



THE FLORIDA SENATE
SENATOR WILTON SIMPSON
President

MEMORANDUM

TO: All Senators
FROM: Wilton Simpson
SUBJECT: 2021 Special Session B
DATE: November 8, 2021

The Legislature will convene for 2021 Special Session B on Monday, November 15, 2021, pursuant to the proclamation issued by Governor DeSantis. As announced this morning in partnership with Governor DeSantis and Speaker Sprowls, outlined below are four bills designed to address issues under the call. I intend to refer all four bills to the Committee on Judiciary and the Committee on Appropriations for review and consideration by the Senate, prior to the floor. A draft schedule for the week is attached.

Nearly two years have passed since the first case of COVID-19 was diagnosed in our state. Early on, individuals and businesses alike showed great patience and sacrifice in tolerating severe economic hardships and many other inconveniences for the good of others during an unprecedented time. Two years later, Florida businesses and workers weary from frequently changing and, at times, conflicting public health guidance are looking for certainty and they are looking for protection from “one-size-fits-all” mandates. For some, protection means the freedom to make your own health care decisions, including whether to submit to a vaccine, which while proven effective in preventing hospitalization and death, is still very new. For others, protection comes in the form of freedom to conduct business and to implement steps necessary to secure that business by minimizing risks to employees and patrons. For others, protection is the ability to have a say in whether your child has to wear a mask to school.

Drawing on more than 40 years of experience in the private sector in businesses that depend on an in-person workforce, where significant safety risks have to be mitigated to ensure their health and safety, I am confident there is no “one-size-fits-all” approach as businesses, schools, and families work to address the challenges of the COVID-19 pandemic. The desire to protect the rights of business owners has been ingrained in me since childhood. However, as we all consider the proper role of government in a pandemic, I recognize first and foremost, government must protect the rights of the individual. We must keep Florida free by protecting the dignity of work and honoring the rights and responsibilities of parents. I look forward to working with each of you on the important task before us.

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'KEEP FLORIDA FREE' JOINT LEGISLATIVE AGENDA

SB 2B / HB 1B: REJECT COVID-19 VACCINE MANDATES

Sponsored by Senator Danny Burgess (R-Zephyrhills) and Representatives Erin Grall (R-Vero Beach) and Ralph Massullo (R-Lecanto), this comprehensive legislation protects students, parents, employees and employers in our state by creating a framework for employees to make the best decision for their health and affirming the rights of parents to make health care decisions for their children.

Creates Options for Private-Sector Employers and Employees

Specifically, the legislation prohibits employers from having a COVID-19 vaccination mandate for employees without providing at least the five following individual exemptions:

1. Medical reasons, as determined by a physician, advanced practice registered nurse, or physician assistant. Medical reasons include pregnancy or expectation of pregnancy.
2. Religious reasons, based on a sincerely held belief
3. Immunity based on prior COVID-19 infection, as documented by a lab test
4. Periodic testing, agreeing to comply with regular testing at no cost to the employee
5. Personal protective equipment (PPE), agreeing to comply with use of employer-provided PPE

Prohibits Vaccine Mandates for Government and Education Employees

The legislation builds on provisions of SB 2006, passed earlier this year, by affirming that no public educational institution or governmental entity may require COVID-19 vaccination as a condition of employment.

Protects Parents as the Sole Decision Makers for their Children

The legislation makes it clear that parents and guardians have the sole discretion regarding whether their child will wear a mask in school and prohibits schools from requiring a COVID-19 vaccine. The legislation also prohibits quarantining of asymptomatic students and teachers to mitigate harm of learning loss.

Enforces Measures with Fines and Parent Cause of Action

If an employee is improperly denied an exemption, they can file a complaint with the Attorney General. Fines of up to \$50,000 apply for employers who improperly terminate an employee, or the employer can reinstate the employee. If a public employee rights' are violated, the Department of Health may fine per violation, not to exceed \$5,000. Furthermore, parents and guardians have the right to sue to stop the mandate and can recover their attorney fees and court costs to help ensure that the above provisions regarding their children are not violated.

SB 4B/ HB 3B: PROTECT PRIVATE HEALTH CARE AND RELIGIOUS INFORMATION

Sponsored by Senator Burgess and Representatives Massullo and Grall, the legislation protects workers from undue retaliation by creating a public records exemption for certain information, such as personal medical information or information regarding an employee's religious beliefs, contained in files created during an investigation of an employer that refuses to provide the individual exemptions or terminates an employee based on COVID-19 vaccination status.

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SB 6B/ HB 5B: BEGIN WITHDRAWING FROM OSHA

Sponsored by Senator Travis Hutson (R-St. Augustine) and Representative Ardian Zika (R-Land O'Lakes), the legislation takes the first step toward developing a proposal to withdraw from the federal Occupational Safety and Health Administration and assert state jurisdiction over occupational safety and health issues.

SB 8B/ HB 7B: REMOVE AUTHORITY OF STATE HEALTH OFFICER TO ORDER VACCINATIONS

Sponsored by President Pro Tempore Aaron Bean (R-Fernandina Beach) and Representative Alex Andrade (R-Pensacola), the legislation repeals provisions of existing law, which have never been used, that could allow the State Health Officer to force vaccinations on Floridians.