

1 A bill to be entitled
2 An act relating to public emergencies and assistance;
3 creating s. 11.137, F.S.; requiring each house of the
4 Legislature to provide by rule procedures authorizing
5 the use of remote technology systems for remote
6 participation in committee meetings and floor
7 proceedings by members; specifying requirements for
8 and limitations on the use of remote technology
9 systems; specifying that a member's use of a remote
10 technology system is subject to approval by the
11 presiding officer of the applicable house; authorizing
12 the Legislature to provide procedures by joint rule
13 governing the use of remote technology systems in
14 certain bicameral meetings; creating s. 83.5616, F.S.;
15 tolling specified time periods for certain evictions
16 during a declared state of emergency; requiring a
17 court to stay certain eviction proceedings under
18 certain circumstances; providing a definition;
19 authorizing the Governor or governing body of a
20 political subdivision to extend certain time periods
21 under a certain condition; prohibiting certain actions
22 during a specified state of emergency; authorizing a
23 civil action against a landlord under certain
24 circumstances; requiring attorney fees and costs for
25 the prevailing party of such action; authorizing a

26 | landlord to negotiate new rental agreements; requiring
27 | landlords to offer payment plans to tenants to pay
28 | past due rent; requiring such rent be paid within a
29 | specified time; amending s. 83.62, F.S.; prohibiting a
30 | sheriff from serving or executing a writ of possession
31 | until a specified time on certain premises that are
32 | under a declared state of emergency; providing a
33 | definition; tolling the notice period for a writ of
34 | possession issued on certain premises that are under a
35 | declared state of emergency; creating s. 220.198,
36 | F.S.; creating a legal aid organizations tax credit
37 | program for certain businesses; providing criteria for
38 | receiving tax credits; authorizing the Department of
39 | Revenue to adopt rules; requiring the department to
40 | identify eligible not-for-profit legal aid
41 | organizations that meet specified criteria; specifying
42 | a carryforward period; specifying a time period during
43 | which businesses may apply for such tax credit;
44 | creating s. 220.1985, F.S.; creating a social services
45 | agencies and homeless shelters tax credit program for
46 | certain businesses; providing criteria for receiving
47 | tax credits; authorizing the Department of Revenue to
48 | adopt rules; requiring the department to identify
49 | eligible nonprofit socials services agencies and
50 | nonprofit homeless shelters that meet specified

51 criteria; specifying a carryforward period; specifying
52 a time period during which businesses may apply for
53 such tax credit; creating s. 220.1987, F.S.; creating
54 an edible crops tax credit program for certain
55 farmers; requiring such farmers to apply to the
56 Department of Revenue; specifying the maximum amount
57 of the tax credit; authorizing the Department of
58 Revenue to adopt specified rules; requiring the
59 department to identify eligible nonprofit charities
60 that meet specified criteria; specifying a
61 carryforward period; specifying a time period during
62 which farmers may apply for such tax credit; creating
63 s. 286.31, F.S.; authorizing a local governmental
64 entity to use remote technology systems to conduct
65 public business; requiring a local governmental entity
66 to preapprove remote technology systems for use in
67 certain circumstances; specifying requirements for the
68 use of remote technology systems; providing that a
69 public official participating in a meeting or
70 proceeding remotely is considered present and counts
71 toward certain requirements; requiring the head of a
72 local governmental agency to make certain
73 determinations; amending s. 288.001, F.S.; requiring
74 the Department of Economic Opportunity to complete a
75 user-friendly application process for the Florida

76 Small Business Emergency Bridge Loan Program; amending
77 s. 381.0031, F.S.; requiring the Department of Health
78 to publish a certain report during certain public
79 health emergencies; providing requirements for such
80 reports; specifying that such reports are public
81 records; providing construction; creating s.
82 381.00316, F.S.; requiring the state to reimburse
83 local governments for certain expenses incurred as the
84 result of a public health emergency; requiring each
85 local government to submit its reimbursement request
86 to the Department of Health and the Division of
87 Emergency Management for approval within a specified
88 timeframe; requiring the department and division to
89 jointly review and approve such request within a
90 specified timeframe; providing that the request is
91 deemed approved if no action is taken by the
92 department and division; authorizing the department
93 and division to request additional time for the review
94 of requests; authorizing the department to adopt
95 rules; creating s. 381.00317, F.S.; requiring the
96 Department of Health to develop certain guidelines and
97 procedures; authorizing the department to adopt rules;
98 requiring the division to allow certain individuals to
99 make appointments for vaccinations at the division's
100 vaccination sites; requiring the division to develop a

101 process for health care professionals to request
102 vaccination allocations for certain individuals or
103 groups of individuals; providing that certain school
104 personnel are eligible for vaccination at certain
105 vaccination sites; requiring that such personnel be
106 prioritized for vaccination; authorizing the division
107 to consult and coordinate with other state agencies;
108 requiring that vaccination doses and allocation be
109 distributed equitably based on certain federal
110 guidance; prohibiting discrimination relating to
111 vaccination distribution against communities or
112 individuals based on certain factors; creating s.
113 395.1057, F.S.; providing definitions; requiring
114 certain facilities to develop infectious and
115 contagious disease preparedness plans; providing
116 minimum requirements for such plans; authorizing the
117 State Surgeon General to require additional
118 information to be included in such plans; requiring
119 each facility to submit its plan to the department by
120 a specified date annually; authorizing the department
121 to adopt rules; amending s. 409.904, F.S.; restoring
122 retroactive eligibility for certain nonpregnant adults
123 for a specified period; extending Medicaid eligibility
124 to specified individuals; requiring the Agency for
125 Health Care Administration, in coordination with the

126 Department of Children and Families, to direct
 127 qualified Medicaid providers to immediately enroll
 128 certain individuals for coverage; providing
 129 presumptive eligibility for such individuals;
 130 requiring the agency to notify the federal Centers for
 131 Medicare and Medicaid Services regarding the
 132 restoration of the retroactive eligibility period for
 133 Medicaid coverage; creating s. 440.095, F.S.;
 134 providing a presumption for specified employees that
 135 an impairment of health caused by COVID-19 occurred
 136 during the course and scope of employment; amending s.
 137 443.111, F.S.; increasing the minimum and maximum
 138 weekly and yearly benefit amounts for reemployment
 139 assistance; increasing the duration of such benefits;
 140 amending s. 443.131, F.S.; prohibiting the Department
 141 of Revenue from raising or adjusting upwards an
 142 employer's contribution rate under specified
 143 circumstances; providing a tax credit for
 144 contributions made by employers who meet certain
 145 criteria; defining the term "increased contribution"
 146 for certain purposes; specifying application of the
 147 tax credits; specifying the years within which the tax
 148 credits apply; creating s. 443.1318, F.S.; providing
 149 exceptions to reemployment assistance requirements
 150 during a declared state of emergency or public health

151 emergency; reenacting ss. 443.041(2)(b) and
152 443.1116(7) and (8)(a), F.S., relating to attorney
153 fees and short-time compensation, respectively, to
154 incorporate the amendments made to s. 443.111, F.S.,
155 in references thereto; amending s. 448.102, F.S.;
156 prohibiting an employer from taking retaliatory
157 personnel action against an employee testing positive
158 for, exhibiting symptoms of, or ordered to quarantine
159 due to COVID-19 under specified circumstances;
160 providing a definition; creating s. 455.41, F.S.;
161 requiring a licensed business to require a face mask
162 to be worn by all persons while inside a building
163 under certain circumstances; providing definitions;
164 requiring a person older than the age of 2 to wear a
165 face mask at all times while inside a building;
166 requiring an employee who works directly with food
167 prepared for consumption by the general public to wear
168 a face mask and gloves at all times; authorizing a
169 business to choose not to serve a person who refuses
170 to wear a face mask; providing protection from
171 litigation; authorizing a physician to provide a
172 letter of exemption; requiring such letter to be
173 presented before entering a business; providing
174 applicability; amending s. 624.11, F.S.; requiring the
175 Office of Insurance Regulation to issue an emergency

176 rule waiving certain costs for mental health services
177 provided to frontline health care workers for a
178 specified time period; providing retroactive
179 applicability; requiring health care providers to
180 reimburse frontline health care workers for specified
181 costs previously paid within a specified time period;
182 creating s. 627.4144, F.S.; providing that compliance
183 with a specified governmental order constitutes a
184 business interruption for purposes of a certain
185 policy; creating s. 768.38, F.S.; providing
186 legislative findings and intent; defining terms;
187 providing requirements for a civil action based on a
188 COVID-19-related claim; providing a presumption for
189 persons in specified professions that they contracted
190 COVID-19 during the course and scope of their
191 employment; providing a statute of limitations;
192 providing retroactive applicability; providing an
193 exception; creating s. 768.381, F.S.; authorizing
194 people who contracted COVID-19 as a result of being
195 exposed to a virus-infected person to bring a COVID-
196 19-related tort claim if certain criteria are met;
197 specifying allocation of compensatory damages and
198 attorney fees and costs under specified circumstances;
199 specifying the time period within which an action must
200 be filed; providing definitions; providing qualifying

201 reasons for which employers must provide paid sick
202 leave or paid expanded family and medical leave to
203 eligible employees; providing when eligible employees
204 may take paid sick leave; providing how much paid sick
205 leave and paid expanded family and medical leave
206 eligible employees may take; specifying the amount
207 employers must pay eligible employees taking paid sick
208 leave or paid expanded family and medical leave;
209 providing calculations for determining rate of pay;
210 authorizing a combination of paid sick leave and paid
211 expanded family and medical leave; providing an
212 exemption for certain employers; requiring employers
213 to provide certain notice; requiring certain
214 documentation before eligible employees take specified
215 leave; prohibiting certain acts by employers;
216 providing for enforcement; creating the Pandemic and
217 Infectious and Contagious Disease Advisory Council
218 within the Executive Office of the Governor; providing
219 for purpose, membership, meetings, and duties of the
220 council; creating the Public Health Task Force within
221 the Legislature for a specified purpose; requiring the
222 Office of Program Policy Analysis and Governmental
223 Accountability to provide research services to the
224 task force; providing for membership, meetings, and
225 duties of the task force; requiring the task force to

226 submit a report to the Governor and the Legislature by
227 a specified date; providing for expiration of the task
228 force; creating s. 1001.231, F.S.; providing that the
229 Department of Education is responsible for annually
230 preparing a certain plan; requiring such plan be
231 submitted to specified parties; requiring the
232 department to adopt standards and requirements for
233 certain school district plans; providing requirements
234 of such plans; requiring the department to assist in
235 the distribution of a vaccination for COVID-19 to
236 specified persons; requiring the department to
237 coordinate with a specified agency to establish
238 vaccination sites; requiring the department to provide
239 access to certain information and certain direction to
240 school districts; requiring the department to develop
241 a certain plan by a specified date; requiring such
242 plan to be given to specified parties; requiring
243 rulemaking; amending s. 1001.42, F.S.; requiring
244 district school boards to create a certain plan;
245 amending s. 1008.34, F.S.; providing that school
246 grades, school improvement ratings, and student
247 performance results for the 2020-2021 school year must
248 meet certain requirements; providing for future
249 repeal; providing for an award of gain-time to certain
250 inmates who are at risk due to COVID-19; providing an

251 exception to a certain minimum sentence requirement;
 252 providing exceptions; providing a directive to the
 253 Department of Children and Families, the Department of
 254 Economic Opportunity, the Department of Health, the
 255 Agency for Health Care Administration, and the Florida
 256 Healthy Kids Corporation; providing severability;
 257 providing a directive to the Division of Law Revision;
 258 providing an effective date.

259

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

261

262 Section 1. Section 11.137, Florida Statutes, is created to
 263 read:

264 11.137 Use of remote technology systems in committee
 265 meetings and floor proceedings during certain emergencies.-

266 (1) Each house of the Legislature shall provide by rule
 267 procedures authorizing the use of remote technology systems in
 268 committee meetings and floor proceedings during a declared state
 269 of emergency or public health emergency which allow for members
 270 of the Legislature to remotely participate in, attend, vote
 271 during, or take any other action during the meeting or
 272 proceeding.

273 (2) Any remote technology system approved for use by the
 274 President of the Senate or the Speaker of the House of
 275 Representatives must sufficiently allow members of the public to

276 hear or observe any members of the Legislature using the system
277 in order to maintain compliance with the requirements of s. 4(b)
278 or (e), Art. III of the State Constitution, as applicable. Such
279 system must also allow members of the public to testify remotely
280 and otherwise meaningfully participate in the legislative
281 process. While participating in or voting during a meeting or
282 proceeding, the member of the Legislature may only be in the
283 presence of one other person who must be a legislative employee.
284 The presence of any such employee must be announced by the
285 member.

286 (3) Any member of the Legislature participating in a
287 meeting or proceeding remotely through an approved remote
288 technology system shall be considered present and in attendance
289 for the meeting or proceeding; however, the chair of the
290 committee or the presiding officer, and a majority of the
291 membership of the committee or the house, must be physically
292 present at the meeting or proceeding in order to constitute a
293 quorum.

294 (4) A member of the Legislature wishing to exercise his or
295 her option to participate remotely in a committee meeting or a
296 floor proceeding must receive approval for such accommodation
297 from the presiding officer of his or her house of the
298 Legislature. The written request for accommodation must specify
299 the day for which the accommodation is requested and must be
300 resubmitted at least weekly.

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301 (5) By joint rule, both houses of the Legislature may
302 provide for procedures governing the use of remote technology
303 systems for remote participation by members of the Legislature
304 in meetings of joint committees and conference committees or the
305 Legislative Budget Commission.

306 Section 2. Section 83.5616, Florida Statutes, is created
307 to read:

308 83.5616 Protecting tenants during a declared state of
309 emergency.—

310 (1)(a) A declaration of a state of emergency issued by the
311 Governor or governing body of a political subdivision of the
312 state under chapter 252 because of an infectious or a contagious
313 disease tolls any statutory time periods relating to the
314 eviction of a residential tenant living in a dwelling unit or on
315 premises located in a county under such state of emergency. The
316 court shall on its own motion stay any eviction proceeding
317 relating to premises located in a county that is under the state
318 of emergency. For purposes of this section, the term "infectious
319 or contagious disease" means any condition or impairment of
320 health caused by a disease that has been declared a public
321 health emergency in accordance with s. 381.00315. The tolling of
322 any statutory time periods or a stay issued under this
323 subsection shall last:

324 1. If the state of emergency is fewer than 30 days, until
325 30 days after the state of emergency is lifted.

326 2. If the state of emergency is longer than 30 days, until
327 60 days after the state of emergency is lifted.

328 (b) The Governor or governing body of a political
329 subdivision under the state of emergency may extend the time
330 periods established in paragraph (a) if it is in the best
331 interest of the public health and safety.

332 (2) During the time periods established in subsection (1):

333 (a) All cases relating to the eviction of a tenant in a
334 dwelling unit that is located in a county under the state of
335 emergency may not proceed through the court system.

336 (b) A tenant living in a dwelling unit located in a county
337 under the state of emergency may not be removed or evicted from
338 the dwelling unit as a result of a failure to pay rent, even if
339 such failure to pay began before the state of emergency was
340 declared.

341 (c) A landlord may not terminate or refuse to renew a
342 rental agreement for a dwelling unit located in a county under
343 the state of emergency. Such rental agreements shall be extended
344 on a month-to-month basis until the end of the time periods
345 established in subsection (1). This paragraph does not apply if
346 a tenant provided notice to the landlord that he or she would be
347 vacating the premises before the state of emergency was
348 declared.

349 (d) A landlord may not increase the rent, or charge late
350 fees or interest on such rent, of a dwelling unit located in a

351 county under the state of emergency.

352 (3) Any person adversely affected due to a violation of
353 this section may bring a civil action against the landlord. The
354 court shall award the prevailing party reasonable attorney fees
355 and costs.

356 (4) A landlord may negotiate new rental agreements for
357 dwelling units located in a county under the state of emergency.

358 (5) After the state of emergency has been lifted and the
359 time periods established in subsection (1) have passed, a
360 landlord must offer different payment plan options to the tenant
361 for the payment of rent that was not collected during the state
362 of emergency. A tenant must pay all past due rent within 6
363 months after the end of the applicable time period established
364 in subsection (1).

365 Section 3. Subsection (1) of section 83.62, Florida
366 Statutes, is amended to read:

367 83.62 Restoration of possession to landlord.—

368 (1)(a) In an action for possession, after entry of
369 judgment in favor of the landlord, the clerk shall issue a writ
370 to the sheriff describing the premises and commanding the
371 sheriff to put the landlord in possession after 24 hours' notice
372 conspicuously posted on the premises. Saturdays, Sundays, and
373 legal holidays do not stay the 24-hour notice period.

374 (b)1. The sheriff may not serve or execute a writ of
375 possession on a premises in a county that is under a state of

376 emergency declared by the Governor or governing body of a
 377 political subdivision of the state under chapter 252 because of
 378 an infectious or a contagious disease. For purposes of this
 379 paragraph, the term "infectious or contagious disease" means any
 380 condition or impairment of health caused by a disease that has
 381 been declared a public health emergency in accordance with s.
 382 381.00315.

383 2. If the state of emergency lasts fewer than 30 days, the
 384 sheriff may not serve or execute the writ of possession until 30
 385 days after the state of emergency is lifted. If the state of
 386 emergency lasts longer than 30 days, the sheriff may not serve
 387 or execute the writ of possession until 60 days after the state
 388 of emergency is lifted. The Governor or governing body of a
 389 political subdivision under the state of emergency may extend
 390 the time periods established under this subparagraph if it is in
 391 the best interest of the public health and safety.

392 Section 4. Section 220.198, Florida Statutes, is created
 393 to read:

394 220.198 Legal aid organizations tax credit program.—

395 (1) (a) For taxable years beginning on or after January 1,
 396 2021, a business shall receive a tax credit of up to \$10,000 per
 397 business, per tax year for corporate income taxes imposed and
 398 paid under this chapter in the most recently completed taxable
 399 year.

400 (b) To qualify for the tax credits, a business must

401 provide written documentation to the department for the current
402 taxable year to show that the same amount being sought in tax
403 credits was donated by the business to not-for-profit legal aid
404 organizations as defined in s. 68.096 that assist people in
405 addressing issues related to bankruptcy, employment, landlord-
406 tenant relationships, or housing.

407 (2) The department may adopt rules governing the manner
408 and form of applications for receiving the tax credits and must
409 establish additional qualifications to identify eligible not-
410 for-profit legal aid organizations consistent with this section.

411 (3) A business that is awarded a tax credit for previously
412 paid corporate income taxes under this section may carry forward
413 any unused portion of the tax credit for up to 2 years.

414 (4) A business may apply for a tax credit for previously
415 paid corporate income taxes under this section until all
416 emergency orders declaring a state of emergency for COVID-19
417 have expired or have been rescinded.

418 Section 5. Section 220.1985, Florida Statutes, is created
419 to read:

420 220.1985 Social services agencies and homeless shelters
421 tax credit program.—

422 (1) (a) For taxable years beginning on or after January 1,
423 2021, a business shall receive a tax credit of up to \$10,000 per
424 business, per tax year for corporate income taxes imposed and
425 paid under this chapter in the most recently completed taxable

426 year.

427 (b) To qualify for the tax credits, a business must
428 provide written documentation to the department for the current
429 taxable year to show that the amount being sought in tax credits
430 is less than or equal to the amount the business donated to
431 nonprofit social services agencies that serve the needy, or
432 nonprofit homeless shelters, owned and operated in this state.

433 (2) The department may adopt rules governing the manner
434 and form of applications for receiving the tax credits and must
435 establish additional qualifications to identify eligible
436 nonprofit social services agencies or nonprofit homeless
437 shelters consistent with this section.

438 (3) A business that is awarded a tax credit for previously
439 paid corporate income taxes under this section may carry forward
440 any unused portion of the tax credit for up to 2 years.

441 (4) A business may apply for a tax credit for previously
442 paid corporate income taxes under this section until all
443 emergency orders declaring a state of emergency for COVID-19
444 have expired or have been rescinded.

445 Section 6. Section 220.1987, Florida Statutes, is created
446 to read:

447 220.1987 Edible crops tax credit program.—

448 (1) (a) For taxable years beginning on or after January 1,
449 2021, a farmer shall receive a tax credit of up to \$5,000 per
450 farmer, per tax year for corporate income taxes imposed and paid

451 under this chapter in the most recently completed taxable year.

452 (b) To qualify for the tax credits, a farmer must provide
453 written documentation to the department that attests to the fair
454 market value of the edible crops that were donated by the farmer
455 in the current taxable year to nonprofit charities owned and
456 operated in this state that address food insecurity or provide
457 food for needy individuals.

458 (2) The farmer may receive a tax credit in the amount of
459 30 percent of the fair market value of the edible crops that
460 were donated as set forth in this section.

461 (3) Each farmer claiming a tax credit under this section
462 must apply to the department by the date established by the
463 department. The application must, at a minimum, require a sworn
464 affidavit from each farmer certifying the volume and type of
465 edible crops donated and certifying that all information
466 contained in the application is true and correct. Each farmer
467 must also submit receipts from the nonprofit charities owned and
468 operated in this state confirming the claimed donation.

469 (4) The department must:

470 (a) Adopt rules governing the manner and form of an
471 application to be used by farmers in applying for tax credits
472 and must, at a minimum, require a sworn affidavit from each
473 farmer certifying the volume and type of edible crops donated
474 and certifying that all information contained in the application
475 is true and correct.

476 (b) Publish on its website a list of nonprofit charities
477 owned and operated in this state that address food insecurity or
478 provide food for needy individuals consistent with this section.

479 (5) A farmer who is awarded a tax credit for previously
480 paid corporate income taxes under this section may carry forward
481 any unused portion of the tax credit for up to 5 years.

482 (6) A farmer may apply for a tax credit for previously
483 paid corporate income taxes under this section until all
484 emergency orders declaring a state of emergency for COVID-19
485 have expired or have been rescinded.

486 Section 7. Section 286.31, Florida Statutes, is created to
487 read:

488 286.31 Use of remote technology systems in local
489 governmental entity meetings during certain emergencies.-

490 (1) A local governmental entity may use preapproved remote
491 technology systems during a declared state of emergency or
492 public health emergency to conduct public business, including to
493 remotely participate in, attend, vote during, or take any other
494 action during a meeting or proceeding of such entity upon a
495 determination by the head of the local governmental entity that
496 it is in the entity's best interest to use such remote
497 technology systems.

498 (2) A local governmental entity shall preapprove remote
499 technology systems for use during a declared state of emergency
500 or public health emergency as soon as is feasible. Any remote

501 technology system used by a local governmental entity pursuant
502 to this section must sufficiently allow members of the public to
503 hear or observe any person using the system in order to maintain
504 compliance with the requirements of s. 24(b), Art. I of the
505 State Constitution. Such system must also allow members of the
506 public to testify remotely and otherwise meaningfully
507 participate in the meeting or proceeding. While participating
508 in, attending, voting during, or taking any other action during
509 a meeting remotely, a public official must announce any other
510 person in his or her presence.

511 (3) Any public official participating in a meeting or
512 proceeding remotely through an approved remote technology system
513 shall be considered present and in attendance for the meeting or
514 proceeding. Public officials participating remotely count toward
515 any quorum requirement.

516 (4) The head of a local governmental entity who determines
517 that it is in the entity's best interest to use remote
518 technology systems is required to reevaluate this determination
519 and make another determination that such use remains in the
520 entity's best interest on a weekly basis to continue using such
521 remote technology systems.

522 Section 8. Paragraph (d) is added to subsection (5) of
523 section 288.001, Florida Statutes, to read:

524 288.001 The Florida Small Business Development Center
525 Network.—

526 (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.—

527 (d) In creating bridge loan applications under
528 subparagraph (b)6., and to ensure that the Florida Small
529 Business Emergency Bridge Loan Program funds can be readily
530 accessed by small business owners, the department is directed,
531 by October 1, 2021, to complete a user-friendly process for
532 applying for such funds online.

533 Section 9. Subsections (8) and (9) of section 381.0031,
534 Florida Statutes, are renumbered as subsections (9) and (10),
535 respectively, and a new subsection (8) is added to that section
536 to read:

537 381.0031 Epidemiological research; report of diseases of
538 public health significance to department.—

539 (8) (a) Notwithstanding subsection (6) or any other general
540 law, if the United States Department of Health and Human
541 Services, the department, or any other executive agency
542 designated by the Governor has declared an outbreak of an
543 infectious or a contagious disease as a public health emergency,
544 the department shall provide to the public a daily report,
545 published on the department's website, of all of the following
546 information related to that infectious or contagious disease for
547 the duration of the declared public health emergency:

548 1. The total number of confirmed cases of the infectious
549 or contagious disease in this state, differentiated by county.

550 2. The total number of individuals who have been tested

551 for the infectious or contagious disease in this state,
552 differentiated by county.

553 3. The total number of individuals who are currently being
554 tested or monitored for the infectious or contagious disease in
555 this state, differentiated by county.

556 4. The total number of individuals who have been
557 quarantined for testing or monitoring of the infectious or
558 contagious disease in this state, differentiated by county.

559 5. Any other information the department determines is
560 relevant to prevent or eliminate the spread of the infectious or
561 contagious disease or otherwise protect and promote public
562 health in this state.

563 (b) The reports required under paragraph (a) are public
564 records subject to s. 119.07(1) and shall be made available upon
565 request in accordance with that section.

566 (c) This subsection does not authorize the release or
567 publication of personal identifying information, biometric
568 identification information, other personal health information,
569 or any other information that would identify individual health
570 care providers or health care facilities.

571 Section 10. Section 381.00316, Florida Statutes, is
572 created to read:

573 381.00316 Reimbursement of local government expenses
574 related to public health emergencies.-

575 (1) If a public health emergency is declared pursuant to

576 s. 381.00315 due to an infectious or a contagious disease or
577 pandemic, the state shall reimburse an amount equal to 90
578 percent of a local government's expenses related to pathogen
579 testing, personal protective equipment, and complying with
580 infrastructure requirements.

581 (2) (a) Each local government shall submit its
582 reimbursement request to the department and the Division of
583 Emergency Management within the Executive Office of the Governor
584 for approval within 30 days after incurring any expenses
585 described in subsection (1).

586 (b) The department and the Division of Emergency
587 Management shall jointly review and approve a request for
588 reimbursement or request additional information, if needed,
589 within 30 days after receiving such request for reimbursement.
590 If the department and division do not take any action regarding
591 such reimbursement request, it shall be deemed approved. If
592 necessary, the department and division may request an additional
593 60 days for review of the reimbursement requests under this
594 section.

595 (c) The department, in coordination with the Division of
596 Emergency Management, may adopt rules to implement this section.

597 Section 11. Section 381.00317, Florida Statutes, is
598 created to read:

599 381.00317 Extremely vulnerable individuals; vaccination
600 allocations and prioritization; discrimination prohibited.-

601 (1) The department shall develop guidelines for
602 classifying individuals as extremely vulnerable and develop
603 procedures for physicians to verify whether patients under their
604 care should be classified as extremely vulnerable for the
605 purpose of qualifying for the administration of a COVID-19
606 vaccination. The department may adopt rules to implement this
607 subsection.

608 (2) (a) The Division of Emergency Management within the
609 Executive Office of the Governor must allow frontline health
610 care personnel and individuals who are classified as extremely
611 vulnerable, based on the guidelines developed by the department
612 under subsection (1), to make appointments for COVID-19
613 vaccinations at the division's COVID-19 vaccination sites.

614 (b) The division shall develop a process authorizing
615 health care professionals to request vaccination allocations for
616 specific individuals or groups of individuals due to their
617 particular risks of exposure to COVID-19. The division may
618 consult and coordinate with other state agencies as necessary to
619 facilitate a review process for such requests.

620 (3) School personnel, including teachers, administrators,
621 and any other relevant school personnel identified by the
622 Department of Education, are eligible and shall be prioritized
623 for vaccination at any state-operated COVID-19 vaccination site.

624 (4) Vaccination doses and allocations shall be distributed
625 equitably based on guidance from the Surgeon General of the

626 United States, the Centers for Disease Control and Prevention,
627 and the National Institutes of Health. Discrimination in the
628 vaccination distribution process against communities or
629 individuals based on income, race, country of origin, sex,
630 gender, marital status, or language is prohibited.

631 Section 12. Section 395.1057, Florida Statutes, is created
632 to read:

633 395.1057 Infectious and contagious disease preparedness
634 plans.—

635 (1) As used in this section, the term "facility" means a
636 hospital as defined in s. 395.002, a long-term care facility as
637 defined in s. 400.0060, or any facility that provides inpatient
638 services.

639 (2) A facility shall develop an infectious and a
640 contagious disease preparedness plan that must outline the
641 facility's comprehensive and effective procedures for responding
642 to and controlling the spread of diseases that are highly
643 infectious, contagious, or communicable and dangerous to the
644 public health.

645 (3) A facility's infectious and contagious disease
646 preparedness plan must, at a minimum:

647 (a) Identify a designated portion of the facility that
648 will serve as a quarantine area separate from the rest of the
649 facility to contain the spread of infectious and contagious
650 diseases among patients and personnel.

651 (b) Detail procedures for increasing personnel to respond
652 to and contain an outbreak of highly contagious and infectious
653 diseases.

654 (c) Include the number and type of personal protective
655 equipment that the facility anticipates it will need for
656 existing and new personnel for a period of 30 days.

657 (d) Include a comprehensive and detailed vaccination
658 distribution plan, including the designation of a vaccination
659 coordinator at each facility who will be the point of contact
660 for the department for vaccination distribution.

661 (4) The State Surgeon General may require additional
662 information to be included in the facility's infectious and
663 contagious disease preparedness plan as he or she deems
664 necessary for the implementation of this section.

665 (5) By December 1, 2021, and each December 1 thereafter,
666 each facility shall submit its infectious and contagious disease
667 preparedness plan, including any relevant updates, to the
668 department for review.

669 (6) The department may adopt rules to implement this
670 section.

671 Section 13. Subsection (12) of section 409.904, Florida
672 Statutes, is amended, and subsection (13) is added to that
673 section, to read:

674 409.904 Optional payments for eligible persons.—The agency
675 may make payments for medical assistance and related services on

676 | behalf of the following persons who are determined to be
677 | eligible subject to the income, assets, and categorical
678 | eligibility tests set forth in federal and state law. Payment on
679 | behalf of these Medicaid eligible persons is subject to the
680 | availability of moneys and any limitations established by the
681 | General Appropriations Act or chapter 216.

682 | (12) ~~Effective July 1, 2020,~~ The agency shall make
683 | payments to Medicaid-covered services:

684 | ~~(a)~~ for eligible nonpregnant adults 21 years of age or
685 | older children and pregnant women, retroactive for a period of
686 | no more than 90 days before the month in which an application
687 | for Medicaid is submitted.

688 | ~~(b) For eligible nonpregnant adults, retroactive to the~~
689 | ~~first day of the month in which an application for Medicaid is~~
690 | ~~submitted.~~

691 |
692 | ~~This subsection expires July 1, 2021.~~

693 | (13) An individual described in 42 U.S.C. s.
694 | 1396a(a)(10)(A)(i)(VIII).

695 | Section 14. (1) The Agency for Health Care
696 | Administration, in coordination with the Department of Children
697 | and Families, shall direct qualified Medicaid providers to
698 | immediately enroll individuals who are likely to meet the
699 | eligibility criteria for coverage under the state Medicaid
700 | program while their applications for determination of

701 eligibility are being processed. Any such individual is presumed
702 eligible for coverage under Medicaid, subject to federal rules.

703 (2) Pursuant to the amendment made by this act to s.
704 409.904(12), Florida Statutes, the Medicaid retroactive
705 eligibility period for all nonpregnant adults 21 years of age or
706 older is restored. Medicaid coverage for all eligibility groups
707 is retroactive for a period of 90 days before the month in which
708 an application for medical assistance is submitted. The Agency
709 for Health Care Administration shall officially notify the
710 federal Centers for Medicare and Medicaid Services that this act
711 has been enacted by the Florida Legislature as part of the 2021
712 Regular Session.

713 Section 15. Section 440.095, Florida Statutes, is created
714 to read:

715 440.095 Coverage for COVID-19.—An employee who suffers a
716 condition or impairment of health that is contracted during a
717 state of emergency declared under chapter 252 related to COVID-
718 19, that requires medical treatment, and that results in injury,
719 permanent impairment, or death is presumed to have suffered a
720 compensable injury arising out of and in the course and scope of
721 his or her employment, unless the contrary is shown by competent
722 evidence. To be entitled to this presumption, the employee must
723 verify by written affidavit as provided in s. 92.50 that, to the
724 best of his or her knowledge and belief, he or she was not
725 exposed to COVID-19 outside of the course and scope of his or

726 her employment or to any person known to have COVID-19.

727 Section 16. Subsection (3) and paragraph (c) of subsection
728 (5) of section 443.111, Florida Statutes, are amended to read:

729 443.111 Payment of benefits.—

730 (3) WEEKLY BENEFIT AMOUNT.—An individual's "weekly benefit
731 amount" is an amount equal to one twenty-sixth of the total
732 wages for insured work paid during that quarter of the base
733 period in which the total wages paid were the highest, but not
734 less than \$100 ~~\$32~~ or more than \$500 ~~\$275~~. The weekly benefit
735 amount, if not a multiple of \$1, is rounded downward to the
736 nearest full dollar amount. The maximum weekly benefit amount in
737 effect at the time the claimant establishes an individual weekly
738 benefit amount is the maximum benefit amount applicable
739 throughout the claimant's benefit year.

740 (5) DURATION OF BENEFITS.—

741 (c) For claims submitted during a calendar year, the
742 duration of benefits is limited to:

743 1. Twenty-six ~~Twelve~~ weeks if this state's average
744 unemployment rate is at or below 5 percent.

745 2. An additional week in addition to the 26 ~~12~~ weeks for
746 each 0.5 percent increment in this state's average unemployment
747 rate above 5 percent.

748 3. Up to a maximum of 23 weeks if this state's average
749 unemployment rate equals or exceeds 10.5 percent.

750 Section 17. Subsections (4) and (5) of section 443.131,

751 Florida Statutes, are renumbered as subsections (6) and (7),
752 respectively, and new subsections (4) and (5) are added to that
753 section to read:

754 443.131 Contributions.—

755 (4) TAX COLLECTION SERVICE PROVIDERS.—Notwithstanding any
756 provision of this section to the contrary, the tax collection
757 service provider may not raise or adjust upwards an employer's
758 contribution rate if that employer laid off employees as a
759 direct result of having to close, temporarily close, or reduce
760 its staff size due to COVID-19.

761 (5) (a) TAX CREDITS.—A tax credit against any increased
762 contribution made by an employer or required to be paid under
763 this section must be granted if the following conditions are
764 met:

765 1. The employer employed fewer than 100 full-time
766 employees for at least 2 successive calendar quarters during
767 calendar year 2019 or calendar year 2020.

768 2. The employer made contributions as required in this
769 section during each calendar quarter in calendar year 2020.

770 3. The employer laid off employees during calendar year
771 2020 or calendar year 2021.

772 (b) For purposes of paragraph (a), the term "increased
773 contribution" means the amount that an eligible employer paid,
774 or would otherwise be required to pay, as a result of COVID-19-
775 related layoffs that is greater than the amount that employer

776 paid in calendar year 2019.

777 (c) After the tax collection service provider grants a tax
778 credit to an eligible employer under this subsection, the
779 eligible employer may elect to use the tax credit for 2 calendar
780 years after the year in which the contribution was made or would
781 have otherwise been required to be made.

782 (d) The tax credits authorized under this subsection apply
783 for taxes paid through calendar year 2022.

784 Section 18. Section 443.1318, Florida Statutes, is created
785 to read:

786 443.1318 Effect of state of emergency or public health
787 emergency.—During a state of emergency declared by the Governor
788 under chapter 252 or during a public health emergency declared
789 pursuant to s. 381.00315:

790 (1) The work registration requirements under s.
791 443.091(1)(b) are suspended for the duration of the state of
792 emergency or public health emergency.

793 (2) The work search requirements under s. 443.091(1)(d)
794 are suspended for the duration of the state of emergency or
795 public health emergency.

796 (3) The 1-week waiting period requirements under s.
797 443.091(1)(f) are suspended for the duration of the state of
798 emergency or public health emergency and benefits shall be paid
799 retroactively to the first day of the individual's unemployment.

800 (4) The base period used to calculate an individual's

801 benefits may be expanded as determined by the Department of
802 Economic Opportunity.

803 (5) If an employer files an appeal under s. 443.151(4),
804 the employer has the burden of proving that an individual is not
805 entitled to benefits under this chapter.

806 (6) The Department of Economic Opportunity must make a
807 determination of eligibility of a claim under s. 443.151(3)
808 within 15 business days after a claimant has filed such claim.

809 (7) Individuals who are ineligible for benefits under this
810 chapter solely due to being a gig worker, an independent
811 contractor, or self-employed, but who would otherwise be
812 eligible to receive benefits, are eligible to receive benefits
813 for the duration of the state of emergency or public health
814 emergency.

815 Section 19. For the purpose of incorporating the
816 amendments made by this act to section 443.111, Florida
817 Statutes, in a reference thereto, paragraph (b) of subsection
818 (2) of section 443.041, Florida Statutes, is reenacted to read:

819 443.041 Waiver of rights; fees; privileged
820 communications.—

821 (2) FEES.—

822 (b) An attorney at law representing a claimant for
823 benefits in any district court of appeal of this state or in the
824 Supreme Court of Florida is entitled to counsel fees payable by
825 the department as set by the court if the petition for review or

826 | appeal is initiated by the claimant and results in a decision
 827 | awarding more benefits than provided in the decision from which
 828 | appeal was taken. The amount of the fee may not exceed 50
 829 | percent of the total amount of regular benefits permitted under
 830 | s. 443.111(5)(b) during the benefit year.

831 | Section 20. For the purpose of incorporating the
 832 | amendments made by this act to section 443.111, Florida
 833 | Statutes, in references thereto, subsection (7) and paragraph
 834 | (a) of subsection (8) of section 443.1116, Florida Statutes, are
 835 | reenacted to read:

836 | 443.1116 Short-time compensation.—

837 | (7) TOTAL SHORT-TIME COMPENSATION BENEFIT AMOUNT.—An
 838 | individual may not be paid benefits under this section in any
 839 | benefit year for more than the maximum entitlement provided in
 840 | s. 443.111(5), and an individual may not be paid short-time
 841 | compensation benefits for more than 26 weeks in any benefit
 842 | year.

843 | (8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO
 844 | THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—

845 | (a) The short-time compensation benefits paid to an
 846 | individual shall be deducted from the total benefit amount
 847 | established for that individual in s. 443.111(5).

848 | Section 21. Subsection (4) is added to section 448.102,
 849 | Florida Statutes, to read:

850 | 448.102 Prohibitions.—An employer may not take any

851 retaliatory personnel action against an employee because the
852 employee has:

853 (4) During a state of emergency declared under chapter 252
854 related to COVID-19, reasonably refused to report to his or her
855 assigned physical place of employment under any of the following
856 circumstances:

857 (a) The employee tested positive for COVID-19, otherwise
858 known as the novel coronavirus, and is following a licensed
859 physician's written direction or applicable Department of Health
860 guidelines issued in response to the COVID-19 pandemic and is
861 unable to perform his or her job responsibilities.

862 (b) The employee was ordered to quarantine due to COVID-19
863 by the Department of Health or its equivalent in the employee's
864 state of residence.

865 (c) The employee experienced COVID-19 symptoms, recognized
866 as such by the Centers for Disease Control and Prevention, and
867 made a reasonably diligent effort to be tested for COVID-19 upon
868 the onset of such symptoms.

869
870 For purposes of this subsection, the term "employee" includes an
871 independent contractor. This subsection does not apply to an
872 employee whose physical place of employment is his or her place
873 of residence. Nothing in this subsection prevents an employer
874 from terminating an employee from employment if that employee
875 has been absent from work due to COVID-19-related issues for

876 more than 21 consecutive days, or a total of 21 days within a
877 90-day period. This subsection does not interfere with an
878 employee's rights under the Family and Medical Leave Act of
879 1993, 29 U.S.C. s. 2601, et seq.

880 Section 22. Section 455.41, Florida Statutes, is created
881 to read:

882 455.41 Statewide face mask mandate.—

883 (1) A business licensed by the department must require
884 face masks to be worn by all persons while inside a building
885 whenever and wherever a customer is present. For purposes of
886 this section:

887 (a) "Face mask" means a protective mask covering the nose
888 and mouth.

889 (b) "Inside a building" means any location with a roof or
890 a ceiling on the grounds of a licensed business.

891 (2) A person older than the age of 2 must wear a face mask
892 at all times while inside a building.

893 (3) An employee who works directly with food prepared for
894 consumption by the general public must wear a face mask and
895 gloves at all times while preparing such food.

896 (4) A business may choose not to serve a person who
897 refuses to wear a face mask and shall have complete protection
898 from litigation based on a refusal to serve unmasked persons.

899 (5) A physician may exempt a person from wearing a face
900 mask by providing a signed letter of exemption stating that such

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901 person has a valid medical reason to not wear a face mask. The
902 letter of exemption must be presented before entering a
903 business.

904 (6) This section shall remain in effect in any county in
905 which the positivity rate of COVID-19 cases is 10 percent or
906 greater based on statistics from the Department of Health.

907 Section 23. Subsection (3) is added to section 624.11,
908 Florida Statutes, to read:

909 624.11 Compliance required.—

910 (3)(a) No later than 15 days after the effective date of
911 this act, the office must issue an emergency rule waiving all
912 co-pays, deductibles, and other out-of-pocket expenses for
913 mental health services provided to frontline health care workers
914 during the COVID-19 pandemic.

915 (b) This subsection applies retroactively to March 9,
916 2020, the date on which Executive Order Number 20-52 declaring a
917 state of emergency as a result of the COVID-19 pandemic was
918 issued, and remains effective until all emergency orders
919 declaring a state of emergency for COVID-19 have expired or have
920 been rescinded. Any amounts previously paid by a health care
921 provider must be reimbursed within 90 after the effective date
922 of this act.

923 Section 24. Section 627.4144, Florida Statutes, is created
924 to read:

925 627.4144 Business interruption coverage.—If a business

926 complies with a governmental order to close or to reduce its
927 service capacity due to a state of emergency or public health
928 emergency, such compliance constitutes a business interruption
929 for purposes of a policy providing coverage for business
930 interruption.

931 Section 25. Section 768.38, Florida Statutes, is created
932 to read:

933 768.38 Liability protections for COVID-19-related claims.-

934 (1) The Legislature finds that the COVID-19 outbreak in
935 the state threatens the continued viability of certain business
936 entities, educational institutions, governmental entities, and
937 religious institutions that contribute to the overall well-being
938 of the state. The threat of unknown and potentially unbounded
939 liability to such entities and institutions, in the wake of a
940 pandemic that has already left many of these businesses,
941 entities, and institutions vulnerable, has created an
942 overpowering public necessity to provide an immediate and
943 remedial legislative solution. Therefore, the Legislature
944 intends for certain business entities, educational institutions,
945 governmental entities, and religious institutions to enjoy
946 heightened legal protections against liability as a result of
947 the COVID-19 pandemic. The Legislature also finds that there are
948 no alternative means to meet this public necessity, especially
949 in light of the sudden, unprecedented nature of the COVID-19
950 pandemic. The Legislature finds that the public interest as a

951 whole is best served by providing relief to these entities and
952 institutions so that they may remain viable and continue to
953 contribute to the state.

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

955 (a) "Business entity" has the same meaning as provided in
956 s. 606.03. The term also includes a charitable organization as
957 defined in s. 496.404 and a corporation not for profit as
958 defined in s. 617.01401.

959 (b) "COVID-19-related claim" means a tort claim against a
960 person, including a natural person, a business entity, an
961 educational institution, a governmental entity, or a religious
962 institution, which arises from the defendant's breach of an
963 applicable duty of care which caused a person to contract COVID-
964 19, otherwise known as the novel coronavirus. The term includes
965 any such claim for damages, injury, or death. Any such claim, no
966 matter how denominated, is a COVID-19-related claim for purposes
967 of this section. The term does not include a claim against a
968 health care provider, regardless of whether one of more of the
969 definitions in this subsection applies to the health care
970 provider.

971 (c) "Educational institution" means a school, including a
972 preschool, elementary school, middle school, junior high school,
973 secondary school, career center, or postsecondary school,
974 whether public or nonpublic.

975 (d) "Governmental entity" means the state or any political

976 subdivision thereof, including the executive, legislative, and
977 judicial branches of government; the independent establishments
978 of the state, counties, municipalities, districts, authorities,
979 boards, or commissions; or any agencies that are subject to
980 chapter 286.

981 (e) "Health care provider" means:

982 1. A provider as defined in s. 408.803.

983 2. A clinical laboratory providing services in the state
984 or services to health care providers in the state if the
985 clinical laboratory is certified by the Centers for Medicare and
986 Medicaid Services under the federal Clinical Laboratory
987 Improvement Amendments and the federal rules adopted thereunder.

988 3. A federally qualified health center as defined in 42
989 U.S.C. s. 1396d(1)(2)(B), as that definition exists on the
990 effective date of this act.

991 4. Any site providing health care services which was
992 established for the purpose of responding to the COVID-19
993 pandemic pursuant to any federal or state order, declaration, or
994 waiver.

995 5. A health care practitioner as defined in s. 456.001.

996 6. A health care professional certified under part IV of
997 chapter 468.

998 7. A home health aide as defined in s. 400.462(15).

999 (f) "Religious institution" has the same meaning as
1000 provided in s. 496.404.

1001 (3) In a civil action based on a COVID-19-related claim:
 1002 (a) The complaint must be pled with particularity.
 1003 (b) The plaintiff must present affidavit testimony from a
 1004 medical expert, as defined in s. 766.202, which attests to the
 1005 expert's belief, within a reasonable degree of medical
 1006 probability, that the person whose injury or death gave rise to
 1007 the action was infected with COVID-19 at the time that the cause
 1008 of action accrued and that the person's infection by COVID-19
 1009 resulted in the injury, damage, or death.
 1010 (c) The court must determine, as a matter of law, whether:
 1011 1. The plaintiff complied with paragraphs (a) and (b). If
 1012 the plaintiff did not comply with paragraphs (a) and (b), the
 1013 court must dismiss the action without prejudice.
 1014 2. The defendant made a good faith effort to substantially
 1015 comply with authoritative or controlling government-issued
 1016 health standards or guidance or complied with local health
 1017 department recommendations at the time the cause of action
 1018 accrued.
 1019 a. During this stage of the proceeding, admissible
 1020 evidence is limited to evidence tending to demonstrate whether
 1021 the defendant made such a good faith effort or whether the
 1022 defendant complied with local health department recommendations.
 1023 b. If the court determines that the defendant made such a
 1024 good faith effort or complied with local health department
 1025 recommendations, the defendant is immune from civil liability.

1026 c. If the court determines that the defendant did not make
1027 such a good faith effort or did not comply with local health
1028 department recommendations, the plaintiff may proceed with the
1029 action. However, absent at least gross negligence proven by
1030 clear and convincing evidence, the defendant is not liable for
1031 any act or omission relating to a COVID-19-related claim.

1032 d. For purposes of this subsection, the term "government-
1033 issued health standards or guidance" means any of the following
1034 that are related to COVID-19 or other infectious disease and
1035 that apply to the defendant's operations and describe how to
1036 operate at the time of the alleged act or omission:

1037 (I) A federal, state, or local law, rule, or ordinance.

1038 (II) A written order or other document published by a
1039 federal, state, or local government or regulatory body.

1040 (III) Standards or guidance issued by the Agency for
1041 Health Care Administration or the United States Centers for
1042 Disease Control and Prevention, the National Institutes of
1043 Health, the United States Food and Drug Administration, or the
1044 Centers for Medicare and Medicaid Services.

1045 (d) For the purposes of claims for benefits under chapter
1046 440 or chapter 112, and any other benefits provided by law to
1047 people suffering injury or illness through the course of their
1048 employment, a person who is employed by a health care provider
1049 or employed as an emergency medical technician or a paramedic as
1050 those terms are defined in s. 401.23; a law enforcement officer

1051 as defined in s. 112.531; a firefighter as defined in s.
1052 112.81(1); or any employee who was required by his or her
1053 employer to be physically present at an educational institution
1054 to carry out the duties of his or her job who contracts COVID-19
1055 is presumed to have contracted COVID-19 in the course and scope
1056 of his or her employment. This presumption may be overcome if
1057 the defendant proves by clear and convincing evidence that the
1058 employee's infection did not arise out of his or her employment.

1059 (4) A civil action for a COVID-19-related claim must be
1060 commenced within 1 year after the cause of action accrues.
1061 However, a plaintiff whose cause of action for a COVID-19-
1062 related claim accrued before the effective date of this act must
1063 commence such action within 1 year after the effective date of
1064 this act.

1065 (5) This section applies retroactively but does not apply
1066 to a civil action against a particularly named defendant that is
1067 commenced before the effective date of this act.

1068 Section 26. Section 768.381, Florida Statutes, is created
1069 to read:

1070 768.381 COVID-19-related tort claims.-

1071 (1) Notwithstanding any law to the contrary, a person who
1072 contracted COVID-19 as a result of being exposed to another
1073 person, including a health care worker, may bring a COVID-19-
1074 related tort claim against that person or health care worker if
1075 that person or health care worker:

1076 (a) Knew he or she had the virus at the time of exposure;
 1077 and

1078 (b) Willfully, knowingly, or recklessly exposed the
 1079 plaintiff to the virus.

1080 (2) If the plaintiff prevails, the court must award the
 1081 plaintiff at least \$1,000 in compensatory damages as well as
 1082 reasonable attorney fees and costs.

1083 (3) The plaintiff must initiate such action for a COVID-
 1084 19-related tort claim within 1 year after the cause of action
 1085 accrued or within 2 years after the effective date of this act
 1086 if the cause of action accrued before the effective date of this
 1087 act.

1088 Section 27. Emergency paid leave under the federal
 1089 Coronavirus Preparation and Response Supplemental Appropriations
 1090 Act.—

1091 (1) DEFINITIONS.—For purposes of this section, the term:

1092 (a) "Child" means a biological, adopted, or foster child,
 1093 a stepchild, a legal ward, or a child of a person standing in
 1094 loco parentis who is younger than 18 years of age. The term
 1095 includes a person who is 18 years of age or older if such person
 1096 is incapable of self-care because of a mental or physical
 1097 disability.

1098 (b) "Child care provider" means a person or entity that
 1099 receives compensation for providing child care services on a
 1100 regular basis. The term includes a child care facility licensed

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1101 under s. 402.305, Florida Statutes, a family day care home
1102 licensed or registered under s. 402.313, Florida Statutes, a
1103 large family child care home licensed under s. 402.3131, Florida
1104 Statutes, a public school or nonpublic school exempt from
1105 licensure under s. 402.3025, Florida Statutes, a faith-based
1106 child care provider exempt from licensure under s. 402.316,
1107 Florida Statutes, and a family member or friend who regularly
1108 cares for an employee's child even if such family member or
1109 friend is not compensated or licensed.

1110 (c) "Eligible employee" means an employee who has been
1111 employed for at least 30 calendar days by an employer.

1112 (d) "Employee" has the same meaning as in 29 U.S.C. s.
1113 203(e).

1114 (e) "Employer" means:

1115 1. A private person or entity that transacts business in
1116 this state, has a license to transact such business, and employs
1117 fewer than 500 employees to perform labor or services in
1118 exchange for salary, wages, or other remuneration. To determine
1119 the number of employees employed, an employer must count all
1120 full-time and part-time employees in accordance with subsection
1121 (8).

1122 2. An entity within state, regional, county, local, or
1123 municipal government, whether executive, judicial, or
1124 legislative, or any public school, community college, or state
1125 university that employs persons who perform labor or services in

1126 exchange for salary, wages, or other remuneration or that enters
 1127 or attempts to enter into a contract with a contractor.

1128 (f) "Health care provider" means a health care
 1129 practitioner licensed under chapter 458, Florida Statutes,
 1130 chapter 459, Florida Statutes, chapter 460, Florida Statutes,
 1131 chapter 461, Florida Statutes, chapter 463, Florida Statutes,
 1132 chapter 464, Florida Statutes, chapter 465, Florida Statutes,
 1133 chapter 466, Florida Statutes, chapter 490, Florida Statutes, or
 1134 chapter 491, Florida Statutes.

1135 (g) "Infectious or contagious disease" means any condition
 1136 or impairment of health caused by a disease that has been
 1137 declared a public health emergency in accordance with s.
 1138 381.00315, Florida Statutes.

1139 (h) "Quarantine or isolation order" includes quarantine,
 1140 isolation, containment, shelter-in-place, or stay-at-home orders
 1141 issued by any federal, state, or local government entity that
 1142 causes an employee to be unable to work even though his or her
 1143 employer has work that the employee could perform but for the
 1144 order. The term includes when a federal, state, or local
 1145 government entity has advised certain categories of people,
 1146 including, but not limited to, persons of certain ages or with
 1147 certain medical conditions, to shelter in place, stay at home,
 1148 isolate, or quarantine.

1149 (i) "School" means a nonprofit institutional day or
 1150 residential school, including a public, private, or charter

1151 elementary or secondary school, that provides elementary or
1152 secondary education. The term does not include an institution
1153 that provides education beyond grade 12.

1154 (j) "Telework" means work for which wages must be paid
1155 that an employer permits or allows an employee to perform,
1156 either during normal business hours or at other times agreed to
1157 by the employee and employer, while the employee is at home or
1158 at a location other than the employee's normal workplace.

1159 (2) QUALIFYING REASONS FOR PAID SICK LEAVE.—

1160 (a) An employer shall provide to each eligible employee
1161 paid sick leave to the extent that the eligible employee is
1162 unable to work due to any of the following reasons:

1163 1. The employee is subject to a quarantine or isolation
1164 order.

1165 2. The employee has been advised by a health care provider
1166 to self-quarantine due to concerns related to an infectious or a
1167 contagious disease.

1168 3. The employee is experiencing symptoms of an infectious
1169 or a contagious disease and seeking medical diagnosis from a
1170 health care provider.

1171 4. The employee is caring for a person who is subject to a
1172 quarantine or isolation order or who is directed by a health
1173 care provider to self-quarantine due to concerns related to an
1174 infectious or a contagious disease.

1175 5. The employee is caring for his or her child whose

1176 school or child care provider has been closed for a period of
1177 time, whether by order of a state or local official or authority
1178 or at the decision of the individual school or child care
1179 provider, for reasons related to an infectious or a contagious
1180 disease.

1181 (b) An eligible employee may take paid sick leave under
1182 this section if he or she is:

1183 1. Subject to a quarantine or isolation order and, but for
1184 being subject to the order, the employee would be able to
1185 perform work that is otherwise allowed or permitted by his or
1186 her employer at the employee's normal workplace or by telework.
1187 An employee subject to a quarantine or isolation order may not
1188 take paid sick leave if the employer does not have work for the
1189 employee as a result of the quarantine or isolation order or
1190 other circumstances.

1191 2. Advised by a health care provider to self-quarantine
1192 because the employee has an infectious or a contagious disease,
1193 the employee may have an infectious or a contagious disease, or
1194 the employee is particularly vulnerable to contracting an
1195 infectious or a contagious disease and self-quarantining
1196 prevents the employee from being able to work at the employee's
1197 normal workplace or by telehealth.

1198 3. Seeking a medical diagnosis for an infectious or a
1199 contagious disease because the employee has symptoms of the
1200 infectious or contagious disease that have been identified by

1201 the United States Centers for Disease Control and Prevention.
 1202 Any paid sick leave taken under this subparagraph is limited to
 1203 time the employee is unable to work because he or she is taking
 1204 affirmative steps to obtaining a medical diagnosis.

1205 4. Caring for an immediate family member, a person who
 1206 regularly resides in the employee's home, or a similar person
 1207 with whom the employee has a relationship that creates an
 1208 expectation that the employee would care for such person if the
 1209 person is quarantined, isolated, or self-quarantined. This
 1210 subparagraph does not authorize an employee to take paid sick
 1211 leave to care for a person with whom the employee has no
 1212 personal relationship.

1213 5. Caring for a child whose school or child care provider
 1214 is closed or unavailable for reasons related to the infectious
 1215 or contagious disease, only if no other suitable person is
 1216 available to care for the child during such time period.

1217 (3) QUALIFYING REASON FOR EXPANDED FAMILY AND MEDICAL
 1218 LEAVE.—An eligible employee may take expanded family and medical
 1219 leave because he or she is unable to work due to a need to care
 1220 for a child whose school or child care provider is closed or
 1221 unavailable for reasons related to the infectious or contagious
 1222 disease. This subsection only applies if no other suitable
 1223 person is available to care for the child during such time
 1224 period, caring for the child prevents the employee from being
 1225 able to work at the employee's normal workplace or by telework,

1226 | and the employer has work for the eligible employee.

1227 | (4) AMOUNT OF PAID SICK LEAVE; AMOUNT OF PAY.—

1228 | (a) A full-time eligible employee is entitled to up to 80

1229 | hours of paid sick leave.

1230 | (b) A part-time eligible employee is entitled to up to the

1231 | number of hours of paid sick leave equal to the number of hours

1232 | that the employee is normally scheduled to work over the course

1233 | of 2 workweeks.

1234 | (c) For each hour of paid sick leave taken by an eligible

1235 | employee for a qualifying reason set forth in subparagraphs

1236 | (2) (a) 1.-3., the employer shall pay the employee's average

1237 | regular rate of pay.

1238 | (d) For each hour of paid sick leave taken by an eligible

1239 | employee for a qualifying reason set forth in subparagraphs

1240 | (2) (a) 4. and 5., the employer shall pay the employee two-thirds

1241 | of the employee's average regular rate of pay.

1242 | (5) AMOUNT OF PAID EXPANDED FAMILY AND MEDICAL LEAVE;

1243 | AMOUNT OF PAY.—Subject to subsection (7):

1244 | (a) An eligible employee is entitled to take up to 10

1245 | weeks of paid expanded family and medical leave.

1246 | (b) An employer shall pay an eligible employee two-thirds

1247 | of the employee's average regular rate of pay.

1248 | (6) CALCULATING THE AVERAGE REGULAR RATE OF PAY.—

1249 | (a) The average regular rate of pay for paid sick leave

1250 | and expanded family and medical leave is calculated as follows:

1251 1. Use the methods contained in 29 C.F.R. parts 531 and
1252 778 to compute the regular rate of pay for each full workweek in
1253 which the eligible employee has been employed over the lesser
1254 of:

1255 a. The 6-month period ending on the date on which the
1256 eligible employee takes paid sick leave or expanded family and
1257 medical leave; or

1258 b. The entire period of an eligible employee's employment.

1259 2. Compute the average of the weekly regular rates of pay
1260 under subparagraph 1., weighted by the number of hours worked by
1261 an eligible employee for each workweek.

1262 (b) An eligible employee's commissions, tips, and piece
1263 rates are incorporated into the regular rate of pay in the same
1264 manner as they are included in the calculation of the regular
1265 rate of pay under the Fair Labor Standards Act, 29 C.F.R s.
1266 531.60 and 29 C.F.R. part 778.

1267 (7) COMBINATION OF PAID SICK LEAVE AND PAID EXPANDED
1268 FAMILY AND MEDICAL LEAVE.—

1269 (a) An eligible employee who needs leave to care for his
1270 or her child whose school or child care provider is unavailable
1271 due to infectious or contagious disease-related reasons may be
1272 eligible to take both paid sick leave and paid expanded family
1273 and medical leave.

1274 (b) An eligible employee may take up to 10 weeks of paid
1275 expanded family and medical leave. If an eligible employee

1276 chooses to take both paid sick leave and paid expanded family
1277 and medical leave, the first 2 weeks, or up to 80 hours, of
1278 leave may be paid under paid sick leave and the subsequent weeks
1279 may be paid under paid expanded family and medical leave.

1280 (c) An eligible employee who has exhausted his or her
1281 leave available under the Family and Medical Leave Act of 1993,
1282 29 C.F.R. s. 825.200, is not precluded from taking paid sick
1283 leave under this section.

1284 (d) If an eligible employee takes paid expanded family and
1285 medical leave after taking all or part of his or her paid sick
1286 leave for a reason other than that provided in subparagraph
1287 (2)(a)5., all or part of the eligible employee's first 2 weeks
1288 of expanded family and medical leave may be unpaid because the
1289 eligible employee has exhausted his or her paid sick leave
1290 entitlement. However, an eligible employee may substitute earned
1291 or accrued paid leave provided by the employer under established
1292 policies of the employer during this period and receive pay
1293 pursuant to the employer's preexisting paid leave policy during
1294 the period of otherwise unpaid expanded family and medical
1295 leave.

1296 (8) NUMBER OF EMPLOYEES; EXEMPTION.—

1297 (a) To determine the number of employees employed, an
1298 employer must count all full-time and part-time employees
1299 employed within the United States at the time the eligible
1300 employee would take paid sick leave or paid extended family and

1301 medical leave. For purposes of this paragraph, every part-time
1302 employee is counted as if he or she were a full-time employee.

1303 The number of employees includes all of the following:

1304 1. All employees currently employed, regardless of how
1305 long the employees have worked for the employer.

1306 2. Any employees on leave of any kind.

1307 3. All employees of temporary placement agencies who are
1308 jointly employed by the employer and another employer,
1309 regardless of which employer's payroll the employee appears on.

1310 4. All day laborers supplied by a temporary placement
1311 agency.

1312 (b) The number of employees does not include independent
1313 contractors or employees who have been laid off or furloughed
1314 and have not subsequently been reemployed.

1315 (c) An employer with fewer than 50 employees, hereinafter
1316 referred to as a "small business," is exempt from providing paid
1317 sick leave or paid expanded family and medical leave under this
1318 section when the imposition of such requirements would
1319 jeopardize the viability of the small business, as determined
1320 by:

1321 1. The leave requested under this section would result in
1322 the small business's expenses and financial obligations
1323 exceeding available business revenues and cause the small
1324 business to cease operating at a minimal capacity;

1325 2. The absence of the eligible employee requesting leave

1326 would entail a substantial risk to the financial health or
1327 operational capabilities of the small business because of the
1328 eligible employee's specialized skills, knowledge of the
1329 business, or responsibilities; or

1330 3. There are not enough employees who are able, willing,
1331 and qualified, and who are available at the time and place
1332 needed, to perform the labor or services provided by the
1333 eligible employee requesting leave, and that labor or services
1334 are needed for the small business to operate at a minimal
1335 capacity.

1336 (d) To elect this exemption, the employer must document
1337 that a determination has been made according to the criteria
1338 under paragraph (a) and retain such documentation in its files.

1339 (9) EMPLOYER NOTICE.—Every employer is required to post
1340 and keep posted on its premises, in a conspicuous place, a
1341 notice explaining an employee's right to paid sick leave and
1342 paid expanded family and medical leave. An employer may satisfy
1343 the notice requirement by emailing or direct mailing the notice
1344 to employees or posting the notice on the employer's website.
1345 This subsection does not require translation or provision of the
1346 notice in languages other than English.

1347 (10) EMPLOYEE RESPONSIBILITIES.—

1348 (a) An eligible employee must request paid sick leave or
1349 paid expanded family and medical leave in writing according to
1350 his or her employer's policies.

- 1351 (b) An eligible employee is required to provide
1352 documentation to his or her employer containing the following
1353 information before taking paid sick leave or paid expanded
1354 family and medical leave:
- 1355 1. The employee's full name.
 - 1356 2. The dates for which leave is requested.
 - 1357 3. The qualifying reason for the leave.
 - 1358 4. A written statement that the employee is unable to work
1359 because of the qualified reason for leave.
- 1360 (c) In addition to the information required under
1361 paragraph (b), to take paid sick leave for a qualifying reason
1362 under:
- 1363 1. Subparagraph (2)(a)1., an eligible employee must
1364 provide his or her employer with the name of the federal, state,
1365 or local government entity that issued the quarantine or
1366 isolation order.
 - 1367 2. Subparagraph (2)(a)2., an eligible employee must
1368 provide his or her employer with the name of the health care
1369 provider who advised the employee to self-quarantine.
 - 1370 3. Subparagraph (2)(a)4., an eligible employee must
1371 provide his or her employer with:
 - 1372 a. The name of the federal, state, or local government
1373 entity that issued the quarantine or isolation order to which
1374 the person being cared for is subject; or
 - 1375 b. The name of the health care provider who advised the

1376 person being cared for to self-quarantine.

1377 4. Subparagraph (2)(a)5., or paid expanded family and
1378 medical leave, an eligible employee must provide his or her
1379 employer with all of the following:

1380 a. The name of the eligible employee's child who is being
1381 cared for.

1382 b. The name of the school or child care provider that has
1383 closed or become unavailable.

1384 c. A statement that no other suitable person is available
1385 to care for the eligible employee's child during the period for
1386 which the eligible employee seeks to take paid sick leave or
1387 paid expanded family and medical leave.

1388 (11) PROHIBITED ACTS.—

1389 (a) An employer may not discharge, discipline, or
1390 discriminate against an employee because such employee took, or
1391 requested to take, paid sick leave or paid expanded family and
1392 medical leave.

1393 (b) An employer may not discharge, discipline, or
1394 discriminate against an employee because such employee filed a
1395 complaint or instituted or caused to be instituted any
1396 proceeding, including an enforcement proceeding, under or
1397 related to taking paid sick leave or paid expanded family and
1398 medical leave or has testified or is about to testify in any
1399 such proceeding.

1400 (c) The prohibitions against interference with the

1401 exercise of rights, discrimination, and interference with
1402 proceedings or inquiries under the Family and Medical Leave Act
1403 of 1993, 29 U.S.C. s. 2615, apply to employers with respect to
1404 eligible employees taking, or attempting to take, paid expanded
1405 family and medical leave.

1406 (12) ENFORCEMENT.—

1407 (a) An employer that fails to provide an eligible employee
1408 paid sick leave is considered to have failed to pay the minimum
1409 wage as required by 29 U.S.C. s. 206 and is subject to
1410 enforcement as provided under 29 U.S.C. ss. 216 and 217.

1411 (b) An employer who discharges, disciplines, or
1412 discriminates against an eligible employee in violation of
1413 subsection (11) is considered to have violated 29 U.S.C. s.
1414 215(a) (3) and is subject to enforcement as provided under 29
1415 U.S.C. ss. 216 and 217.

1416 (c) An employer who commits a prohibited act described in
1417 paragraph (11)(c) is subject to enforcement as provided under 29
1418 U.S.C. ss. 2617 and 825.400.

1419 Section 28. Pandemic and Infectious and Contagious Disease
1420 Advisory Council.—

1421 (1) The Pandemic and Infectious and Contagious Disease
1422 Advisory Council is created within the Executive Office of the
1423 Governor for the purpose of advising the Governor on the best
1424 course of action on pandemic-related and infectious and
1425 contagious disease-related issues to ensure the safety and

1426 | wellbeing of state residents.

1427 | (2) The council shall consist of members appointed as

1428 | follows:

1429 | (a) The head of the Department of Health or his or her

1430 | designee.

1431 | (b) The Secretary of Elderly Affairs or his or her

1432 | designee.

1433 | (c) The executive director of the Department of Economic

1434 | Opportunity or his or her designee.

1435 | (d) The Secretary of Children and Families or his or her

1436 | designee.

1437 | (e) The director of the Division of Emergency Management

1438 | or his or her designee.

1439 | (f) The Secretary of Transportation or his or her

1440 | designee.

1441 | (g) The Commissioner of Education or his or her designee.

1442 | (h) A member of the Senate or his or her designee,

1443 | appointed by the President of the Senate.

1444 | (i) A member of the Senate or his or her designee,

1445 | appointed by the Minority Leader of the Senate.

1446 | (j) A member of the House of Representatives or his or her

1447 | designee, appointed by the Speaker of the House of

1448 | Representatives.

1449 | (k) A member of the House of Representatives or his or her

1450 | designee, appointed by the Minority Leader of the House of

1451 Representatives.

1452 (1) The heads of other departments or agencies of the
1453 state or their designees, as deemed necessary and appointed by
1454 the Governor.

1455 (3) A vacancy on the council shall be filled in the same
1456 manner as the original appointment.

1457 (4) The council shall biennially elect a chair and a vice
1458 chair from its membership. Meetings of the council shall be
1459 called by the chair as necessary.

1460 (5) The council shall:

1461 (a) Ensure the consistency of information and data
1462 characterization across relevant industry and governmental
1463 entities and develop plans for the state's major industries to
1464 prepare for future pandemics. After a public health emergency
1465 occurs, the council shall review and revise such plans as needed
1466 to prepare for future public health emergencies.

1467 (b) Provide clarification of essential worker guidelines,
1468 including a determination of which industries include essential
1469 workers and a review of processes for any industries and jobs
1470 that do not include essential workers.

1471 (c) Review infectious and contagious disease preparedness
1472 plans for hospitals and long-term care facilities.

1473 (d) Review infectious and contagious disease preparedness
1474 plans for school districts.

1475 (e) Create a concierge service within the Division of

1476 Emergency Management for dealing with emergent issues during an
 1477 emergency.

1478 (f) Review the Restore Economic Strength through
 1479 Employment & Tourism (RESET) Task Force report and consider its
 1480 recommendations.

1481 (g) Review other reports and audits as required by law.

1482 (6) Members of the council shall serve without
 1483 compensation but may be reimbursed for per diem and travel
 1484 expenses as provided in s. 112.061.

1485 Section 29. Public Health Task Force.—The Public Health
 1486 Task Force, a task force as defined in s. 20.03(8), is
 1487 established within the Legislature to comprehensively assess the
 1488 Department of Health's resources and capacity to sustainably
 1489 deliver public health services in this state and to make
 1490 recommendations for improvements to the department's framework
 1491 for statewide implementation of such services. The task force
 1492 shall be supported by research services of the Office of Program
 1493 Policy Analysis and Governmental Accountability.

1494 (1) MEMBERSHIP.—

1495 (a) The task force shall consist of the following members:

1496 1. The State Surgeon General or his or her designee.

1497 2. One county health department director from each of the
 1498 following, appointed by the State Surgeon General:

1499 a. A county in which more than half of the local
 1500 population is represented by ethnic and racial minority groups.

1501 b. A rural county.

1502 c. An urban county.

1503 3. One representative from each of the following

1504 organizations, appointed by their respective organizations:

1505 a. Association of State and Territorial Health Officials.

1506 b. Florida Public Health Association.

1507 c. Florida Medical Association Health, Education, and

1508 Public Policy Committee.

1509 d. Florida Association of County Health Officers.

1510 e. Florida Agricultural and Mechanical University

1511 Institute of Public Health.

1512 f. University of South Florida College of Public Health.

1513 g. Public Health Accreditation Board.

1514 h. Florida Environmental Health Association.

1515 i. Safety Net Hospital Alliance of Florida.

1516 (b) A vacancy on the task force shall be filled in the

1517 same manner as the original appointment.

1518 (c) The task force shall elect a chair from among its

1519 members.

1520 (d) Members shall serve without compensation but are

1521 entitled to reimbursement for per diem and travel expenses

1522 pursuant to s. 112.061, Florida Statutes.

1523 (2) MEETINGS.—

1524 (a) The task force shall convene its first meeting by

1525 August 1, 2021, and shall meet as often as necessary to fulfill

1526 | its responsibilities under this section.

1527 | (b) Meetings may be conducted in person or by

1528 | teleconference or other electronic means.

1529 | (3) DUTIES.—The task force shall:

1530 | (a) Analyze the department's ability to prepare for,

1531 | respond to, and mitigate the effects of natural and manmade

1532 | disasters of public health significance, including, but not

1533 | limited to, hurricanes, floods, infectious and communicable

1534 | diseases, epidemics, pandemics, and bioterrorism.

1535 | (b) Analyze the department's ability to provide public

1536 | health services statewide within the existing framework provided

1537 | in chapter 154, Florida Statutes, and identify any gaps in

1538 | service while prioritizing all of the following:

1539 | 1. The impacts of environmental factors on human health.

1540 | 2. Community health assessments and development of

1541 | evidence-based community and state health improvement plans.

1542 | 3. Population and community health.

1543 | 4. Chronic disease mitigation and prevention.

1544 | 5. Infectious and communicable disease control.

1545 | 6. Maternal and child health.

1546 | 7. Information infrastructure to support the department's

1547 | capacity to conduct analyses, data integration, and analyses

1548 | integration as required for the department to become an

1549 | information agency in the digital age.

1550 | 8. Preparedness planning, response, and mitigation.

1551 (c) Assess historical trends and analyze the department's
 1552 funding and staffing to establish sustainable funding for the
 1553 department's activities.

1554 (d) Assess historical trends and analyze the department's
 1555 allocation and distribution of funds to county health
 1556 departments to overcome declines in state and federal funding
 1557 coupled with the state's population growth and increasing
 1558 vulnerable populations.

1559 (e) Analyze the department's staffing, including the
 1560 levels and types of public health professionals required to
 1561 maintain a robust public health department workforce at the
 1562 state and local levels. Such public health professionals
 1563 include, but are not limited to, physicians, public health
 1564 nurses, epidemiologists, health educators, social workers, and
 1565 sanitarians.

1566
 1567 When conducting its assessments and analyses under this
 1568 subsection, the task force must reference the Public Health
 1569 Accreditation Board Standards and Measures, Version 1.5, for
 1570 national public health department accreditation; the 10
 1571 Essential Public Health Services, as revised in June 2020,
 1572 published by the Public Health National Center for Innovations
 1573 and the de Beaumont Foundation; and other relevant guidelines
 1574 issued by the United States Centers for Disease Control and
 1575 Prevention.

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1576 (4) REPORT.—The task force shall submit a report of its
1577 findings and recommendations to the Governor, the President of
1578 the Senate, and the Speaker of the House of Representatives by
1579 January 1, 2022.

1580 (5) EXPIRATION.—This section expires January 31, 2022.

1581 Section 30. Section 1001.231, Florida Statutes, is created
1582 to read:

1583 1001.231 Infectious and contagious disease preparedness
1584 and response.—

1585 (1) The Department of Education is responsible for
1586 preparing a comprehensive infectious and contagious disease
1587 preparedness plan that shall be integrated into and coordinated
1588 with the plans and programs suggested by the Pandemic and
1589 Infectious and Contagious Disease Advisory Council. The plan
1590 shall be submitted to the Governor, the President of the Senate,
1591 and the Speaker of the House before July 1, 2021, and each July
1592 1 thereafter.

1593 (2) The Department of Education shall adopt standards and
1594 requirements for school district infectious and contagious
1595 disease preparedness plans. The standards and requirements must
1596 ensure that the district plans are coordinated and consistent
1597 with the comprehensive infectious and contagious disease
1598 preparedness plan and must require:

1599 (a) A plan for transitioning between virtual and in-person
1600 learning.

1601 (b) The number of students in each district who have
 1602 access to the Internet, computers, and electricity.

1603 (c) The number of electronic devices available to be
 1604 loaned to students to facilitate virtual learning.

1605 (d) The designation of a staff member at the district
 1606 level who is responsible for communicating guidance for pandemic
 1607 and infectious and contagious disease protocols to schools and
 1608 administrators.

1609 (e) The designation of a contact person at each school who
 1610 is responsible for communicating guidance for pandemic and
 1611 infectious and contagious disease protocols to staff, students,
 1612 and families.

1613 (f) The availability of a physician or nurse onsite at
 1614 each school.

1615 (g) Information about access to virtual learning
 1616 materials.

1617 (3) The Department of Education shall assist in the
 1618 distribution of a COVID-19 vaccination to school personnel and
 1619 educational staff by:

1620 (a) Coordinating with the Department of Health to
 1621 establish vaccination sites.

1622 (b) Providing access to information necessary to verify
 1623 the employment of a member of school personnel or educational
 1624 staff.

1625 (c) Directing school districts to provide guidance to

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1626 school personnel and educational staff on locations where they
1627 can receive a COVID-19 vaccination and if any additional
1628 identification will be necessary before receiving such
1629 vaccination.

1630 (4) Before May 31, 2021, the Department of Education must
1631 develop a plan to guarantee that every student has the option to
1632 attend school in person by the beginning of the 2021-2022 school
1633 year and submit such plan to the Governor, the President of the
1634 Senate, the Speaker of the House of Representatives, and the
1635 Public Health Task Force.

1636 (5) The Department of Education shall adopt rules
1637 necessary to administer this section.

1638 Section 31. Subsection (28) of section 1001.42, Florida
1639 Statutes, is renumbered as subsection (29), and a new subsection
1640 (28) is added to that section to read:

1641 1001.42 Powers and duties of district school board.—The
1642 district school board, acting as a board, shall exercise all
1643 powers and perform all duties listed below:

1644 (28) INFECTIOUS AND CONTAGIOUS DISEASE PREPAREDNESS
1645 PLANS.—Create a comprehensive infectious and contagious disease
1646 preparedness plan that meets the standards and requirements
1647 adopted by the Department of Education pursuant to s.
1648 1001.231(2).

1649 Section 32. Subsection (6) of section 1008.34, Florida
1650 Statutes, is renumbered as subsection (7), and a new subsection

1651 (6) is added to that section to read:

1652 1008.34 School grading system; school report cards;
1653 district grade.—

1654 (6) HEALTH EMERGENCY PROVISION.—In recognition of the
1655 public health emergency caused by COVID-19, notwithstanding any
1656 other provision of law for the 2020-2021 school year:

1657 (a) A school may not receive a lower school grade than the
1658 grade it received in the 2018-2019 school year.

1659 (b) A school may not receive a lower school improvement
1660 rating pursuant to s. 1008.341 than the rating it received in
1661 the 2018-2019 school year.

1662 (c) A student may not receive a lower performance result
1663 as calculated pursuant to s. 1012.34(7) than the result it
1664 received in the 2018-2019 school year.

1665 (d) This subsection is repealed July 1, 2023.

1666 Section 33. In addition to any gain-time credits awarded
1667 under s. 944.275, Florida Statutes, to inmates incarcerated in
1668 the state correctional system, the Department of Corrections may
1669 award gain-time credits of up to one-half of an inmate's
1670 sentence to any inmate who is at an above-average risk of harm
1671 from COVID-19 under current guidelines of the Centers for
1672 Disease Control and Prevention. Such an inmate is not subject to
1673 the requirement that he or she serve 85 percent of his or her
1674 sentence as provided in s. 944.275(4)(f), Florida Statutes. This
1675 section does not apply to an inmate sentenced to life

1676 imprisonment or to an inmate serving a sentence for a violent
1677 felony as defined in s. 961.02, Florida Statutes.

1678 Section 34. During a state of emergency declared by the
1679 Governor under chapter 252, Florida Statutes, or a public health
1680 emergency declared under s. 381.00315, Florida Statutes, the
1681 Department of Children and Families, the Department of Economic
1682 Opportunity, the Department of Health, the Agency for Health
1683 Care Administration, and the Florida Healthy Kids Corporation
1684 shall suspend eligibility, redetermination, termination, and
1685 work search or training requirements for the public assistance
1686 programs they administer, including, but not limited to,
1687 reemployment assistance or unemployment compensation, Medicaid,
1688 the Children's Health Insurance Program, the Florida Kidcare
1689 program, Temporary Assistance for Needy Families, and the
1690 Supplemental Nutrition Assistance Program for the duration of
1691 the state of emergency or public health emergency.

1692 Section 35. If any provision of this act or its
1693 application to any person or circumstance is held invalid, the
1694 invalidity does not affect other provisions or applications of
1695 the act which can be given effect without the invalid provision
1696 or application, and to this end the provisions of this act are
1697 severable.

1698 Section 36. The Division of Law Revision is directed to
1699 replace the phrase "the effective date of this act" wherever it
1700 occurs in this act with the date the act becomes a law.

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1701 | Section 37. This act shall take effect upon becoming a
1702 | law.