

THE FLORIDA SENATE
2021-B SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 1-B — COVID-19 Mandates

by Reps. Grall, Massullo, and others (SB 2-B by Senators Burgess, Gruters, and Perry)

The bill (Chapter 2021-272, L.O.F.) regulates COVID-19 mandates. It:

- Prohibits private employers from mandating COVID-19 vaccination without providing employees the ability to opt out of the mandate.
- Requires private employers that choose to impose a COVID-19 vaccination mandate to authorize all of the following exemptions: medical, which includes pregnancy or anticipated pregnancy; religious; COVID-19 immunity; periodic testing; or use of employer-provided personal protective equipment. These exemptions must be submitted to the employer on forms adopted by the Department of Health (DOH) or substantially similar forms.
- Authorizes the Attorney General to receive and investigate complaints and impose administrative fines of up to \$50,000 per violation, if an employee is terminated for refusing vaccination and the employer failed to follow the exemption procedures.
- Prohibits public educational institutions and governmental entities from requiring COVID-19 vaccination as a condition of employment and authorizes the DOH to impose a fine not to exceed \$5,000 per violation.
- Specifies that employees improperly terminated on the basis of COVID-19 vaccination mandates may be eligible for reemployment benefits, and establishes that reemployment benefits may not be denied or discontinued based on a new job offer that would require COVID-19 vaccination.
- Prohibits educational institutions and elected or appointed local officials from mandating COVID-19 vaccination for students.
- Prohibits school boards and local officials from requiring students to wear a face mask, face shield, or other face covering without providing for parental exemption from such requirements and limits the quarantining of asymptomatic students and teachers for exposure to COVID-19.
- Allows parents and students to bring an action for declaratory and injunctive relief relating to unlawful student vaccination requirements, face mask requirements, or restrictions on a student based on an exposure to COVID-19, and requires courts to award attorney fees and court costs to prevailing parents and students.
- Appropriates \$5 million from the General Revenue Fund for the Department of Legal Affairs to investigate complaints and to take legal action to stop the enforcement of vaccination mandates imposed by the federal government.
- Sunsets the above provisions on June 1, 2023.

These provisions became law upon approval by the Governor on November 18, 2021.

Vote: Senate 24-14; House 78-39