

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Learned offered the following:

**Amendment (with title amendment)**

Remove lines 220-342 and insert:

6 (6) Notwithstanding s. 542.335, a court may not enforce a  
 7 restrictive covenant if an employer fails to comply with  
 8 subsections (1) and (2) and terminates an employee based on the  
 9 employee's noncompliance with a COVID-19 vaccination mandate.

10 (7) Notwithstanding s. 120.74(4) and (5), the Department  
 11 of Health, the Department of Legal Affairs, and the Department  
 12 of Economic Opportunity are authorized, and all conditions are  
 13 deemed met, to adopt emergency rules pursuant to s. 120.54(4)  
 14 and this section. Such rulemaking must occur initially by filing  
 15 emergency rules within 15 days after the effective date of this  
 16 act. An employer COVID-19 vaccination mandate is deemed invalid

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17 until the Department of Health files its emergency rules or 15  
18 days after the effective date of this act, whichever occurs  
19 first.

20 (a) The Department of Health shall adopt emergency rules  
21 to specify requirements for the frequency and methods of testing  
22 which may be used by employers, to establish standards for  
23 competent medical evidence that the employee has immunity to  
24 COVID-19, to specify circumstances that are considered an  
25 anticipated pregnancy, and to create the following:

26 1. A form for use by a physician, a physician assistant,  
27 or an advanced practice registered nurse to document an  
28 exemption based on medical reasons, including, but not limited  
29 to, pregnancy or anticipated pregnancy.

30 2. A form for use by an employee to document an exemption  
31 based on religious reasons.

32 3. A form for use by an employee to document an exemption  
33 based on COVID-19 immunity. Such form must include the  
34 laboratory criteria for proof of immunity for the virus that  
35 causes COVID-19.

36 4. A form for use by an employee to document an exemption  
37 based on periodic testing. Such form must include the required  
38 frequency of testing and acceptable tests that may be used.

39 5. A form for use by an employee to document an exemption  
40 based on employer-provided personal protective equipment.

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41 (b) The Department of Economic Opportunity shall adopt  
42 emergency rules to implement subsection (5).

43 (c) The Department of Legal Affairs shall adopt emergency  
44 rules to implement subsections (3) and (4), including  
45 prescribing the complaint and notification processes and  
46 specifying the functional equivalent of termination.

47  
48 Notwithstanding s. 120.54(4)(c), emergency rules adopted  
49 pursuant to this subsection remain in effect until replaced by  
50 rules adopted under regular rulemaking. The Department of  
51 Health, the Department of Legal Affairs, and the Department of  
52 Economic Opportunity shall begin rulemaking under s. 120.54(2)  
53 and (3) immediately after filing the emergency rules.

54 (8) An employer may not impose a policy that prohibits an  
55 employee from choosing to receive a COVID-19 vaccination.

56 (9) This section expires June 1, 2023.

57 Section 2. Section 381.00319, Florida Statutes, is created  
58 to read:

59 381.00319 Prohibition on COVID-19 vaccination mandates for  
60 students.—

61 (1) For purposes of this section, the term:

62 (a) "COVID-19" has the same meaning as in s. 381.00317(1).

63 (b) "Educational institution" has the same meaning as in  
64 s. 112.0441(1).

65 (c) "Parent" has the same meaning as in s. 1000.21(5).

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66 (2) Notwithstanding any other law to the contrary, an  
67 educational institution or elected or appointed local official  
68 may not impose a COVID-19 vaccination mandate for any student.

69 (3) A parent of a student, a student who is an emancipated  
70 minor, or a student who is 18 years of age or older may bring an  
71 action against the educational institution to obtain a  
72 declaratory judgment that an act or practice violates this  
73 section and to seek injunctive relief. A prevailing parent or  
74 student, as applicable, must be awarded reasonable attorney fees  
75 and court costs.

76 (4) This section expires June 1, 2023.

77 Section 3. Section 112.0441, Florida Statutes, is created  
78 to read:

79 112.0441 Prohibition on public employee COVID-19  
80 vaccination mandates.-

81 (1) For purposes of this section, the term:

82 (a) "COVID-19" has the same meaning as in s. 381.00317(1).

83 (b) "Educational institution" means an institution under  
84 the control of a district school board; a charter school; a  
85 state university; a developmental research school; a Florida  
86 College System institution; the Florida School for the Deaf and  
87 the Blind; and the Florida Virtual School.

88 (c) "Governmental entity" has the same meaning as in s.  
89 768.38.

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90 (2) (a) Notwithstanding any other law to the contrary, an  
91 educational institution or a governmental entity may not impose  
92 a COVID-19 vaccination mandate for any full-time, part-time, or  
93 contract employee. Any existing ordinance, rule, or policy  
94 imposing such mandate is null and void as of the effective date  
95 of this act.

96 (b) An educational institution or a governmental entity  
97 that imposes a COVID-19 vaccination mandate for any full-time,  
98 part-time, or contract employee commits a violation of this  
99 section for each employee subject to the employer's COVID-19  
100 vaccination mandate. The Department of Health may impose a fine  
101 not to exceed \$5,000 per violation. Fines collected pursuant to  
102 this subsection must be deposited in the General Revenue Fund.

103 (3) (a) If an educational institution or a governmental  
104 entity fails to comply with subsection (2) and terminates an  
105 employee based on the employee's noncompliance with a COVID-19  
106 vaccination mandate, the terminated employee may be eligible for  
107 reemployment assistance under chapter 443 in addition to any  
108 other remedy available to the employee.

109 (b) If an employee is terminated by an educational  
110 institution or a governmental entity for refusing to comply with  
111 any COVID-19 vaccination mandate:

112 1. Such refusal may not be deemed misconduct for the  
113 purpose of reemployment assistance under chapter 443.

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114 2. Notwithstanding any provision of chapter 443, work is  
115 not deemed suitable and benefits may not be denied under s.  
116 443.101 to the terminated employee for refusing to accept new  
117 work if the terminated employee is otherwise eligible and the  
118 position requires compliance with a COVID-19 vaccination mandate  
119 contrary to this section or s. 381.00317.

120 (4) Notwithstanding s. 542.335, a court may not enforce a  
121 restrictive covenant if an employer fails to comply with  
122 subsections (1) and (2) and terminates an employee based on the  
123 employee's noncompliance with a COVID-19 vaccination mandate.

124 (5) Notwithstanding s. 120.74(4) and (5), the Department  
125 of Health and the Department of Economic Opportunity are  
126 authorized, and all conditions are deemed met, to adopt  
127 emergency rules pursuant to s. 120.54(4) to implement this  
128 section. Such rulemaking must occur initially by filing  
129 emergency rules within 15 days after the effective date of this  
130 act. Notwithstanding s. 120.54(4)(c), emergency rules adopted  
131 pursuant to this subsection remain in effect until replaced by  
132 rules adopted under regular rulemaking. The Department of Health  
133 and the Department of Economic Opportunity shall begin  
134 rulemaking under s. 120.54(2) and (3) immediately after filing  
135 the emergency rules.

136 (6) This section expires June 1, 2023.

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139 **T I T L E A M E N D M E N T**

140 Remove lines 30-57 and insert:  
141 unlawfully terminated employee; prohibiting a court  
142 from enforcing restrictive covenants under certain  
143 conditions; authorizing the Department of Health, the  
144 Department of Legal Affairs, and the Department of  
145 Economic Opportunity to adopt emergency rules for  
146 specified purposes; specifying timeframes for the  
147 adoption of such rules; invalidating private employer  
148 COVID-19 vaccination mandates for a specified  
149 timeframe; specifying requirements for the emergency  
150 rules; providing that the emergency rules remain in  
151 effect until replaced; prohibiting an employer from  
152 imposing a specified policy; providing for expiration;  
153 creating s. 381.00319, F.S.; defining terms;  
154 prohibiting educational institutions and elected or  
155 appointed local officials from imposing COVID-19  
156 vaccination mandates on students; providing a right of  
157 action to obtain a declaratory judgment and injunctive  
158 relief for violations; providing for attorney fees and  
159 court costs; providing for expiration; creating s.  
160 112.0441, F.S.; defining terms; prohibiting  
161 educational institutions and governmental entities  
162 from imposing COVID-19 vaccination mandates for any  
163 employees; declaring null and void any ordinance,

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164 rule, or policy that imposes such mandates; specifying  
165 what constitutes a single violation; authorizing the  
166 Department of Health to impose a fine per violation;  
167 providing for deposit of fine proceeds in the General  
168 Revenue Fund; specifying eligibility for reemployment  
169 assistance for an unlawfully terminated employee;  
170 prohibiting a court from enforcing restrictive  
171 covenants under certain conditions;