibiting the Department of Revenue from raising or adjusting upwards an employer's contribution rate under specified circumstances; providing a tax credit for contributions made by employers who meet certain criteria; defining the term "increased contribution" for certain purposes; specifying application of the tax credits; specifying the years within which the tax credits apply; creating s. 443.1318, F.S.; providing exceptions to reemployment assistance requirements during a declared state of emergency or public health
emergency; reenacting ss. 443.041(2)(b) and
443.1116(7) and (8)(a), F.S., relating to attorney
fees and short-time compensation, respectively, to
incorporate the amendments made to s. 443.111, F.S.,
in references thereto; amending s. 448.102, F.S.;
prohibiting an employer from taking retaliatory
personnel action against an employee testing positive
for, exhibiting symptoms of, or ordered to quarantine
due to COVID-19 under specified circumstances;
providing a definition; creating s. 455.41, F.S.;
requiring a licensed business to require a face mask
to be worn by all persons while inside a building
under certain circumstances; providing definitions;
requiring a person older than the age of 2 to wear a
face mask at all times while inside a building;
requiring an employee who works directly with food
prepared for consumption by the general public to wear
a face mask and gloves at all times; authorizing a
business to choose not to serve a person who refuses
to wear a face mask; providing protection from
litigation; authorizing a physician to provide a
letter of exemption; requiring such letter to be
presented before entering a business; providing
applicability; amending s. 624.11, F.S.; requiring the
Office of Insurance Regulation to issue an emergency
rule waiving certain costs for mental health services provided to frontline health care workers for a specified time period; providing retroactive applicability; requiring health care providers to reimburse frontline health care workers for specified costs previously paid within a specified time period; creating s. 627.4144, F.S.; providing that compliance with a specified governmental order constitutes a business interruption for purposes of a certain policy; creating s. 768.38, F.S.; providing legislative findings and intent; defining terms; providing requirements for a civil action based on a COVID-19-related claim; providing a presumption for persons in specified professions that they contracted COVID-19 during the course and scope of their employment; providing a statute of limitations; providing retroactive applicability; providing an exception; creating s. 768.381, F.S.; authorizing people who contracted COVID-19 as a result of being exposed to a virus-infected person to bring a COVID-19-related tort claim if certain criteria are met; specifying allocation of compensatory damages and attorney fees and costs under specified circumstances; specifying the time period within which an action must be filed; providing definitions; providing qualifying
reasons for which employers must provide paid sick leave or paid expanded family and medical leave to eligible employees; providing when eligible employees may take paid sick leave; providing how much paid sick leave and paid expanded family and medical leave eligible employees may take; specifying the amount employers must pay eligible employees taking paid sick leave or paid expanded family and medical leave; providing calculations for determining rate of pay; authorizing a combination of paid sick leave and paid expanded family and medical leave; providing an exemption for certain employers; requiring employers to provide certain notice; requiring certain documentation before eligible employees take specified leave; prohibiting certain acts by employers; providing for enforcement; creating the Pandemic and Infectious and Contagious Disease Advisory Council within the Executive Office of the Governor; providing for purpose, membership, meetings, and duties of the council; creating the Public Health Task Force within the Legislature for a specified purpose; requiring the Office of Program Policy Analysis and Governmental Accountability to provide research services to the task force; providing for membership, meetings, and duties of the task force; requiring the task force to
submit a report to the Governor and the Legislature by a specified date; providing for expiration of the task force; creating s. 1001.231, F.S.; providing that the Department of Education is responsible for annually preparing a certain plan; requiring such plan be submitted to specified parties; requiring the department to adopt standards and requirements for certain school district plans; providing requirements of such plans; requiring the department to assist in the distribution of a vaccination for COVID-19 to specified persons; requiring the department to coordinate with a specified agency to establish vaccination sites; requiring the department to provide access to certain information and certain direction to school districts; requiring the department to develop a certain plan by a specified date; requiring such plan to be given to specified parties; requiring rulemaking; amending s. 1001.42, F.S.; requiring district school boards to create a certain plan; amending s. 1008.34, F.S.; providing that school grades, school improvement ratings, and student performance results for the 2020-2021 school year must meet certain requirements; providing for future repeal; providing for an award of gain-time to certain inmates who are at risk due to COVID-19; providing an
exception to a certain minimum sentence requirement; providing exceptions; providing a directive to the Department of Children and Families, the Department of Economic Opportunity, the Department of Health, the Agency for Health Care Administration, and the Florida Healthy Kids Corporation; providing severability; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Section 11.137, Florida Statutes, is created to read:

11.137 Use of remote technology systems in committee meetings and floor proceedings during certain emergencies.—

(1) Each house of the Legislature shall provide by rule procedures authorizing the use of remote technology systems in committee meetings and floor proceedings during a declared state of emergency or public health emergency which allow for members of the Legislature to remotely participate in, attend, vote during, or take any other action during the meeting or proceeding.

(2) Any remote technology system approved for use by the President of the Senate or the Speaker of the House of Representatives must sufficiently allow members of the public to
hear or observe any members of the Legislature using the system
in order to maintain compliance with the requirements of s. 4(b)
or (e), Art. III of the State Constitution, as applicable. Such
system must also allow members of the public to testify remotely
and otherwise meaningfully participate in the legislative
process. While participating in or voting during a meeting or
proceeding, the member of the Legislature may only be in the
presence of one other person who must be a legislative employee.
The presence of any such employee must be announced by the
member.

(3) Any member of the Legislature participating in a
meeting or proceeding remotely through an approved remote
technology system shall be considered present and in attendance
for the meeting or proceeding; however, the chair of the
committee or the presiding officer, and a majority of the
membership of the committee or the house, must be physically
present at the meeting or proceeding in order to constitute a
quorum.

(4) A member of the Legislature wishing to exercise his or
her option to participate remotely in a committee meeting or a
floor proceeding must receive approval for such accommodation
from the presiding officer of his or her house of the
Legislature. The written request for accommodation must specify
the day for which the accommodation is requested and must be
resubmitted at least weekly.
(5) By joint rule, both houses of the Legislature may provide for procedures governing the use of remote technology systems for remote participation by members of the Legislature in meetings of joint committees and conference committees or the Legislative Budget Commission.

Section 2. Section 83.5616, Florida Statutes, is created to read:

83.5616 Protecting tenants during a declared state of emergency.—

(1)(a) A declaration of a state of emergency issued by the Governor or governing body of a political subdivision of the state under chapter 252 because of an infectious or a contagious disease tolls any statutory time periods relating to the eviction of a residential tenant living in a dwelling unit or on premises located in a county under such state of emergency. The court shall on its own motion stay any eviction proceeding relating to premises located in a county that is under the state of emergency. For purposes of this section, the term "infectious or contagious disease" means any condition or impairment of health caused by a disease that has been declared a public health emergency in accordance with s. 381.00315. The tolling of any statutory time periods or a stay issued under this subsection shall last:

1. If the state of emergency is fewer than 30 days, until 30 days after the state of emergency is lifted.
2. If the state of emergency is longer than 30 days, until 60 days after the state of emergency is lifted.

   (b) The Governor or governing body of a political subdivision under the state of emergency may extend the time periods established in paragraph (a) if it is in the best interest of the public health and safety.

   (2) During the time periods established in subsection (1):

      (a) All cases relating to the eviction of a tenant in a dwelling unit that is located in a county under the state of emergency may not proceed through the court system.

      (b) A tenant living in a dwelling unit located in a county under the state of emergency may not be removed or evicted from the dwelling unit as a result of a failure to pay rent, even if such failure to pay began before the state of emergency was declared.

      (c) A landlord may not terminate or refuse to renew a rental agreement for a dwelling unit located in a county under the state of emergency. Such rental agreements shall be extended on a month-to-month basis until the end of the time periods established in subsection (1). This paragraph does not apply if a tenant provided notice to the landlord that he or she would be vacating the premises before the state of emergency was declared.

      (d) A landlord may not increase the rent, or charge late fees or interest on such rent, of a dwelling unit located in a
county under the state of emergency.

(3) Any person adversely affected due to a violation of this section may bring a civil action against the landlord. The court shall award the prevailing party reasonable attorney fees and costs.

(4) A landlord may negotiate new rental agreements for dwelling units located in a county under the state of emergency.

(5) After the state of emergency has been lifted and the time periods established in subsection (1) have passed, a landlord must offer different payment plan options to the tenant for the payment of rent that was not collected during the state of emergency. A tenant must pay all past due rent within 6 months after the end of the applicable time period established in subsection (1).

Section 3. Subsection (1) of section 83.62, Florida Statutes, is amended to read:

83.62 Restoration of possession to landlord.—

(1)(a) In an action for possession, after entry of judgment in favor of the landlord, the clerk shall issue a writ to the sheriff describing the premises and commanding the sheriff to put the landlord in possession after 24 hours' notice conspicuously posted on the premises. Saturdays, Sundays, and legal holidays do not stay the 24-hour notice period.

(b)1. The sheriff may not serve or execute a writ of possession on a premises in a county that is under a state of
emergency declared by the Governor or governing body of a political subdivision of the state under chapter 252 because of an infectious or a contagious disease. For purposes of this paragraph, the term "infectious or contagious disease" means any condition or impairment of health caused by a disease that has been declared a public health emergency in accordance with s. 381.00315.

2. If the state of emergency lasts fewer than 30 days, the sheriff may not serve or execute the writ of possession until 30 days after the state of emergency is lifted. If the state of emergency lasts longer than 30 days, the sheriff may not serve or execute the writ of possession until 60 days after the state of emergency is lifted. The Governor or governing body of a political subdivision under the state of emergency may extend the time periods established under this subparagraph if it is in the best interest of the public health and safety.

Section 4. Section 220.198, Florida Statutes, is created to read:

220.198  Legal aid organizations tax credit program.—
(1)(a)  For taxable years beginning on or after January 1, 2021, a business shall receive a tax credit of up to $10,000 per business, per tax year for corporate income taxes imposed and paid under this chapter in the most recently completed taxable year.

(b)  To qualify for the tax credits, a business must
provide written documentation to the department for the current taxable year to show that the same amount being sought in tax credits was donated by the business to not-for-profit legal aid organizations as defined in s. 68.096 that assist people in addressing issues related to bankruptcy, employment, landlord-tenant relationships, or housing.

(2) The department may adopt rules governing the manner and form of applications for receiving the tax credits and must establish additional qualifications to identify eligible not-for-profit legal aid organizations consistent with this section.

(3) A business that is awarded a tax credit for previously paid corporate income taxes under this section may carry forward any unused portion of the tax credit for up to 2 years.

(4) A business may apply for a tax credit for previously paid corporate income taxes under this section until all emergency orders declaring a state of emergency for COVID-19 have expired or have been rescinded.

Section 5. Section 220.1985, Florida Statutes, is created to read:

220.1985 Social services agencies and homeless shelters tax credit program.—

(1)(a) For taxable years beginning on or after January 1, 2021, a business shall receive a tax credit of up to $10,000 per business, per tax year for corporate income taxes imposed and paid under this chapter in the most recently completed taxable
year.

(b) To qualify for the tax credits, a business must provide written documentation to the department for the current taxable year to show that the amount being sought in tax credits is less than or equal to the amount the business donated to nonprofit social services agencies that serve the needy, or nonprofit homeless shelters, owned and operated in this state.

(2) The department may adopt rules governing the manner and form of applications for receiving the tax credits and must establish additional qualifications to identify eligible nonprofit social services agencies or nonprofit homeless shelters consistent with this section.

(3) A business that is awarded a tax credit for previously paid corporate income taxes under this section may carry forward any unused portion of the tax credit for up to 2 years.

(4) A business may apply for a tax credit for previously paid corporate income taxes under this section until all emergency orders declaring a state of emergency for COVID-19 have expired or have been rescinded.

Section 6. Section 220.1987, Florida Statutes, is created to read:

220.1987 Edible crops tax credit program.—

(1) (a) For taxable years beginning on or after January 1, 2021, a farmer shall receive a tax credit of up to $5,000 per farmer, per tax year for corporate income taxes imposed and paid
under this chapter in the most recently completed taxable year.

(b) To qualify for the tax credits, a farmer must provide written documentation to the department that attests to the fair market value of the edible crops that were donated by the farmer in the current taxable year to nonprofit charities owned and operated in this state that address food insecurity or provide food for needy individuals.

(2) The farmer may receive a tax credit in the amount of 30 percent of the fair market value of the edible crops that were donated as set forth in this section.

(3) Each farmer claiming a tax credit under this section must apply to the department by the date established by the department. The application must, at a minimum, require a sworn affidavit from each farmer certifying the volume and type of edible crops donated and certifying that all information contained in the application is true and correct. Each farmer must also submit receipts from the nonprofit charities owned and operated in this state confirming the claimed donation.

(4) The department must:

(a) Adopt rules governing the manner and form of an application to be used by farmers in applying for tax credits and must, at a minimum, require a sworn affidavit from each farmer certifying the volume and type of edible crops donated and certifying that all information contained in the application is true and correct.
(b) Publish on its website a list of nonprofit charities owned and operated in this state that address food insecurity or provide food for needy individuals consistent with this section.

(5) A farmer who is awarded a tax credit for previously paid corporate income taxes under this section may carry forward any unused portion of the tax credit for up to 5 years.

(6) A farmer may apply for a tax credit for previously paid corporate income taxes under this section until all emergency orders declaring a state of emergency for COVID-19 have expired or have been rescinded.

Section 7. Section 286.31, Florida Statutes, is created to read:

286.31 Use of remote technology systems in local governmental entity meetings during certain emergencies.—

(1) A local governmental entity may use preapproved remote technology systems during a declared state of emergency or public health emergency to conduct public business, including to remotely participate in, attend, vote during, or take any other action during a meeting or proceeding of such entity upon a determination by the head of the local governmental entity that it is in the entity's best interest to use such remote technology systems.

(2) A local governmental entity shall preapprove remote technology systems for use during a declared state of emergency or public health emergency as soon as is feasible. Any remote
technology system used by a local governmental entity pursuant to this section must sufficiently allow members of the public to hear or observe any person using the system in order to maintain compliance with the requirements of s. 24(b), Art. I of the State Constitution. Such system must also allow members of the public to testify remotely and otherwise meaningfully participate in the meeting or proceeding. While participating in, attending, voting during, or taking any other action during a meeting remotely, a public official must announce any other person in his or her presence.

(3) Any public official participating in a meeting or proceeding remotely through an approved remote technology system shall be considered present and in attendance for the meeting or proceeding. Public officials participating remotely count toward any quorum requirement.

(4) The head of a local governmental entity who determines that it is in the entity's best interest to use remote technology systems is required to reevaluate this determination and make another determination that such use remains in the entity's best interest on a weekly basis to continue using such remote technology systems.

Section 8. Paragraph (d) is added to subsection (5) of section 288.001, Florida Statutes, to read:

288.001 The Florida Small Business Development Center Network.—
(5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.—

(d) In creating bridge loan applications under subparagraph (b)6., and to ensure that the Florida Small Business Emergency Bridge Loan Program funds can be readily accessed by small business owners, the department is directed, by October 1, 2021, to complete a user-friendly process for applying for such funds online.

Section 9. Subsections (8) and (9) of section 381.0031, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section to read:

381.0031 Epidemiological research; report of diseases of public health significance to department.—

(8)(a) Notwithstanding subsection (6) or any other general law, if the United States Department of Health and Human Services, the department, or any other executive agency designated by the Governor has declared an outbreak of an infectious or a contagious disease as a public health emergency, the department shall provide to the public a daily report, published on the department's website, of all of the following information related to that infectious or contagious disease for the duration of the declared public health emergency:

1. The total number of confirmed cases of the infectious or contagious disease in this state, differentiated by county.

2. The total number of individuals who have been tested.
for the infectious or contagious disease in this state, 
differentiated by county.

3. The total number of individuals who are currently being 
tested or monitored for the infectious or contagious disease in 
this state, differentiated by county.

4. The total number of individuals who have been 
quarantined for testing or monitoring of the infectious or 
contagious disease in this state, differentiated by county.

5. Any other information the department determines is 
relevant to prevent or eliminate the spread of the infectious or 
contagious disease or otherwise protect and promote public 
health in this state.

(b) The reports required under paragraph (a) are public 
records subject to s. 119.07(1) and shall be made available upon 
request in accordance with that section.

(c) This subsection does not authorize the release or 
publication of personal identifying information, biometric 
identification information, other personal health information, 
or any other information that would identify individual health 
care providers or health care facilities.

Section 10. Section 381.00316, Florida Statutes, is 
created to read:

381.00316 Reimbursement of local government expenses 
related to public health emergencies.—

(1) If a public health emergency is declared pursuant to
s. 381.00315 due to an infectious or a contagious disease or pandemic, the state shall reimburse an amount equal to 90 percent of a local government's expenses related to pathogen testing, personal protective equipment, and complying with infrastructure requirements.

(2)(a) Each local government shall submit its reimbursement request to the department and the Division of Emergency Management within the Executive Office of the Governor for approval within 30 days after incurring any expenses described in subsection (1).

(b) The department and the Division of Emergency Management shall jointly review and approve a request for reimbursement or request additional information, if needed, within 30 days after receiving such request for reimbursement. If the department and division do not take any action regarding such reimbursement request, it shall be deemed approved. If necessary, the department and division may request an additional 60 days for review of the reimbursement requests under this section.

(c) The department, in coordination with the Division of Emergency Management, may adopt rules to implement this section.

Section 11. Section 381.00317, Florida Statutes, is created to read:

381.00317 Extremely vulnerable individuals; vaccination allocations and prioritization; discrimination prohibited.—
(1) The department shall develop guidelines for classifying individuals as extremely vulnerable and develop procedures for physicians to verify whether patients under their care should be classified as extremely vulnerable for the purpose of qualifying for the administration of a COVID-19 vaccination. The department may adopt rules to implement this subsection.

(2)(a) The Division of Emergency Management within the Executive Office of the Governor must allow frontline health care personnel and individuals who are classified as extremely vulnerable, based on the guidelines developed by the department under subsection (1), to make appointments for COVID-19 vaccinations at the division's COVID-19 vaccination sites.

(b) The division shall develop a process authorizing health care professionals to request vaccination allocations for specific individuals or groups of individuals due to their particular risks of exposure to COVID-19. The division may consult and coordinate with other state agencies as necessary to facilitate a review process for such requests.

(3) School personnel, including teachers, administrators, and any other relevant school personnel identified by the Department of Education, are eligible and shall be prioritized for vaccination at any state-operated COVID-19 vaccination site.

(4) Vaccination doses and allocations shall be distributed equitably based on guidance from the Surgeon General of the

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United States, the Centers for Disease Control and Prevention, and the National Institutes of Health. Discrimination in the vaccination distribution process against communities or individuals based on income, race, country of origin, sex, gender, marital status, or language is prohibited.

Section 12. Section 395.1057, Florida Statutes, is created to read:

395.1057 Infectious and contagious disease preparedness plans.—

(1) As used in this section, the term "facility" means a hospital as defined in s. 395.002, a long-term care facility as defined in s. 400.0060, or any facility that provides inpatient services.

(2) A facility shall develop an infectious and a contagious disease preparedness plan that must outline the facility's comprehensive and effective procedures for responding to and controlling the spread of diseases that are highly infectious, contagious, or communicable and dangerous to the public health.

(3) A facility's infectious and contagious disease preparedness plan must, at a minimum:

(a) Identify a designated portion of the facility that will serve as a quarantine area separate from the rest of the facility to contain the spread of infectious and contagious diseases among patients and personnel.
(b) Detail procedures for increasing personnel to respond to and contain an outbreak of highly contagious and infectious diseases.

(c) Include the number and type of personal protective equipment that the facility anticipates it will need for existing and new personnel for a period of 30 days.

(d) Include a comprehensive and detailed vaccination distribution plan, including the designation of a vaccination coordinator at each facility who will be the point of contact for the department for vaccination distribution.

(4) The State Surgeon General may require additional information to be included in the facility’s infectious and contagious disease preparedness plan as he or she deems necessary for the implementation of this section.

(5) By December 1, 2021, and each December 1 thereafter, each facility shall submit its infectious and contagious disease preparedness plan, including any relevant updates, to the department for review.

(6) The department may adopt rules to implement this section.

Section 13. Subsection (12) of section 409.904, Florida Statutes, is amended, and subsection (13) is added to that section, to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on
behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(12) Effective July 1, 2020, The agency shall make payments to Medicaid-covered services:

(a) for eligible nonpregnant adults 21 years of age or older children and pregnant women, retroactive for a period of no more than 90 days before the month in which an application for Medicaid is submitted.

(b) For eligible nonpregnant adults, retroactive to the first day of the month in which an application for Medicaid is submitted.

This subsection expires July 1, 2021.


Section 14. (1) The Agency for Health Care Administration, in coordination with the Department of Children and Families, shall direct qualified Medicaid providers to immediately enroll individuals who are likely to meet the eligibility criteria for coverage under the state Medicaid program while their applications for determination of
eligibility are being processed. Any such individual is presumed eligible for coverage under Medicaid, subject to federal rules.

(2) Pursuant to the amendment made by this act to s. 409.904(12), Florida Statutes, the Medicaid retroactive eligibility period for all nonpregnant adults 21 years of age or older is restored. Medicaid coverage for all eligibility groups is retroactive for a period of 90 days before the month in which an application for medical assistance is submitted. The Agency for Health Care Administration shall officially notify the federal Centers for Medicare and Medicaid Services that this act has been enacted by the Florida Legislature as part of the 2021 Regular Session.

Section 15. Section 440.095, Florida Statutes, is created to read:

440.095 Coverage for COVID-19.—An employee who suffers a condition or impairment of health that is contracted during a state of emergency declared under chapter 252 related to COVID-19, that requires medical treatment, and that results in injury, permanent impairment, or death is presumed to have suffered a compensable injury arising out of and in the course and scope of his or her employment, unless the contrary is shown by competent evidence. To be entitled to this presumption, the employee must verify by written affidavit as provided in s. 92.50 that, to the best of his or her knowledge and belief, he or she was not exposed to COVID-19 outside of the course and scope of his or
Section 16. Subsection (3) and paragraph (c) of subsection (5) of section 443.111, Florida Statutes, are amended to read:

443.111 Payment of benefits.—

(3) WEEKLY BENEFIT AMOUNT.—An individual's "weekly benefit amount" is an amount equal to one twenty-sixth of the total wages for insured work paid during that quarter of the base period in which the total wages paid were the highest, but not less than $100 or more than $500. The weekly benefit amount, if not a multiple of $1, is rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount is the maximum benefit amount applicable throughout the claimant's benefit year.

(5) DURATION OF BENEFITS.—

(c) For claims submitted during a calendar year, the duration of benefits is limited to:

1. Twelve weeks if this state's average unemployment rate is at or below 5 percent.

2. An additional week in addition to the 12 weeks for each 0.5 percent increment in this state's average unemployment rate above 5 percent.

3. Up to a maximum of 26 weeks if this state's average unemployment rate equals or exceeds 10.5 percent.

Section 17. Subsections (4) and (5) of section 443.131,
Florida Statutes, are renumbered as subsections (6) and (7), respectively, and new subsections (4) and (5) are added to that section to read:

443.131 Contributions.—
(4) TAX COLLECTION SERVICE PROVIDERS.—Notwithstanding any provision of this section to the contrary, the tax collection service provider may not raise or adjust upwards an employer's contribution rate if that employer laid off employees as a direct result of having to close, temporarily close, or reduce its staff size due to COVID-19.

(5)(a) TAX CREDITS.—A tax credit against any increased contribution made by an employer or required to be paid under this section must be granted if the following conditions are met:

1. The employer employed fewer than 100 full-time employees for at least 2 successive calendar quarters during calendar year 2019 or calendar year 2020.
2. The employer made contributions as required in this section during each calendar quarter in calendar year 2020.
3. The employer laid off employees during calendar year 2020 or calendar year 2021.

(b) For purposes of paragraph (a), the term "increased contribution" means the amount that an eligible employer paid, or would otherwise be required to pay, as a result of COVID-19-related layoffs that is greater than the amount that employer
(c) After the tax collection service provider grants a tax credit to an eligible employer under this subsection, the eligible employer may elect to use the tax credit for 2 calendar years after the year in which the contribution was made or would have otherwise been required to be made.

(d) The tax credits authorized under this subsection apply for taxes paid through calendar year 2022.

Section 18. Section 443.1318, Florida Statutes, is created to read:

443.1318 Effect of state of emergency or public health emergency.—During a state of emergency declared by the Governor under chapter 252 or during a public health emergency declared pursuant to s. 381.00315:

(1) The work registration requirements under s. 443.091(1)(b) are suspended for the duration of the state of emergency or public health emergency.

(2) The work search requirements under s. 443.091(1)(d) are suspended for the duration of the state of emergency or public health emergency.

(3) The 1-week waiting period requirements under s. 443.091(1)(f) are suspended for the duration of the state of emergency or public health emergency and benefits shall be paid retroactively to the first day of the individual's unemployment.

(4) The base period used to calculate an individual's
benefits may be expanded as determined by the Department of
Economic Opportunity.

(5) If an employer files an appeal under s. 443.151(4),
the employer has the burden of proving that an individual is not
entitled to benefits under this chapter.

(6) The Department of Economic Opportunity must make a
determination of eligibility of a claim under s. 443.151(3)
within 15 business days after a claimant has filed such claim.

(7) Individuals who are ineligible for benefits under this
chapter solely due to being a gig worker, an independent
contractor, or self-employed, but who would otherwise be
eligible to receive benefits, are eligible to receive benefits
for the duration of the state of emergency or public health
emergency.

Section 19. For the purpose of incorporating the
amendments made by this act to section 443.111, Florida
Statutes, in a reference thereto, paragraph (b) of subsection
(2) of section 443.041, Florida Statutes, is reenacted to read:

443.041 Waiver of rights; fees; privileged
communications.—

(2) FEES.—

(b) An attorney at law representing a claimant for
benefits in any district court of appeal of this state or in the
Supreme Court of Florida is entitled to counsel fees payable by
the department as set by the court if the petition for review or
appeal is initiated by the claimant and results in a decision
awarding more benefits than provided in the decision from which
appeal was taken. The amount of the fee may not exceed 50
percent of the total amount of regular benefits permitted under
s. 443.111(5)(b) during the benefit year.

Section 20. For the purpose of incorporating the
amendments made by this act to section 443.111, Florida
Statutes, in references thereto, subsection (7) and paragraph
(a) of subsection (8) of section 443.1116, Florida Statutes, are
reenacted to read:

443.1116 Short-time compensation.—
(7) TOTAL SHORT-TIME COMPENSATION BENEFIT AMOUNT.—An
individual may not be paid benefits under this section in any
benefit year for more than the maximum entitlement provided in
s. 443.111(5), and an individual may not be paid short-time
compensation benefits for more than 26 weeks in any benefit
year.

(8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO
THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—
(a) The short-time compensation benefits paid to an
individual shall be deducted from the total benefit amount
established for that individual in s. 443.111(5).

Section 21. Subsection (4) is added to section 448.102,
Florida Statutes, to read:

448.102 Prohibitions.—An employer may not take any
retaliatory personnel action against an employee because the employee has:

(4) During a state of emergency declared under chapter 252 related to COVID-19, reasonably refused to report to his or her assigned physical place of employment under any of the following circumstances:

(a) The employee tested positive for COVID-19, otherwise known as the novel coronavirus, and is following a licensed physician's written direction or applicable Department of Health guidelines issued in response to the COVID-19 pandemic and is unable to perform his or her job responsibilities.

(b) The employee was ordered to quarantine due to COVID-19 by the Department of Health or its equivalent in the employee's state of residence.

(c) The employee experienced COVID-19 symptoms, recognized as such by the Centers for Disease Control and Prevention, and made a reasonably diligent effort to be tested for COVID-19 upon the onset of such symptoms.

For purposes of this subsection, the term "employee" includes an independent contractor. This subsection does not apply to an employee whose physical place of employment is his or her place of residence. Nothing in this subsection prevents an employer from terminating an employee from employment if that employee has been absent from work due to COVID-19-related issues for
more than 21 consecutive days, or a total of 21 days within a 90-day period. This subsection does not interfere with an employee's rights under the Family and Medical Leave Act of 1993, 29 U.S.C. s. 2601, et seq.

Section 22. Section 455.41, Florida Statutes, is created to read:

455.41 Statewide face mask mandate.—

(1) A business licensed by the department must require face masks to be worn by all persons while inside a building whenever and wherever a customer is present. For purposes of this section:

(a) "Face mask" means a protective mask covering the nose and mouth.

(b) "Inside a building" means any location with a roof or a ceiling on the grounds of a licensed business.

(2) A person older than the age of 2 must wear a face mask at all times while inside a building.

(3) An employee who works directly with food prepared for consumption by the general public must wear a face mask and gloves at all times while preparing such food.

(4) A business may choose not to serve a person who refuses to wear a face mask and shall have complete protection from litigation based on a refusal to serve unmasked persons.

(5) A physician may exempt a person from wearing a face mask by providing a signed letter of exemption stating that such
person has a valid medical reason to not wear a face mask. The letter of exemption must be presented before entering a business.

(6) This section shall remain in effect in any county in which the positivity rate of COVID-19 cases is 10 percent or greater based on statistics from the Department of Health.

Section 23. Subsection (3) is added to section 624.11, Florida Statutes, to read:

624.11 Compliance required.—

(3)(a) No later than 15 days after the effective date of this act, the office must issue an emergency rule waiving all co-pays, deductibles, and other out-of-pocket expenses for mental health services provided to frontline health care workers during the COVID-19 pandemic.

(b) This subsection applies retroactively to March 9, 2020, the date on which Executive Order Number 20-52 declaring a state of emergency as a result of the COVID-19 pandemic was issued, and remains effective until all emergency orders declaring a state of emergency for COVID-19 have expired or have been rescinded. Any amounts previously paid by a health care provider must be reimbursed within 90 after the effective date of this act.

Section 24. Section 627.4144, Florida Statutes, is created to read:

627.4144 Business interruption coverage.—If a business
complies with a governmental order to close or to reduce its service capacity due to a state of emergency or public health emergency, such compliance constitutes a business interruption for purposes of a policy providing coverage for business interruption.

Section 25. Section 768.38, Florida Statutes, is created to read:

768.38 Liability protections for COVID-19-related claims.—

(1) The Legislature finds that the COVID-19 outbreak in the state threatens the continued viability of certain business entities, educational institutions, governmental entities, and religious institutions that contribute to the overall well-being of the state. The threat of unknown and potentially unbounded liability to such entities and institutions, in the wake of a pandemic that has already left many of these businesses, entities, and institutions vulnerable, has created an overpowering public necessity to provide an immediate and remedial legislative solution. Therefore, the Legislature intends for certain business entities, educational institutions, governmental entities, and religious institutions to enjoy heightened legal protections against liability as a result of the COVID-19 pandemic. The Legislature also finds that there are no alternative means to meet this public necessity, especially in light of the sudden, unprecedented nature of the COVID-19 pandemic. The Legislature finds that the public interest as a
whole is best served by providing relief to these entities and institutions so that they may remain viable and continue to contribute to the state.

(2) As used in this section, the term:

(a) "Business entity" has the same meaning as provided in s. 606.03. The term also includes a charitable organization as defined in s. 496.404 and a corporation not for profit as defined in s. 617.01401.

(b) "COVID-19-related claim" means a tort claim against a person, including a natural person, a business entity, an educational institution, a governmental entity, or a religious institution, which arises from the defendant's breach of an applicable duty of care which caused a person to contract COVID-19, otherwise known as the novel coronavirus. The term includes any such claim for damages, injury, or death. Any such claim, no matter how denominated, is a COVID-19-related claim for purposes of this section. The term does not include a claim against a health care provider, regardless of whether one of more of the definitions in this subsection applies to the health care provider.

(c) "Educational institution" means a school, including a preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

(d) "Governmental entity" means the state or any political
subdivision thereof, including the executive, legislative, and judicial branches of government; the independent establishments of the state, counties, municipalities, districts, authorities, boards, or commissions; or any agencies that are subject to chapter 286.

(e) "Health care provider" means:

1. A provider as defined in s. 408.803.

2. A clinical laboratory providing services in the state or services to health care providers in the state if the clinical laboratory is certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder.

3. A federally qualified health center as defined in 42 U.S.C. s. 1396d(l)(2)(B), as that definition exists on the effective date of this act.

4. Any site providing health care services which was established for the purpose of responding to the COVID-19 pandemic pursuant to any federal or state order, declaration, or waiver.

5. A health care practitioner as defined in s. 456.001.

6. A health care professional certified under part IV of chapter 468.

7. A home health aide as defined in s. 400.462(15).

(f) "Religious institution" has the same meaning as provided in s. 496.404.
(3) In a civil action based on a COVID-19-related claim:
   (a) The complaint must be pled with particularity.
   (b) The plaintiff must present affidavit testimony from a medical expert, as defined in s. 766.202, which attests to the expert's belief, within a reasonable degree of medical probability, that the person whose injury or death gave rise to the action was infected with COVID-19 at the time that the cause of action accrued and that the person's infection by COVID-19 resulted in the injury, damage, or death.
   (c) The court must determine, as a matter of law, whether:
      1. The plaintiff complied with paragraphs (a) and (b). If the plaintiff did not comply with paragraphs (a) and (b), the court must dismiss the action without prejudice.
      2. The defendant made a good faith effort to substantially comply with authoritative or controlling government-issued health standards or guidance or complied with local health department recommendations at the time the cause of action accrued.
         a. During this stage of the proceeding, admissible evidence is limited to evidence tending to demonstrate whether the defendant made such a good faith effort or whether the defendant complied with local health department recommendations.
         b. If the court determines that the defendant made such a good faith effort or complied with local health department recommendations, the defendant is immune from civil liability.
c. If the court determines that the defendant did not make such a good faith effort or did not comply with local health department recommendations, the plaintiff may proceed with the action. However, absent at least gross negligence proven by clear and convincing evidence, the defendant is not liable for any act or omission relating to a COVID-19-related claim.

d. For purposes of this subsection, the term "government-issued health standards or guidance" means any of the following that are related to COVID-19 or other infectious disease and that apply to the defendant's operations and describe how to operate at the time of the alleged act or omission:

(I) A federal, state, or local law, rule, or ordinance.

(II) A written order or other document published by a federal, state, or local government or regulatory body.

(III) Standards or guidance issued by the Agency for Health Care Administration or the United States Centers for Disease Control and Prevention, the National Institutes of Health, the United States Food and Drug Administration, or the Centers for Medicare and Medicaid Services.

(d) For the purposes of claims for benefits under chapter 440 or chapter 112, and any other benefits provided by law to people suffering injury or illness through the course of their employment, a person who is employed by a health care provider or employed as an emergency medical technician or a paramedic as those terms are defined in s. 401.23; a law enforcement officer
as defined in s. 112.531; a firefighter as defined in s. 112.81(1); or any employee who was required by his or her employer to be physically present at an educational institution to carry out the duties of his or her job who contracts COVID-19 is presumed to have contracted COVID-19 in the course and scope of his or her employment. This presumption may be overcome if the defendant proves by clear and convincing evidence that the employee's infection did not arise out of his or her employment.

(4) A civil action for a COVID-19-related claim must be commenced within 1 year after the cause of action accrues. However, a plaintiff whose cause of action for a COVID-19-related claim accrued before the effective date of this act must commence such action within 1 year after the effective date of this act.

(5) This section applies retroactively but does not apply to a civil action against a particularly named defendant that is commenced before the effective date of this act.

Section 26. Section 768.381, Florida Statutes, is created to read:

768.381 COVID-19-related tort claims.—

(1) Notwithstanding any law to the contrary, a person who contracted COVID-19 as a result of being exposed to another person, including a health care worker, may bring a COVID-19-related tort claim against that person or health care worker if that person or health care worker:
(a) Knew he or she had the virus at the time of exposure; and

(b) Willfully, knowingly, or recklessly exposed the plaintiff to the virus.

(2) If the plaintiff prevails, the court must award the plaintiff at least $1,000 in compensatory damages as well as reasonable attorney fees and costs.

(3) The plaintiff must initiate such action for a COVID-19-related tort claim within 1 year after the cause of action accrued or within 2 years after the effective date of this act if the cause of action accrued before the effective date of this act.

Section 27. Emergency paid leave under the federal Coronavirus Preparation and Response Supplemental Appropriations Act.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is younger than 18 years of age. The term includes a person who is 18 years of age or older if such person is incapable of self-care because of a mental or physical disability.

(b) "Child care provider" means a person or entity that receives compensation for providing child care services on a regular basis. The term includes a child care facility licensed
under s. 402.305, Florida Statutes, a family day care home licensed or registered under s. 402.313, Florida Statutes, a large family child care home licensed under s. 402.3131, Florida Statutes, a public school or nonpublic school exempt from licensure under s. 402.3025, Florida Statutes, a faith-based child care provider exempt from licensure under s. 402.316, Florida Statutes, and a family member or friend who regularly cares for an employee's child even if such family member or friend is not compensated or licensed.

(c) "Eligible employee" means an employee who has been employed for at least 30 calendar days by an employer.

(d) "Employee" has the same meaning as in 29 U.S.C. s. 203(e).

(e) "Employer" means:

1. A private person or entity that transacts business in this state, has a license to transact such business, and employs fewer than 500 employees to perform labor or services in exchange for salary, wages, or other remuneration. To determine the number of employees employed, an employer must count all full-time and part-time employees in accordance with subsection (8).

2. An entity within state, regional, county, local, or municipal government, whether executive, judicial, or legislative, or any public school, community college, or state university that employs persons who perform labor or services in
exchange for salary, wages, or other remuneration or that enters
or attempts to enter into a contract with a contractor.

(f) "Health care provider" means a health care
practitioner licensed under chapter 458, Florida Statutes,
chapter 459, Florida Statutes, chapter 460, Florida Statutes,
chapter 461, Florida Statutes, chapter 463, Florida Statutes,
chapter 464, Florida Statutes, chapter 465, Florida Statutes,
chapter 466, Florida Statutes, chapter 490, Florida Statutes, or
chapter 491, Florida Statutes.

(g) "Infectious or contagious disease" means any condition
or impairment of health caused by a disease that has been
declared a public health emergency in accordance with s.
381.00315, Florida Statutes.

(h) "Quarantine or isolation order" includes quarantine,
isolation, containment, shelter-in-place, or stay-at-home orders
issued by any federal, state, or local government entity that
causes an employee to be unable to work even though his or her
employer has work that the employee could perform but for the
order. The term includes when a federal, state, or local
government entity has advised certain categories of people,
including, but not limited to, persons of certain ages or with
certain medical conditions, to shelter in place, stay at home,
isolate, or quarantine.

(i) "School" means a nonprofit institutional day or
residential school, including a public, private, or charter
elementary or secondary school, that provides elementary or secondary education. The term does not include an institution that provides education beyond grade 12.

(j) "Telework" means work for which wages must be paid that an employer permits or allows an employee to perform, either during normal business hours or at other times agreed to by the employee and employer, while the employee is at home or at a location other than the employee's normal workplace.

(2) QUALIFYING REASONS FOR PAID SICK LEAVE.—

(a) An employer shall provide to each eligible employee paid sick leave to the extent that the eligible employee is unable to work due to any of the following reasons:

1. The employee is subject to a quarantine or isolation order.

2. The employee has been advised by a health care provider to self-quarantine due to concerns related to an infectious or a contagious disease.

3. The employee is experiencing symptoms of an infectious or a contagious disease and seeking medical diagnosis from a health care provider.

4. The employee is caring for a person who is subject to a quarantine or isolation order or who is directed by a health care provider to self-quarantine due to concerns related to an infectious or a contagious disease.

5. The employee is caring for his or her child whose
school or child care provider has been closed for a period of time, whether by order of a state or local official or authority or at the decision of the individual school or child care provider, for reasons related to an infectious or a contagious disease.

(b) An eligible employee may take paid sick leave under this section if he or she is:

1. Subject to a quarantine or isolation order and, but for being subject to the order, the employee would be able to perform work that is otherwise allowed or permitted by his or her employer at the employee's normal workplace or by telework. An employee subject to a quarantine or isolation order may not take paid sick leave if the employer does not have work for the employee as a result of the quarantine or isolation order or other circumstances.

2. Advised by a health care provider to self-quarantine because the employee has an infectious or a contagious disease, the employee may have an infectious or a contagious disease, or the employee is particularly vulnerable to contracting an infectious or a contagious disease and self-quarantining prevents the employee from being able to work at the employee's normal workplace or by telehealth.

3. Seeking a medical diagnosis for an infectious or a contagious disease because the employee has symptoms of the infectious or contagious disease that have been identified by
the United States Centers for Disease Control and Prevention.

Any paid sick leave taken under this subparagraph is limited to
time the employee is unable to work because he or she is taking
affirmative steps to obtaining a medical diagnosis.

4. Caring for an immediate family member, a person who
regularly resides in the employee's home, or a similar person
with whom the employee has a relationship that creates an
expectation that the employee would care for such person if the
person is quarantined, isolated, or self-quarantined. This
subparagraph does not authorize an employee to take paid sick
leave to care for a person with whom the employee has no
personal relationship.

5. Caring for a child whose school or child care provider
is closed or unavailable for reasons related to the infectious
or contagious disease, only if no other suitable person is
available to care for the child during such time period.

(3) QUALIFYING REASON FOR EXPANDED FAMILY AND MEDICAL

LEAVE.—An eligible employee may take expanded family and medical
leave because he or she is unable to work due to a need to care
for a child whose school or child care provider is closed or
unavailable for reasons related to the infectious or contagious
disease. This subsection only applies if no other suitable
person is available to care for the child during such time
period, caring for the child prevents the employee from being
able to work at the employee's normal workplace or by telework,
and the employer has work for the eligible employee.

(4) AMOUNT OF PAID SICK LEAVE; AMOUNT OF PAY.—

(a) A full-time eligible employee is entitled to up to 80

hours of paid sick leave.

(b) A part-time eligible employee is entitled to up to the

number of hours of paid sick leave equal to the number of hours

that the employee is normally scheduled to work over the course

of 2 workweeks.

(c) For each hour of paid sick leave taken by an eligible

employee for a qualifying reason set forth in subparagraphs

(2)(a)1.–3., the employer shall pay the employee's average

regular rate of pay.

(d) For each hour of paid sick leave taken by an eligible

employee for a qualifying reason set forth in subparagraphs

(2)(a)4. and 5., the employer shall pay the employee two-thirds

of the employee's average regular rate of pay.

(5) AMOUNT OF PAID EXPANDED FAMILY AND MEDICAL LEAVE;

AMOUNT OF PAY.—Subject to subsection (7):

(a) An eligible employee is entitled to take up to 10

weeks of paid expanded family and medical leave.

(b) An employer shall pay an eligible employee two-thirds

of the employee's average regular rate of pay.

(6) CALCULATING THE AVERAGE REGULAR RATE OF PAY.—

(a) The average regular rate of pay for paid sick leave

and expanded family and medical leave is calculated as follows:
1. Use the methods contained in 29 C.F.R. parts 531 and 778 to compute the regular rate of pay for each full workweek in which the eligible employee has been employed over the lesser of:
   a. The 6-month period ending on the date on which the eligible employee takes paid sick leave or expanded family and medical leave; or
   b. The entire period of an eligible employee's employment.

2. Compute the average of the weekly regular rates of pay under subparagraph 1., weighted by the number of hours worked by an eligible employee for each workweek.

(b) An eligible employee's commissions, tips, and piece rates are incorporated into the regular rate of pay in the same manner as they are included in the calculation of the regular rate of pay under the Fair Labor Standards Act, 29 C.F.R s. 531.60 and 29 C.F.R. part 778.

(7) COMBINATION OF PAID SICK LEAVE AND PAID EXPANDED FAMILY AND MEDICAL LEAVE.—

(a) An eligible employee who needs leave to care for his or her child whose school or child care provider is unavailable due to infectious or contagious disease-related reasons may be eligible to take both paid sick leave and paid expanded family and medical leave.

(b) An eligible employee may take up to 10 weeks of paid expanded family and medical leave. If an eligible employee
chooses to take both paid sick leave and paid expanded family
and medical leave, the first 2 weeks, or up to 80 hours, of
leave may be paid under paid sick leave and the subsequent weeks
may be paid under paid expanded family and medical leave.

(c) An eligible employee who has exhausted his or her
leave available under the Family and Medical Leave Act of 1993,
29 C.F.R. s. 825.200, is not precluded from taking paid sick
leave under this section.

(d) If an eligible employee takes paid expanded family and
medical leave after taking all or part of his or her paid sick
leave for a reason other than that provided in subparagraph
(2)(a)5., all or part of the eligible employee's first 2 weeks
of expanded family and medical leave may be unpaid because the
eligible employee has exhausted his or her paid sick leave
entitlement. However, an eligible employee may substitute earned
or accrued paid leave provided by the employer under established
policies of the employer during this period and receive pay
pursuant to the employer's preexisting paid leave policy during
the period of otherwise unpaid expanded family and medical
leave.

(8) NUMBER OF EMPLOYEES; EXEMPTION.—

(a) To determine the number of employees employed, an
employer must count all full-time and part-time employees
employed within the United States at the time the eligible
employee would take paid sick leave or paid extended family and
medical leave. For purposes of this paragraph, every part-time employee is counted as if he or she were a full-time employee. The number of employees includes all of the following:

1. All employees currently employed, regardless of how long the employees have worked for the employer.

2. Any employees on leave of any kind.

3. All employees of temporary placement agencies who are jointly employed by the employer and another employer, regardless of which employer's payroll the employee appears on.

4. All day laborers supplied by a temporary placement agency.

(b) The number of employees does not include independent contractors or employees who have been laid off or furloughed and have not subsequently been reemployed.

(c) An employer with fewer than 50 employees, hereinafter referred to as a "small business," is exempt from providing paid sick leave or paid expanded family and medical leave under this section when the imposition of such requirements would jeopardize the viability of the small business, as determined by:

1. The leave requested under this section would result in the small business's expenses and financial obligations exceeding available business revenues and cause the small business to cease operating at a minimal capacity;

2. The absence of the eligible employee requesting leave...
would entail a substantial risk to the financial health or
operational capabilities of the small business because of the
eligible employee's specialized skills, knowledge of the
business, or responsibilities; or

3. There are not enough employees who are able, willing,
and qualified, and who are available at the time and place
needed, to perform the labor or services provided by the
eligible employee requesting leave, and that labor or services
are needed for the small business to operate at a minimal
capacity.

(d) To elect this exemption, the employer must document
that a determination has been made according to the criteria
under paragraph (a) and retain such documentation in its files.

(9) EMPLOYER NOTICE.—Every employer is required to post
and keep posted on its premises, in a conspicuous place, a
notice explaining an employee's right to paid sick leave and
paid expanded family and medical leave. An employer may satisfy
the notice requirement by emailing or direct mailing the notice
to employees or posting the notice on the employer's website.
This subsection does not require translation or provision of the
notice in languages other than English.

(10) EMPLOYEE RESPONSIBILITIES.—

(a) An eligible employee must request paid sick leave or
paid expanded family and medical leave in writing according to
his or her employer's policies.
(b) An eligible employee is required to provide documentation to his or her employer containing the following information before taking paid sick leave or paid expanded family and medical leave:

1. The employee's full name.
2. The dates for which leave is requested.
3. The qualifying reason for the leave.
4. A written statement that the employee is unable to work because of the qualified reason for leave.

(c) In addition to the information required under paragraph (b), to take paid sick leave for a qualifying reason under:

1. Subparagraph (2)(a)1., an eligible employee must provide his or her employer with the name of the federal, state, or local government entity that issued the quarantine or isolation order.

2. Subparagraph (2)(a)2., an eligible employee must provide his or her employer with the name of the health care provider who advised the employee to self-quarantine.

3. Subparagraph (2)(a)4., an eligible employee must provide his or her employer with:
   a. The name of the federal, state, or local government entity that issued the quarantine or isolation order to which the person being cared for is subject; or
   b. The name of the health care provider who advised the
person being cared for to self-quarantine.

4. Subparagraph (2)(a), or paid expanded family and medical leave, an eligible employee must provide his or her employer with all of the following:
   a. The name of the eligible employee's child who is being cared for.
   b. The name of the school or child care provider that has closed or become unavailable.
   c. A statement that no other suitable person is available to care for the eligible employee's child during the period for which the eligible employee seeks to take paid sick leave or paid expanded family and medical leave.

(11) PROHIBITED ACTS.—

(a) An employer may not discharge, discipline, or discriminate against an employee because such employee took, or requested to take, paid sick leave or paid expanded family and medical leave.

(b) An employer may not discharge, discipline, or discriminate against an employee because such employee filed a complaint or instituted or caused to be instituted any proceeding, including an enforcement proceeding, under or related to taking paid sick leave or paid expanded family and medical leave or has testified or is about to testify in any such proceeding.

(c) The prohibitions against interference with the
exercise of rights, discrimination, and interference with proceedings or inquiries under the Family and Medical Leave Act of 1993, 29 U.S.C. s. 2615, apply to employers with respect to eligible employees taking, or attempting to take, paid expanded family and medical leave.

(12) ENFORCEMENT.—

(a) An employer that fails to provide an eligible employee paid sick leave is considered to have failed to pay the minimum wage as required by 29 U.S.C. s. 206 and is subject to enforcement as provided under 29 U.S.C. ss. 216 and 217.

(b) An employer who discharges, disciplines, or discriminates against an eligible employee in violation of subsection (11) is considered to have violated 29 U.S.C. s. 215(a)(3) and is subject to enforcement as provided under 29 U.S.C. ss. 216 and 217.

(c) An employer who commits a prohibited act described in paragraph (11)(c) is subject to enforcement as provided under 29 U.S.C. ss. 2617 and 825.400.

Section 28. Pandemic and Infectious and Contagious Disease Advisory Council.—

(1) The Pandemic and Infectious and Contagious Disease Advisory Council is created within the Executive Office of the Governor for the purpose of advising the Governor on the best course of action on pandemic-related and infectious and contagious disease-related issues to ensure the safety and
wellbeing of state residents.

(2) The council shall consist of members appointed as follows:

(a) The head of the Department of Health or his or her designee.

(b) The Secretary of Elderly Affairs or his or her designee.

(c) The executive director of the Department of Economic Opportunity or his or her designee.

(d) The Secretary of Children and Families or his or her designee.

(e) The director of the Division of Emergency Management or his or her designee.

(f) The Secretary of Transportation or his or her designee.

(g) The Commissioner of Education or his or her designee.

(h) A member of the Senate or his or her designee, appointed by the President of the Senate.

(i) A member of the Senate or his or her designee, appointed by the Minority Leader of the Senate.

(j) A member of the House of Representatives or his or her designee, appointed by the Speaker of the House of Representatives.

(k) A member of the House of Representatives or his or her designee, appointed by the Minority Leader of the House of Representatives.
Representatives.

(l) The heads of other departments or agencies of the state or their designees, as deemed necessary and appointed by the Governor.

(3) A vacancy on the council shall be filled in the same manner as the original appointment.

(4) The council shall biennially elect a chair and a vice chair from its membership. Meetings of the council shall be called by the chair as necessary.

(5) The council shall:

(a) Ensure the consistency of information and data characterization across relevant industry and governmental entities and develop plans for the state's major industries to prepare for future pandemics. After a public health emergency occurs, the council shall review and revise such plans as needed to prepare for future public health emergencies.

(b) Provide clarification of essential worker guidelines, including a determination of which industries include essential workers and a review of processes for any industries and jobs that do not include essential workers.

(c) Review infectious and contagious disease preparedness plans for hospitals and long-term care facilities.

(d) Review infectious and contagious disease preparedness plans for school districts.

(e) Create a concierge service within the Division of
Emergency Management for dealing with emergent issues during an emergency.

(f) Review the Restore Economic Strength through Employment & Tourism (RESET) Task Force report and consider its recommendations.

(g) Review other reports and audits as required by law.

(6) Members of the council shall serve without compensation but may be reimbursed for per diem and travel expenses as provided in s. 112.061.

Section 29. Public Health Task Force.—The Public Health Task Force, a task force as defined in s. 20.03(8), is established within the Legislature to comprehensively assess the Department of Health's resources and capacity to sustainably deliver public health services in this state and to make recommendations for improvements to the department's framework for statewide implementation of such services. The task force shall be supported by research services of the Office of Program Policy Analysis and Governmental Accountability.

(1) MEMBERSHIP.—

(a) The task force shall consist of the following members:

1. The State Surgeon General or his or her designee.

2. One county health department director from each of the following, appointed by the State Surgeon General:

   a. A county in which more than half of the local population is represented by ethnic and racial minority groups.
3. One representative from each of the following organizations, appointed by their respective organizations:
   a. Association of State and Territorial Health Officials.
   b. Florida Public Health Association.
   d. Florida Association of County Health Officers.
   e. Florida Agricultural and Mechanical University Institute of Public Health.
   f. University of South Florida College of Public Health.
   g. Public Health Accreditation Board.
   h. Florida Environmental Health Association.
   i. Safety Net Hospital Alliance of Florida.
   (b) A vacancy on the task force shall be filled in the same manner as the original appointment.
   (c) The task force shall elect a chair from among its members.
   (d) Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

(2) MEETINGS.—
   (a) The task force shall convene its first meeting by August 1, 2021, and shall meet as often as necessary to fulfill
its responsibilities under this section.

(b) Meetings may be conducted in person or by teleconference or other electronic means.

(3) DUTIES.—The task force shall:

(a) Analyze the department's ability to prepare for, respond to, and mitigate the effects of natural and manmade disasters of public health significance, including, but not limited to, hurricanes, floods, infectious and communicable diseases, epidemics, pandemics, and bioterrorism.

(b) Analyze the department's ability to provide public health services statewide within the existing framework provided in chapter 154, Florida Statutes, and identify any gaps in service while prioritizing all of the following:

1. The impacts of environmental factors on human health.
2. Community health assessments and development of evidence-based community and state health improvement plans.
4. Chronic disease mitigation and prevention.
5. Infectious and communicable disease control.
7. Information infrastructure to support the department's capacity to conduct analyses, data integration, and analyses integration as required for the department to become an information agency in the digital age.
8. Preparedness planning, response, and mitigation.
(c) Assess historical trends and analyze the department's funding and staffing to establish sustainable funding for the department's activities.

(d) Assess historical trends and analyze the department's allocation and distribution of funds to county health departments to overcome declines in state and federal funding coupled with the state's population growth and increasing vulnerable populations.

(e) Analyze the department's staffing, including the levels and types of public health professionals required to maintain a robust public health department workforce at the state and local levels. Such public health professionals include, but are not limited to, physicians, public health nurses, epidemiologists, health educators, social workers, and sanitarians.

When conducting its assessments and analyses under this subsection, the task force must reference the Public Health Accreditation Board Standards and Measures, Version 1.5, for national public health department accreditation; the 10 Essential Public Health Services, as revised in June 2020, published by the Public Health National Center for Innovations and the de Beaumont Foundation; and other relevant guidelines issued by the United States Centers for Disease Control and Prevention.
(4) REPORT.—The task force shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2022.

(5) EXPIRATION.—This section expires January 31, 2022.

Section 30. Section 1001.231, Florida Statutes, is created to read:

1001.231 Infectious and contagious disease preparedness and response.—

(1) The Department of Education is responsible for preparing a comprehensive infectious and contagious disease preparedness plan that shall be integrated into and coordinated with the plans and programs suggested by the Pandemic and Infectious and Contagious Disease Advisory Council. The plan shall be submitted to the Governor, the President of the Senate, and the Speaker of the House before July 1, 2021, and each July 1 thereafter.

(2) The Department of Education shall adopt standards and requirements for school district infectious and contagious disease preparedness plans. The standards and requirements must ensure that the district plans are coordinated and consistent with the comprehensive infectious and contagious disease preparedness plan and must require:

(a) A plan for transitioning between virtual and in-person learning.
(b) The number of students in each district who have access to the Internet, computers, and electricity.

(c) The number of electronic devices available to be loaned to students to facilitate virtual learning.

(d) The designation of a staff member at the district level who is responsible for communicating guidance for pandemic and infectious and contagious disease protocols to schools and administrators.

(e) The designation of a contact person at each school who is responsible for communicating guidance for pandemic and infectious and contagious disease protocols to staff, students, and families.

(f) The availability of a physician or nurse onsite at each school.

(g) Information about access to virtual learning materials.

(3) The Department of Education shall assist in the distribution of a COVID-19 vaccination to school personnel and educational staff by:

(a) Coordinating with the Department of Health to establish vaccination sites.

(b) Providing access to information necessary to verify the employment of a member of school personnel or educational staff.

(c) Directing school districts to provide guidance to
school personnel and educational staff on locations where they can receive a COVID-19 vaccination and if any additional identification will be necessary before receiving such vaccination.

(4) Before May 31, 2021, the Department of Education must develop a plan to guarantee that every student has the option to attend school in person by the beginning of the 2021-2022 school year and submit such plan to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Public Health Task Force.

(5) The Department of Education shall adopt rules necessary to administer this section.

Section 31. Subsection (28) of section 1001.42, Florida Statutes, is renumbered as subsection (29), and a new subsection (28) is added to that section to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(28) INFECTIOUS AND CONTAGIOUS DISEASE PREPAREDNESS PLANS.—Create a comprehensive infectious and contagious disease preparedness plan that meets the standards and requirements adopted by the Department of Education pursuant to s. 1001.231(2).

Section 32. Subsection (6) of section 1008.34, Florida Statutes, is renumbered as subsection (7), and a new subsection
(6) is added to that section to read:

1008.34 School grading system; school report cards;
district grade.—
(6) HEALTH EMERGENCY PROVISION.—In recognition of the
public health emergency caused by COVID-19, notwithstanding any
other provision of law for the 2020-2021 school year:
(a) A school may not receive a lower school grade than the
grade it received in the 2018-2019 school year.
(b) A school may not receive a lower school improvement
erating pursuant to s. 1008.341 than the rating it received in
the 2018-2019 school year.
(c) A student may not receive a lower performance result
as calculated pursuant to s. 1012.34(7) than the result it
received in the 2018-2019 school year.
(d) This subsection is repealed July 1, 2023.

Section 33. In addition to any gain-time credits awarded
under s. 944.275, Florida Statutes, to inmates incarcerated in
the state correctional system, the Department of Corrections may
award gain-time credits of up to one-half of an inmate's
sentence to any inmate who is at an above-average risk of harm
from COVID-19 under current guidelines of the Centers for
Disease Control and Prevention. Such an inmate is not subject to
the requirement that he or she serve 85 percent of his or her
sentence as provided in s. 944.275(4)(f), Florida Statutes. This
section does not apply to an inmate sentenced to life
imprisonment or to an inmate serving a sentence for a violent felony as defined in s. 961.02, Florida Statutes.

Section 34. During a state of emergency declared by the Governor under chapter 252, Florida Statutes, or a public health emergency declared under s. 381.00315, Florida Statutes, the Department of Children and Families, the Department of Economic Opportunity, the Department of Health, the Agency for Health Care Administration, and the Florida Healthy Kids Corporation shall suspend eligibility, redetermination, termination, and work search or training requirements for the public assistance programs they administer, including, but not limited to, reemployment assistance or unemployment compensation, Medicaid, the Children's Health Insurance Program, the Florida Kidcare program, Temporary Assistance for Needy Families, and the Supplemental Nutrition Assistance Program for the duration of the state of emergency or public health emergency.

Section 35. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 36. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.
Section 37. This act shall take effect upon becoming a law.