By Senator Perry

A bill to be entitled
An act relating to discrimination on the basis of
COVID-19 vaccination or postinfection recovery status;
amending s. 381.00316, F.S.; prohibiting governmental
entities from requiring proof of COVID-19 vaccination
or postinfection recovery status as a condition of
licensure or certification in this state; providing a
right of action for certain aggrieved persons;
providing for equitable relief, damages, and attorney
fees; creating s. 381.00317, F.S.; defining the terms
"COVID-19 vaccine" and "employer"; prohibiting
employers from requiring COVID-19 vaccination or proof
of COVID-19 vaccination or postinfection recovery as a
condition of employment, promotion, or continued
employment or from discriminating against employees on
the basis of such status unless certain conditions are
met; providing an exception; providing a right of
action for aggrieved persons; providing for equitable
relief, damages, and attorney fees; providing an
effective date.

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

Section 1. Present subsections (4), (5), and (6) of section
381.00316, Florida Statutes, are redesignated as subsections
(5), (6), and (7), respectively, a new subsection (4) is added
to that section, and subsection (2) of that section is amended,
to read:

381.00316 COVID-19 vaccine documentation.
(2) A governmental entity as defined in s. 768.38 may not require persons to provide any documentation certifying COVID-19 vaccination or postinfection recovery to gain access to, entry upon, or service from the governmental entity’s operations in this state or as a condition of licensure or certification in this state. This subsection does not otherwise restrict governmental entities from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.

(4) Any person found to have been aggrieved by a violation of this section has a right of action in circuit court for injunctive or other equitable relief and is entitled to recover damages and reasonable attorney fees for each violation.

Section 2. Section 381.00317, Florida Statutes, is created to read:

381.00317 COVID-19 vaccination requirement as condition of employment prohibited; exceptions; right of action.—

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

(a) “COVID-19 vaccine” means an immunization product approved by the United States Food and Drug Administration to protect persons against infection of COVID-19. Unless specified otherwise, the term also includes immunization products approved only for emergency use.

(b) “Employer” means any person, firm, partnership, institution, corporation, association or other entity that hires, contracts with, or otherwise employs persons for services performed in exchange for wages or other remuneration. The term includes, but is not limited to, business entities, educational institutions, and governmental entities as those terms are
(2) An employer may not require a person to receive a COVID-19 vaccine or provide documentation certifying COVID-19 vaccination or postinfection recovery as a condition of employment, promotion, or continued employment or otherwise discriminate against a person, with respect to compensation, classification, professional status, tenure, terms, conditions, or privileges of employment or any other differential treatment that would adversely affect the person’s employment status or opportunities, on the basis of the person’s COVID-19 vaccination or postinfection recovery status or failure to provide proof of such status, unless all of the following conditions have been met:

(a) The COVID-19 vaccine has been fully licensed and approved for use, excluding emergency use authorization, by the United States Food and Drug Administration and is available to consumers.

(b) The COVID-19 vaccine has been clinically evaluated for its long-term potential to cause cancer, impair fertility, mutate genes, and cause autoimmune, neurological, or any other chronic or serious adverse effects.

(c) The pivotal clinical trial relied upon by the United States Food and Drug Administration for approval of the COVID-19 vaccine has been evaluated for its safety for at least 3 years after the vaccine was administered using a randomized double-blind control group that received either:

1. A true placebo; or
2. Another vaccine product approved by the United States Food and Drug Administration based on a pivotal randomized,
controlled clinical trial that evaluated the safety of that vaccine product using a control group that received a true placebo.

(d) Published, peer-reviewed studies have been completed to determine which injuries and health conditions may be caused by the COVID-19 vaccine if administered alone or with other vaccines over the short, medium, and long terms.

(e) The risk of permanent disability and death from the COVID-19 vaccine has been proven by clear and convincing evidence to be less than that caused by the disease it is intended to prevent, based on the person’s age and demographic group.

(f) The infection targeted by the COVID-19 vaccine is highly transmissible in public settings, and there are no available:

1. Reasonable nonpharmaceutical interventions capable of reducing the risk of the spread of the targeted infection;

2. Effective nutrient or drug treatments to reduce the risk of infection; or

3. Effective nutrient or drug treatments to reduce the risk of severe disease or mortality as a result of the infection.

(g) The infection targeted by the COVID-19 vaccine poses a grave health risk to the specific population being required to receive it.

(h) The COVID-19 vaccine has been proven by clear and convincing evidence to prevent person-to-person transmission of the targeted infection.

(3) Notwithstanding subsection (2), a person may not be required to receive a COVID-19 vaccine under this section if he
or she objects, in writing, on grounds that receiving the vaccines used to prevent SARS-CoV-2 or COVID-19 conflicts with his or her moral, ethical, religious, or philosophical beliefs. Such person is entitled to all of the rights and protections provided herein.

(4) Any person found to be aggrieved by a violation of this section has a right of action in circuit court for injunctive or other equitable relief and is entitled to recover damages and reasonable attorney fees for each violation.

Section 3. This act shall take effect upon becoming a law.