

1                   A bill to be entitled  
2           An act relating to protection from discrimination  
3           based on health care choices; amending s. 381.00316,  
4           F.S.; providing legislative intent and findings;  
5           defining terms; prohibiting business and governmental  
6           entities from requiring certain documentation or  
7           COVID-19 testing to gain access to, entry upon, or  
8           service from such entities or as a condition of  
9           contracting, hiring, promotion, or continued  
10          employment; prohibiting such entities from discharging  
11          or refusing to hire persons, depriving or attempting  
12          to deprive persons of employment opportunities,  
13          adversely affecting persons with respect to  
14          employment, or otherwise discriminating against  
15          persons based on their vaccination or COVID-19  
16          postinfection recovery status or failure to take a  
17          COVID-19 test; requiring such entities to provide  
18          exemptions and reasonable accommodations for religious  
19          and medical reasons; prohibiting such entities from  
20          requiring persons to wear certain facial coverings to  
21          gain admission or access to, entry upon, or services  
22          from such entities or from otherwise discriminating  
23          against persons based on their refusal to wear certain  
24          facial coverings; providing exceptions; requiring the  
25          Department of Health to adopt certain emergency rules;

26 providing administrative penalties; authorizing the  
 27 Department of Legal Affairs to take specified actions  
 28 for purposes of conducting investigations and  
 29 proceedings; requiring that collected fines be  
 30 deposited in the General Revenue Fund; providing  
 31 construction; providing that certain terminated  
 32 employees may be eligible for reemployment assistance;  
 33 amending s. 381.00319, F.S.; revising and defining  
 34 terms; revising provisions related to the prohibition  
 35 on COVID-19-related mandates by educational  
 36 institutions; prohibiting educational institutions  
 37 from imposing certain vaccination mandates;  
 38 prohibiting educational institutions from requiring  
 39 persons to provide certain documentation or COVID-19  
 40 testing to gain access to, entry upon, or service from  
 41 such institutions or otherwise discriminating against  
 42 persons based on their vaccination or COVID-19  
 43 postinfection recovery status or failure to take a  
 44 COVID-19 test; requiring educational institutions to  
 45 provide exemptions and reasonable accommodations for  
 46 religious and medical reasons; prohibiting educational  
 47 institutions from requiring persons to wear certain  
 48 facial coverings, from denying persons admission or  
 49 access to, entry upon, or services from such  
 50 institutions or from otherwise discriminating against

51 persons based on their refusal to wear certain facial  
52 coverings; providing exceptions; requiring the  
53 Department of Health to adopt certain emergency rules;  
54 providing administrative penalties; authorizing the  
55 department to take specified actions for purposes of  
56 conducting investigations and proceedings; requiring  
57 that collected fines be deposited in the General  
58 Revenue Fund; providing construction; authorizing the  
59 department to adopt rules; creating s. 381.00321,  
60 F.S.; prohibiting governmental entities and  
61 educational institutions from adopting, implementing,  
62 or enforcing certain public health policies and  
63 guidelines unless authorized by state law, rule, or  
64 executive order; creating s. 395.1057, F.S.;

65 prohibiting hospitals from interfering with patients'  
66 right to choose COVID-19 treatment alternatives if  
67 certain conditions are met; providing for disciplinary  
68 action; creating s. 408.824, F.S.; defining terms;  
69 requiring the Agency for Health Care Administration  
70 and the Department of Health to jointly develop  
71 standards for the appropriate use of certain facial  
72 coverings in health care settings by a specified date;  
73 requiring the agency and the department to adopt  
74 emergency rules to develop such standards; requiring  
75 the agency and the department to post such standards

76 on their respective websites and provide a link for  
77 reporting related violations; requiring certain health  
78 care practitioners and all health care providers to  
79 establish facial covering policies and procedures by a  
80 specified date; providing requirements for such  
81 policies and procedures; requiring such health care  
82 practitioners and health care providers to make their  
83 policies and procedures easily accessible on their  
84 respective websites; prohibiting, beginning on a  
85 specified date, health care practitioners and health  
86 care providers from requiring persons to wear a facial  
87 covering for any reason unless the requirement is in  
88 accordance with specified policies and procedures;  
89 providing for disciplinary action; creating s. 456.62,  
90 F.S.; requiring health care practitioners treating  
91 patients diagnosed with COVID-19 to obtain patients'  
92 informed consent before prescribing any medications  
93 for treatment of COVID-19; providing a requirement for  
94 obtaining such informed consent; requiring health care  
95 practitioners to include certain information and use  
96 their best clinical judgment when making certain  
97 determinations related to alternative medications for  
98 treatment of COVID-19; requiring health care  
99 practitioners to indicate certain information in their  
100 patients' medical records; providing construction;

101 amending s. 465.0266, F.S.; exempting certain  
 102 pharmacists from disciplinary action under certain  
 103 circumstances; amending s. 1002.20, F.S.; conforming  
 104 provisions to changes made by the act; deleting the  
 105 future repeal of specified provisions; providing for  
 106 the future repeal of specified provisions; providing  
 107 effective dates.

108

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

110

111 Section 1. Section 381.00316, Florida Statutes, is amended  
 112 to read:

113 381.00316 Discrimination by business and governmental  
 114 entities based on health care choices; prohibition ~~COVID-19~~  
 115 vaccine documentation.-

116 (1)(a) It is the intent of the Legislature that Floridians  
 117 be free from mandated facial coverings, mandates of any kind  
 118 relating to vaccines as provided in this section, and  
 119 discrimination based on such vaccination status.

120 (b) The Legislature finds that society is harmed by  
 121 discrimination based on vaccination status as provided in this  
 122 section when healthy persons are prevented from participating in  
 123 society and accessing employment opportunities. The Legislature  
 124 further finds that remedies to prevent such discrimination are  
 125 in the best interest of this state.

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

127 (a) "Business entity" has the same meaning as in s.  
128 606.03. The term also includes a charitable organization as  
129 defined in s. 496.404, a corporation not for profit as defined  
130 in s. 617.01401, or any other business operating in this state.

131 (b) "COVID-19" means the novel coronavirus identified as  
132 SARS-CoV-2; any disease caused by SARS-CoV-2, its viral  
133 fragments, or a virus mutating therefrom; and all conditions  
134 associated with the disease which are caused by SARS-CoV-2, its  
135 viral fragments, or a virus mutating therefrom.

136 (c) "COVID-19 vaccine" means a preparation designed to  
137 stimulate the human body's immune response against COVID-19.

138 (d) "Department" means the Department of Legal Affairs.

139 (e) "Emergency use authorization vaccine" means any  
140 vaccine that is authorized for emergency use under 21 U.S.C.  
141 360bbb-3(a)(1) and qualifies as an unapproved product under 21  
142 U.S.C. 360bbb-3(a)(2)(A).

143 (f) "Governmental entity" means this state or any  
144 political subdivision thereof, including the executive,  
145 legislative, and judicial branches of government; the  
146 independent establishments of the state, counties,  
147 municipalities, districts, authorities, boards, or commissions;  
148 or any agencies that are subject to chapter 286. The term does  
149 not include an educational institution as defined in s.  
150 381.00319(1).

151 (g) "Messenger ribonucleic acid vaccine" means any vaccine  
 152 that uses laboratory-produced messenger ribonucleic acid to  
 153 trigger the human body's immune system to generate an immune  
 154 response.

155 (3)(a)(1) A business entity, as defined in s. 768.38 to  
 156 include any business operating in this state, may not require  
 157 any person patrons or customers to provide any documentation  
 158 certifying COVID-19 vaccination with any vaccine defined under  
 159 subsection (2) or postinfection recovery from COVID-19, or  
 160 require a COVID-19 test, to gain access to, entry upon, or  
 161 service from the business operations in this state or as a  
 162 condition of contracting, hiring, promotion, or continued  
 163 employment with the business entity.

164 (b) A business entity may not discharge or refuse to hire  
 165 a person; deprive or attempt to deprive a person of employment  
 166 opportunities; adversely affect a person's status as an employee  
 167 or as an applicant for employment; or otherwise discriminate  
 168 against a person based on knowledge or belief of the person's  
 169 status relating to vaccination with any vaccine defined under  
 170 subsection (2) or COVID-19 postinfection recovery, or a person's  
 171 failure to take a COVID-19 test.

172 (c) For matters relating to vaccines other than those  
 173 defined under subsection (2), a business entity shall provide  
 174 for exemptions and reasonable accommodations for religious and  
 175 medical reasons in accordance with federal law ~~This subsection~~

176 ~~does not otherwise restrict businesses from instituting~~  
177 ~~screening protocols consistent with authoritative or controlling~~  
178 ~~government-issued guidance to protect public health.~~

179 (4) (a) (2) A governmental entity as defined in s. 768.38  
180 may not require any person persons to provide any documentation  
181 certifying COVID-19 vaccination with any vaccine defined under  
182 subsection (2) or postinfection recovery from COVID-19, or  
183 require a COVID-19 test, to gain access to, entry upon, or  
184 service from the governmental entity's operations in this state  
185 or as a condition of contracting, hiring, promotion, or  
186 continued employment with the governmental entity.

187 (b) A governmental entity may not discharge or refuse to  
188 hire a person; deprive or attempt to deprive a person of  
189 employment opportunities; adversely affect a person's status as  
190 an employee; or otherwise discriminate against a person based on  
191 the knowledge or belief of the person's status relating to  
192 vaccination with any vaccine defined under subsection (2) or  
193 COVID-19 post infection recovery, or a person's failure to take  
194 a COVID-19 test.

195 (c) For matters relating to vaccines other than those  
196 defined under subsection (2), a governmental entity shall  
197 provide for exemptions and reasonable accommodations for  
198 religious and medical reasons in accordance with federal law.

199 (5) (a) A business entity or governmental entity may not  
200 require a person to wear a face mask, a face shield, or any



201 other facial covering that covers the mouth and nose. A business  
 202 entity or governmental entity may not deny a person admission or  
 203 access to, entry upon, or service from such entity or otherwise  
 204 discriminate against a person based on such person's refusal to  
 205 wear a face mask, a face shield, or any other facial covering  
 206 that covers the mouth and nose.

207 (b) Paragraph (a) does not apply to:

208 1. A health care practitioner or health care provider as  
 209 those terms are defined in s. 408.824(1), provided that such  
 210 health care practitioner or health care provider is in  
 211 compliance with that section.

212 2. A business entity or governmental entity when a face  
 213 mask, a face shield, or any other facial covering that covers  
 214 the mouth and nose is required safety equipment consistent with  
 215 occupational or laboratory safety requirements, in accordance  
 216 with standards adopted by the Department of Health. The  
 217 Department of Health shall adopt emergency rules to develop such  
 218 standards. Emergency rules adopted under this subparagraph are  
 219 exempt from s. 120.54(4)(c) and shall remain in effect until  
 220 replaced by rules adopted under the nonemergency rulemaking  
 221 procedures of the Administrative Procedure Act ~~This subsection~~  
 222 ~~does not otherwise restrict governmental entities from~~  
 223 ~~instituting screening protocols consistent with authoritative or~~  
 224 ~~controlling government-issued guidance to protect public health.~~

225 ~~(3) An educational institution as defined in s. 768.38 may~~

226 ~~not require students or residents to provide any documentation~~  
227 ~~certifying COVID-19 vaccination or postinfection recovery for~~  
228 ~~attendance or enrollment, or to gain access to, entry upon, or~~  
229 ~~service from such educational institution in this state. This~~  
230 ~~subsection does not otherwise restrict educational institutions~~  
231 ~~from instituting screening protocols consistent with~~  
232 ~~authoritative or controlling government-issued guidance to~~  
233 ~~protect public health.~~

234 (6) (a) (4) The department may impose an administrative a  
235 fine not to exceed \$5,000 for each individual and separate per  
236 violation of this section.

237 (b) For purposes of conducting an investigation or a  
238 proceeding, the department may administer oaths, take  
239 depositions, make inspections when authorized by law, issue  
240 subpoenas supported by affidavit, serve subpoenas and other  
241 process, and compel the attendance of witnesses and the  
242 production of books, papers, documents, and other evidence.  
243 Challenges to and enforcement of subpoenas or orders shall be in  
244 accordance with s. 120.569.

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

247 (7) This section does not limit the right of the person  
248 aggrieved by a violation of this section to recover damages or  
249 other relief under any other applicable law.

250 (8) If a governmental entity fails to comply with

251 subsection (4), an employee terminated based on such  
 252 noncompliance may be eligible for reemployment assistance under  
 253 chapter 443 in addition to any other remedy available to the  
 254 employee for a violation of this section.

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

260 (9)~~(6)~~ The department may adopt rules pursuant to ss.  
 261 120.536 and 120.54 to implement this section.

262 Section 2. Section 381.00319, Florida Statutes, is amended  
 263 to read:

264 381.00319 Prohibition on mask mandates and COVID-19  
 265 vaccination and testing mandates for educational institutions  
 266 students.-

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

268 (a) "COVID-19" has the same meaning as in s. 381.00316(2)  
 269 ~~s. 381.00317(1)~~.

270 (b) "COVID-19 vaccine" has the same meaning as in s.  
 271 381.00316(2).

272 (c)~~(b)~~ "Educational institution" means a public or private  
 273 school, including a preschool, elementary school, middle school,  
 274 junior high school, secondary school, career center, or  
 275 postsecondary school ~~has the same meaning as in s. 112.0441(1).~~

276 (d) "Emergency use authorization vaccine" has the same  
 277 meaning as in s. 381.00316(2).

278 (e) "Messenger ribonucleic acid vaccine" has the same  
 279 meaning as in s. 381.00316(2).

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

281 (2) (a) Notwithstanding any other law to the contrary, An  
 282 educational institution or elected or appointed local official  
 283 may not impose a COVID-19 vaccination mandate on for any person  
 284 requiring vaccination with any vaccine defined under subsection  
 285 (1) student.

286 (b) An educational institution may not require any person  
 287 to provide any documentation certifying vaccination with any  
 288 vaccine defined under subsection (1) or postinfection recovery  
 289 from COVID-19, or require a COVID-19 test, to gain admission or  
 290 access to, entry upon, or service from the educational  
 291 institution in this state or as a condition of contracting,  
 292 hiring, promotion, or continued employment with the educational  
 293 institution. An educational institution may not discharge or  
 294 refuse to hire a person; deprive or attempt to deprive a person  
 295 of employment opportunities; adversely affect a person's status  
 296 as an employee or as an applicant for employment; or otherwise  
 297 discriminate against a person based on knowledge or belief of  
 298 the person's status relating to vaccination with any vaccine  
 299 defined under subsection (1) or COVID-19 postinfection recovery,  
 300 or a person's failure to take a COVID-19 test.

301 (c) For matters relating to vaccines other than those  
302 defined under subsection (1), an educational institution shall  
303 provide for exemptions and reasonable accommodations for  
304 religious and medical reasons in accordance with federal law.

305 (3)(a) An educational institution may not require a person  
306 to wear a face mask, a face shield, or any other facial covering  
307 that covers the mouth and nose. An educational institution may  
308 not deny a person admission or access to, entry upon, or service  
309 from such educational institution or otherwise discriminate  
310 against a person based on such person's refusal to wear a face  
311 mask, a face shield, or any other facial covering that covers  
312 the mouth and nose.

313 (b) Paragraph (a) does not apply to:

314 1. A health care practitioner or health care provider as  
315 those terms are defined in s. 408.824(1), provided that such  
316 health care practitioner or health care provider is in  
317 compliance with that section.

318 2. An educational institution when a face mask, a face  
319 shield, or any other facial covering that covers the mouth and  
320 nose is used as required safety equipment in a course of study  
321 consistent with occupational or laboratory safety requirements,  
322 in accordance with standards adopted by the Department of  
323 Health. The Department of Health shall adopt emergency rules to  
324 develop such standards. Emergency rules adopted under this  
325 subparagraph are exempt from s. 120.54(4)(c) and shall remain in

326 effect until replaced by rules adopted under the nonemergency  
327 rulemaking procedures of the Administrative Procedure Act.

328 (4) (a) Notwithstanding s. 768.39, the Department of Health  
329 may impose an administrative fine not to exceed \$5,000 for each  
330 individual and separate violation of this section.

331 (b) For the purpose of conducting an investigation or a  
332 proceeding, the Department of Health may administer oaths, take  
333 depositions, make inspections when authorized by law, issue  
334 subpoenas supported by affidavit, serve subpoenas and other  
335 process, and compel the attendance of witnesses and the  
336 production of books, papers, documents, and other evidence.  
337 Challenges to and enforcement of subpoenas or orders shall be in  
338 accordance with s. 120.569.

339 (c) Fines collected pursuant to this section must be  
340 deposited in the General Revenue Fund.

341 (5) This section does not limit the right of the person  
342 aggrieved by a violation of this section to recover damages or  
343 other relief under any other applicable law.

344 (6) The Department of Health may adopt rules to implement  
345 this section.

346 ~~(3) A parent of a student, a student who is an emancipated~~  
347 ~~minor, or a student who is 18 years of age or older may bring an~~  
348 ~~action against the educational institution to obtain a~~  
349 ~~declaratory judgment that an act or practice violates this~~  
350 ~~section and to seek injunctive relief. A prevailing parent or~~

351 ~~student, as applicable, must be awarded reasonable attorney fees~~  
 352 ~~and court costs.~~

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

354 Section 3. Section 381.00321, Florida Statutes, is created  
 355 to read:

356 381.00321 International health organization policies and  
 357 guidelines.—A governmental entity as defined in s. 381.00316(2)  
 358 or an educational institution as defined in s. 381.00319(1) may  
 359 not adopt, implement, or enforce an international health  
 360 organization's public health policies or guidelines unless  
 361 authorized to do so under state law, rule, or executive order  
 362 issued by the Governor under s. 252.36.

363 Section 4. Section 395.1057, Florida Statutes, is created  
 364 to read:

365 395.1057 Patients' right to choose COVID-19 treatment  
 366 alternatives.—A hospital may not interfere with a patient's  
 367 right to choose COVID-19 treatment alternatives as recommended  
 368 by a health care practitioner with privileges at the hospital if  
 369 the health care practitioner has obtained informed consent from  
 370 the patient in accordance with s. 456.62. Any hospital that  
 371 violates this section by preventing a health care practitioner  
 372 from exercising his or her sound judgment is subject to agency  
 373 disciplinary action under s. 395.1065(2).

374 Section 5. Effective upon this act becoming a law, section  
 375 408.824, Florida Statutes, is created to read:

376 408.824 Facial covering requirements for health care  
 377 practitioners and health care providers.-

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

379 (a) "Department" means the Department of Health.

380 (b) "Facial covering" means a cloth or surgical face mask,  
 381 a face shield, or any other facial covering that covers the  
 382 mouth and nose.

383 (c) "Health care practitioner" has the same meaning as in  
 384 s. 456.001.

385 (d) "Health care provider" means a provider as defined in  
 386 s. 408.803; a service provider licensed or certified under s.  
 387 393.17, part III of chapter 401, or part IV of chapter 468; a  
 388 provider with an active health care clinic exemption under s.  
 389 400.9935; an optical establishment permitted under s. 484.007; a  
 390 massage establishment licensed under s. 480.043; a pharmacy as  
 391 defined in s. 465.003; or an office registered under s. 458.328  
 392 or s. 459.0138.

393 (e) "Office" means an office maintained for the practice  
 394 of a health care practitioner's profession, as provided in his  
 395 or her practice act.

396 (2) (a) By July 1, 2023, the agency and the department  
 397 shall jointly develop standards for the appropriate use of  
 398 facial coverings for infection control in health care settings.

399 (b) The agency and the department shall adopt emergency  
 400 rules for the standards developed under paragraph (a). Emergency



401 rules adopted under this section are exempt from s. 120.54(4)(c)  
402 and shall remain in effect until replaced by rules adopted under  
403 the nonemergency rulemaking procedures of the Administrative  
404 Procedure Act.

405 (c) The agency and the department shall publish the  
406 standards developed under paragraph (a) on their respective  
407 websites and provide a link for persons to report violations of  
408 the standards.

409 (3) By August 1, 2023, each health care practitioner who  
410 owns or operates an office and each health care provider shall  
411 establish facial covering policies and procedures for their  
412 respective health care settings, if such health care  
413 practitioner or health care provider requires any individual to  
414 wear a facial covering for any reason. Such policies and  
415 procedures must comply with the standards developed under  
416 subsection (2) and must be accessible from the home page of such  
417 health care practitioner's or health care provider's website or  
418 conspicuously displayed in the lobby of its health care service  
419 setting or settings.

420 (4) Effective August 1, 2023:

421 (a) Health care practitioners and health care providers  
422 may not require any person to wear a facial covering for any  
423 reason unless the requirement is in accordance with the  
424 standards developed under subsection (2) and the policies and  
425 procedures established under subsection (3).

426 (b) A health care practitioner or a health care provider  
427 in violation of paragraph (a) or subsection (3) is subject to  
428 disciplinary action by the agency or a board as defined in s.  
429 456.001, or the department if there is no board, as applicable.

430 Section 6. Section 456.62, Florida Statutes, is created to  
431 read:

432 456.62 Communication of COVID-19 treatment alternatives.—

433 (1) A health care practitioner treating a patient  
434 diagnosed with COVID-19 shall obtain the informed consent of the  
435 patient or the patient's legal representative before prescribing  
436 any medication for the treatment of COVID-19.

437 (2) To obtain informed consent, the health care  
438 practitioner must provide an explanation of alternative  
439 medications for the treatment of COVID-19 and the relative  
440 advantages, disadvantages, and risks associated with such  
441 alternative medications to the extent necessary to allow the  
442 patient or the patient's legal representative to make a prudent  
443 decision regarding treatment.

444 (3) In determining which alternative medications to  
445 present to a patient for purposes of obtaining informed consent,  
446 the health care practitioner must include any medications  
447 currently authorized or approved by the United States Food and  
448 Drug Administration for the treatment of COVID-19 and use his or  
449 her best clinical judgment to identify any alternative  
450 medications that could reasonably be expected to benefit the

451 patient.

452 (4) In providing such information regarding alternative  
 453 medications, the health care practitioner shall take into  
 454 consideration the physical state of the patient and the  
 455 patient's ability to understand the information.

456 (5) A health care practitioner treating a patient  
 457 diagnosed with COVID-19 shall indicate on such patient's medical  
 458 record the health care practitioner's compliance or  
 459 noncompliance with this section.

460 (6) This section does not supersede any other provision of  
 461 law regarding informed consent.

462 Section 7. Section 465.0266, Florida Statutes, is amended  
 463 to read:

464 465.0266 Common database.—Nothing contained in this  
 465 chapter may ~~shall be construed to~~ prohibit the dispensing by a  
 466 pharmacist licensed in this state or another state of a  
 467 prescription contained in a common database, and such dispensing  
 468 does ~~shall~~ not constitute a transfer as defined in s.

469 465.026(1)-(6), provided that the following conditions are met:

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

473 (2) All pharmacies involved in the transactions pursuant  
 474 to which the prescription is dispensed and all pharmacists  
 475 engaging in dispensing functions are properly licensed,

476 permitted, or registered in this state or another state.

477 (3) The common database maintains a record of all  
478 pharmacists involved in the process of dispensing a  
479 prescription.

480 (4) The owner of the common database maintains a policy  
481 and procedures manual that governs its participating pharmacies,  
482 pharmacists, and pharmacy employees and that is available to the  
483 board or its agent upon request. The policy and procedures  
484 manual must ~~shall~~ include the following information:

485 (a) A best practices model detailing how each pharmacy and  
486 each pharmacist accessing the common database will comply with  
487 applicable federal and state laws, rules, and regulations.

488 (b) The procedure for maintaining appropriate records for  
489 regulatory oversight for tracking a prescription during each  
490 stage of the filling and dispensing process, identifying the  
491 pharmacists involved in filling and dispensing the prescription  
492 and counseling the patient, and responding to any requests for  
493 information made by the board under s. 465.0156.

494 (c) The policy and procedure for providing adequate  
495 security to protect the confidentiality and integrity of patient  
496 information.

497 (d) A quality assurance program designed to objectively  
498 and systematically monitor, evaluate, and improve the quality  
499 and appropriateness of patient care through the use of the  
500 common database.

501  
 502 Any pharmacist dispensing a prescription has at all times the  
 503 right and obligation to exercise his or her independent  
 504 professional judgment. Any pharmacist properly dispensing an  
 505 alternative medication prescribed for the treatment of COVID-19  
 506 is not subject to disciplinary action by the board or the  
 507 department based solely on such dispensing. Notwithstanding  
 508 ~~other provisions in~~ this section, a ~~no~~ pharmacist licensed in  
 509 this state ~~participating in the~~ dispensing ~~of~~ a prescription  
 510 pursuant to this section is not ~~shall be~~ responsible for the  
 511 acts and omissions of another person participating in the  
 512 dispensing process provided such person is not under the direct  
 513 supervision and control of the pharmacist licensed in this  
 514 state.

515 Section 8. Paragraph (n) of subsection (3) of section  
 516 1002.20, Florida Statutes, is amended to read:

517 1002.20 K-12 student and parent rights.—Parents of public  
 518 school students must receive accurate and timely information  
 519 regarding their child's academic progress and must be informed  
 520 of ways they can help their child to succeed in school. K-12  
 521 students and their parents are afforded numerous statutory  
 522 rights including, but not limited to, the following:

523 (3) HEALTH ISSUES.—

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

526 1. A district school board, a district school  
 527 superintendent, an elected or appointed local official, or any  
 528 district school board employee may not:

529 a. Require a student to wear a face mask, a face shield,  
 530 or any other facial covering that fits over the mouth or nose.  
 531 However, a parent, at the parent's sole discretion, may allow  
 532 his or her child to wear a face mask, a face shield, or any  
 533 other facial covering that fits over the mouth or nose. This  
 534 prohibition does not apply to safety equipment required as part  
 535 of a course of study consistent with occupational or laboratory  
 536 safety requirements.

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

543  
 544 A parent of a student, a student who is an emancipated minor, or  
 545 a student who is 18 years of age or older may bring an action  
 546 against the school district to obtain a declaratory judgment  
 547 that an act or practice violates this subparagraph and to seek  
 548 injunctive relief. A prevailing parent or student, as  
 549 applicable, must be awarded reasonable attorney fees and court  
 550 costs.

551           2. A district school board, a district school  
 552 superintendent, an elected or appointed local official, or any  
 553 school district employee may not prohibit an employee from  
 554 returning to work or subject an employee to restrictions or  
 555 disparate treatment based on an exposure to COVID-19 so long as  
 556 the employee remains asymptomatic and has not received a  
 557 positive test for COVID-19 as defined in s. 381.00319(1) ~~s.~~  
 558 ~~381.00317(1)~~.

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

560           Section 9. Sections 381.00316(2)(g) and 381.00319(1)(e),  
 561 Florida Statutes, as created by this act, are repealed on June  
 562 1, 2025.

563           Section 10. Except as otherwise expressly provided in this  
 564 act, and except for this section, which shall take effect upon  
 565 this act becoming a law, this act shall take effect June 1,  
 566 2023.