



26 of Health regarding explanation of such policies and  
 27 procedures; creating s. 456.61, F.S.; prohibiting  
 28 certain boards and the Department of Health from  
 29 taking disciplinary action against or denying,  
 30 suspending, or revoking licensure to health care  
 31 practitioners under certain conditions; creating s.  
 32 456.62, F.S.; requiring health care practitioners  
 33 treating patients diagnosed with COVID-19 to obtain  
 34 informed consent before prescribing any medications  
 35 for treatment of COVID-19; providing requirements for  
 36 such consent; requiring health care practitioners to  
 37 indicate certain compliance or noncompliance on such  
 38 patients' medical records; providing construction;  
 39 amending s. 465.0266, F.S.; exempting certain  
 40 pharmacists from disciplinary action under certain  
 41 conditions; amending s. 1002.20, F.S.; conforming  
 42 provisions to changes made by the act; providing an  
 43 effective date.

44  
 45 Be It Enacted by the Legislature of the State of Florida:

46  
 47 Section 1. Section 112.0441, Florida Statutes, is  
 48 repealed.

49 Section 2. Section 381.00316, Florida Statutes, is amended  
 50 to read:

51           381.00316 Discrimination based on COVID-19 vaccination  
52 status; prohibition vaccine documentation.—

53           (1)(a) It is the intent of the Legislature that Floridians  
54 be free from facial coverings and COVID-19 vaccination mandates  
55 of any kind and discrimination based on COVID-19 vaccination  
56 status and receive adequate informed consent regarding treatment  
57 alternatives for COVID-19. It is further the intent of the  
58 Legislature that licensed health care providers and health care  
59 practitioners be free from threat of disciplinary action under  
60 s. 395.1065(2).

61           (b) The Legislature finds and declares that society is  
62 harmed by discrimination based on COVID-19 vaccination status  
63 because healthy persons are deprived of participating in society  
64 and accessing employment opportunities. The Legislature further  
65 finds and declares that remedies to prevent such discrimination  
66 are in the best interest of this state.

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

68           (a) "Business entity" has the same meaning as in s.  
69 606.03. The term also includes a charitable organization as  
70 defined in s. 496.404, a corporation not for profit as defined  
71 in s. 617.01401, a private club, or any other business operating  
72 in this state.

73           (b) "Department" means the Department of Health.

74           (c) "Educational institution" means a public or private  
75 school, including a preschool, elementary school, middle school,

76 junior high school, secondary school, career center, or  
77 postsecondary school.

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

84 (3)-(1) A business entity, as defined in s. 768.38 to  
85 include any business operating in this state, may not require  
86 patrons or customers to provide any documentation certifying  
87 COVID-19 vaccination or postinfection recovery or impose a  
88 COVID-19 testing mandate to gain access to, entry upon, or  
89 service from the business operations in this state. A business  
90 entity may not refuse to hire or discharge a person, deprive or  
91 tend to deprive a person of employment opportunities or  
92 adversely affect a person's status as an employee or as an  
93 applicant for employment, or otherwise discriminate against a  
94 person with respect to compensation, terms, conditions, or  
95 privileges of employment based on knowledge or belief of a  
96 person's COVID-19 vaccination status. This subsection does not  
97 otherwise restrict businesses from instituting screening  
98 protocols consistent with authoritative or controlling  
99 government-issued guidance to protect public health.

100 (4)-(2) A governmental entity as defined in s. 768.38 may

101 not require persons to provide any documentation certifying  
 102 COVID-19 vaccination or postinfection recovery or impose a  
 103 COVID-19 testing mandate to gain access to, entry upon, or  
 104 service from the governmental entity's operations in this state.  
 105 A governmental entity may not refuse to hire or discharge a  
 106 person, deprive or tend to deprive a person of employment  
 107 opportunities or adversely affect his or her status as an  
 108 employee, or otherwise discriminate against a person with  
 109 respect to compensation, terms, conditions, or privileges of  
 110 employment based on the knowledge or belief of a person's COVID-  
 111 19 vaccination status. This subsection does not otherwise  
 112 restrict governmental entities from instituting screening  
 113 protocols consistent with authoritative or controlling  
 114 government-issued guidance to protect public health.

115 (5)-(3) An educational institution ~~as defined in s. 768.38~~  
 116 may not require any person ~~students or residents~~ to provide any  
 117 documentation certifying COVID-19 vaccination or postinfection  
 118 recovery or impose a COVID-19 testing mandate for attendance or  
 119 enrollment, or to gain access to, entry upon, or service from  
 120 such educational institution in this state. This subsection does  
 121 not otherwise restrict educational institutions from instituting  
 122 screening protocols consistent with authoritative or controlling  
 123 government-issued guidance to protect public health.

124 (6) (a) Notwithstanding paragraph (b), or any other law to  
 125 the contrary, a business entity, governmental entity, or

126 educational institution may not require a person to wear a face  
127 mask, a face shield, or any other facial covering that covers  
128 the mouth and nose. A business entity, governmental entity, or  
129 educational institution may not deny any person access to, entry  
130 upon, service from, or admission to such entity or institution  
131 or otherwise discriminate against a person based on such  
132 person's refusal to wear a face mask, a face shield, or any  
133 other facial covering that covers the mouth and nose.

134 (b) This subsection does not apply to:

135 1. An educational institution when a face mask, a face  
136 shield, or any other facial covering that covers the mouth and  
137 nose is used as required safety equipment in a course of study  
138 consistent with occupational or laboratory safety requirements.

139 2. A health care provider or health care practitioner as  
140 those terms are defined in s. 408.833.

141 (7)(a)-(4) The department may impose a fine not to exceed  
142 \$5,000 per violation of this section. Each violation of  
143 subsection (3) or subsection (6) is a separate violation.

144 (b) The Department of Legal Affairs may impose an  
145 administrative fine of not more than \$5,000 per violation. Each  
146 violation of subsection (4) or subsection (5) is a separate  
147 violation.

148 (c) Fines collected pursuant to this section must be  
149 deposited into the General Revenue Fund.

150 (d) This section does not limit the right of the person

151 aggrieved by a violation of this section to recover damages or  
152 other relief under any other applicable law.

153 (e) If a governmental entity or educational institution  
154 fails to comply with subsection (4) or subsection (5), an  
155 employee terminated based on such noncompliance may be eligible  
156 for reemployment assistance under chapter 443 in addition to any  
157 other remedy available to the employee for a violation of this  
158 section.

159 (f) For purposes of an investigation or proceeding  
160 conducted by the department or the Department of Legal Affairs,  
161 the department or the Department of Legal Affairs may administer  
162 oaths, take depositions, make inspections when authorized by  
163 law, issue subpoenas supported by affidavit, serve subpoenas and  
164 other process, and compel the attendance of witnesses and the  
165 production of books, papers, documents, and other evidence.  
166 Challenges to and enforcement of subpoenas or orders shall be in  
167 accordance with s. 120.569.

168 ~~(5) This section does not apply to a health care provider~~  
169 ~~as defined in s. 768.38; a service provider licensed or~~  
170 ~~certified under s. 393.17, part III of chapter 401, or part IV~~  
171 ~~of chapter 468; or a provider with an active health care clinic~~  
172 ~~exemption under s. 400.9935.~~

173 (8)(6) The department may adopt rules pursuant to ss.  
174 120.536 and 120.54 to implement this section.

175 Section 3. Section 381.00317, Florida Statutes, is

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176 repealed.

177 Section 4. Section 381.00319, Florida Statutes, is amended  
178 to read:

179 381.00319 Prohibition on COVID-19 vaccination mandates for  
180 students.—

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

182 (a) "COVID-19" means the novel coronavirus identified as  
183 SARS-CoV-2; any disease caused by SARS-CoV-2, its viral  
184 fragments, or a virus mutating therefrom; and all conditions  
185 associated with the disease which are caused by SARS-CoV-2, its  
186 viral fragments, or a virus mutating therefrom ~~has the same~~  
187 ~~meaning as in s. 381.00317(1).~~

188 (b) "Educational institution" has the same meaning as in  
189 381.00316(2) ~~s. 112.0441(1).~~

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

191 (2) ~~(a) Notwithstanding any other law to the contrary, An~~  
192 ~~educational institution or elected or appointed local official~~  
193 ~~may not impose a COVID-19 vaccination mandate on ~~for~~ any person~~  
194 ~~student.~~

195 (b) An educational institution may not deny a person  
196 admission to, access to, entry upon, or service from such  
197 educational institution or otherwise discriminate against any  
198 person based on such person's COVID-19 vaccination status,  
199 postinfection recovery, or refusal to submit to a COVID-19 test.

200 (3) (a) The department may impose an administrative fine



201 not to exceed \$5,000 per violation of this section.

202 (b) Fines collected pursuant to this section must be  
 203 deposited into the General Revenue Fund.

204 (c) This section does not limit the right of the person  
 205 aggrieved by a violation of this section to recover damages or  
 206 other relief under any other applicable law.

207 (d) For the purpose of an investigation or proceeding  
 208 conducted by the department or the Department of Legal Affairs,  
 209 the department or the Department of Legal Affairs may administer  
 210 oaths, take depositions, make inspections when authorized by  
 211 law, issue subpoenas supported by affidavit, serve subpoenas and  
 212 other process, and compel the attendance of witnesses and the  
 213 production of books, papers, documents, and other evidence.

214 Challenges to and enforcement of subpoenas or orders shall be in  
 215 accordance with s. 120.569 A parent of a student, a student who  
 216 is an emancipated minor, or a student who is 18 years of age or  
 217 older may bring an action against the educational institution to  
 218 obtain a declaratory judgment that an act or practice violates  
 219 this section and to seek injunctive relief. A prevailing parent  
 220 or student, as applicable, must be awarded reasonable attorney  
 221 fees and court costs.

222 ~~(4) This section expires June 1, 2023.~~

223 Section 5. Section 395.1057, Florida Statutes, is created  
 224 to read:

225 395.1057 Patients' right to choose COVID-19 treatment

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226 alternatives.-In accordance with s. 456.62, a hospital may not  
227 interfere with a patient's right to choose COVID-19 treatment  
228 alternatives as recommended by a health care practitioner with  
229 privileges at the hospital. Any hospital that violates this  
230 section by preventing a health care practitioner from exercising  
231 his or her sound judgment is subject to agency disciplinary  
232 action under s. 395.1065(2).

233 Section 6. Section 408.833, Florida Statutes, is created  
234 to read:

235 408.833 Facial covering requirements in health care  
236 facilities.-

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

238 (a) "Facial covering" means a cloth or surgical face mask,  
239 a face shield, or any other facial covering that covers the  
240 mouth and nose.

241 (b) "Health care practitioner" has the same meaning as in  
242 s. 456.001. The term does not include a health care practitioner  
243 who is employed by a health care provider.

244 (c) "Health care provider" means a health care provider as  
245 defined in s. 408.07; a service provider licensed or certified  
246 under s. 393.17, part III of chapter 401, or part IV of chapter  
247 468; or a provider with an active health care clinic exemption  
248 under s. 400.9935.

249 (2) (a) By September 1, 2023, health care providers and  
 250 health care practitioners shall establish facial covering  
 251 policies and procedures. The policies and procedures:

252 1. Must detail the clinical circumstances under which  
 253 facial coverings are required to be worn by employees and  
 254 contractors for infection control.

255 2. May not require the use of facial coverings except for  
 256 surgical operations or clinical purposes.

257 3. May not require visitors or guests to wear facial  
 258 coverings unless it is clinically necessitated in order to stop  
 259 the transmission of a confirmed or suspected infectious disease  
 260 and the health care provider or health care practitioner has  
 261 submitted and received approval of such policy from the agency  
 262 in advance.

263 (b) Health care providers and health care practitioners  
 264 shall each submit facial covering policies and procedures to the  
 265 agency for approval when applying for initial licensure, license  
 266 renewal, or change of ownership. Health care providers and  
 267 health care practitioners must make such policies and procedures  
 268 available to the agency for review upon request.

269 (c) Within 24 hours after establishing the policies and  
 270 procedures required under this section, health care providers  
 271 and health care practitioners must make their facial covering  
 272 policies and procedures easily accessible to the public on the  
 273 homepages of their websites; however, such policies and

274 procedures may not be enforced by the health care provider or  
275 health care practitioner until approved by the agency.

276 (3) The department shall create a separate web page on its  
277 website to explain the facial covering policies and procedures  
278 required under this section and provide a link to its website to  
279 report complaints for violations of the facial covering policies  
280 and procedures.

281 Section 7. Section 456.61, Florida Statutes, is created to  
282 read:

283 456.61 Use of free speech by a health care practitioner;  
284 prohibition.—An applicable board, or the department if there is  
285 no board, may not take disciplinary action against or deny,  
286 suspend, or revoke a license to a health care practitioner based  
287 solely on whether he or she has spoken or written publicly  
288 regarding alternative medications for the treatment of COVID-19  
289 as provided in s. 456.62, including, but not limited to, speech  
290 through the use of a social media platform as defined in s.  
291 501.2041(1), provided that such health care practitioner is not  
292 providing medical advice or treatment to a specific patient and  
293 such speech does not separately violate any other applicable  
294 law.

295 Section 8. Section 456.62, Florida Statutes, is created to  
296 read:

297 456.62 Communication of COVID-19 treatment alternatives.—  
298 (1) A health care practitioner treating a patient

299 diagnosed with COVID-19 shall obtain the informed consent of the  
300 patient or the patient's legal representative before prescribing  
301 any medication for the treatment of COVID-19.

302 (2) Informed consent shall include an explanation of  
303 alternative medications for the treatment of COVID-19 and the  
304 relative advantages, disadvantages, and risks associated with  
305 alternative medications to the extent necessary to allow the  
306 patient or the patient's legal representative to make a prudent  
307 decision regarding treatment.

308 (3) In determining which alternative medications to  
309 include in the informed consent, the health care practitioner  
310 shall consider any medications currently authorized or approved  
311 by the United States Food and Drug Administration for the  
312 treatment of COVID-19 and use his or her best clinical judgement  
313 to identify any alternative medications that could be reasonably  
314 expected to benefit the patient.

315 (4) In providing such information, the health care  
316 practitioner shall take into consideration the physical state of  
317 the patient and the patient's ability to understand the  
318 information.

319 (5) A health care practitioner treating a patient  
320 diagnosed with COVID-19 shall indicate on such patient's medical  
321 record the health care practitioner's compliance or  
322 noncompliance with this section.

323 (6) This section does not supersede any other provision of

324 law regarding informed consent.

325 Section 9. Section 465.0266, Florida Statutes, is amended  
326 to read:

327 465.0266 Common database.—Nothing contained in this  
328 chapter shall be construed to prohibit the dispensing by a  
329 pharmacist licensed in this state or another state of a  
330 prescription contained in a common database, and such dispensing  
331 shall not constitute a transfer as defined in s. 465.026(1)-(6),  
332 provided that the following conditions are met:

333 (1) All pharmacies involved in the transactions pursuant  
334 to which the prescription is dispensed are under common  
335 ownership and utilize a common database.

336 (2) All pharmacies involved in the transactions pursuant  
337 to which the prescription is dispensed and all pharmacists  
338 engaging in dispensing functions are properly licensed,  
339 permitted, or registered in this state or another state.

340 (3) The common database maintains a record of all  
341 pharmacists involved in the process of dispensing a  
342 prescription.

343 (4) The owner of the common database maintains a policy  
344 and procedures manual that governs its participating pharmacies,  
345 pharmacists, and pharmacy employees and that is available to the  
346 board or its agent upon request. The policy and procedures  
347 manual shall include the following information:

348 (a) A best practices model detailing how each pharmacy and

349 each pharmacist accessing the common database will comply with  
 350 applicable federal and state laws, rules, and regulations.

351 (b) The procedure for maintaining appropriate records for  
 352 regulatory oversight for tracking a prescription during each  
 353 stage of the filling and dispensing process, identifying the  
 354 pharmacists involved in filling and dispensing the prescription  
 355 and counseling the patient, and responding to any requests for  
 356 information made by the board under s. 465.0156.

357 (c) The policy and procedure for providing adequate  
 358 security to protect the confidentiality and integrity of patient  
 359 information.

360 (d) A quality assurance program designed to objectively  
 361 and systematically monitor, evaluate, and improve the quality  
 362 and appropriateness of patient care through the use of the  
 363 common database.

364  
 365 Any pharmacist dispensing a prescription has at all times the  
 366 right and obligation to exercise his or her independent  
 367 professional judgment. Any pharmacist properly dispensing an  
 368 alternative medication prescribed for the treatment of COVID-19  
 369 pursuant to s. 456.62 is not subject to disciplinary action by  
 370 the board or the department. Notwithstanding ~~other provisions in~~  
 371 this section, a ~~ne~~ pharmacist licensed in this state  
 372 ~~participating in the dispensing of~~ a prescription pursuant to  
 373 this section is not ~~shall be~~ responsible for the acts and

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374 omissions of another person participating in the dispensing  
375 process provided such person is not under the direct supervision  
376 and control of the pharmacist licensed in this state.

377 Section 10. Paragraph (n) of subsection (3) of section  
378 1002.20, Florida Statutes, is amended to read:

379 1002.20 K-12 student and parent rights.—Parents of public  
380 school students must receive accurate and timely information  
381 regarding their child's academic progress and must be informed  
382 of ways they can help their child to succeed in school. K-12  
383 students and their parents are afforded numerous statutory  
384 rights including, but not limited to, the following:

385 (3) HEALTH ISSUES.—

386 (n) Face covering mandates and quarantine mandates in  
387 response to COVID-19.—

388 1. A district school board, a district school  
389 superintendent, an elected or appointed local official, or any  
390 district school board employee may not:

391 a. Require a student to wear a face mask, a face shield,  
392 or any other facial covering that fits over the mouth or nose.  
393 However, a parent, at the parent's sole discretion, may allow  
394 his or her child to wear a face mask, a face shield, or any  
395 other facial covering that fits over the mouth or nose. This  
396 prohibition does not apply to safety equipment required as part  
397 of a course of study consistent with occupational or laboratory  
398 safety requirements.



399           b. Prohibit a student from attending school or school-  
 400 sponsored activities, prohibit a student from being on school  
 401 property, or subject a student to restrictions or disparate  
 402 treatment, based on an exposure to COVID-19, so long as the  
 403 student remains asymptomatic and has not received a positive  
 404 test for COVID-19 as defined in s. 381.00319(1) ~~s. 381.00317(1)~~.

405  
 406 A parent of a student, a student who is an emancipated minor, or  
 407 a student who is 18 years of age or older may bring an action  
 408 against the school district to obtain a declaratory judgment  
 409 that an act or practice violates this subparagraph and to seek  
 410 injunctive relief. A prevailing parent or student, as  
 411 applicable, must be awarded reasonable attorney fees and court  
 412 costs.

413           2. A district school board, a district school  
 414 superintendent, an elected or appointed local official, or any  
 415 school district employee may not prohibit an employee from  
 416 returning to work or subject an employee to restrictions or  
 417 disparate treatment based on an exposure to COVID-19 so long as  
 418 the employee remains asymptomatic and has not received a  
 419 positive test for COVID-19 as defined in s. 381.00319(1) ~~s.~~  
 420 ~~381.00317(1)~~.

421           ~~3. This paragraph expires June 1, 2023.~~

422           Section 11. This act shall take effect July 1, 2023.