

By Senator Perry

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

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

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24 Section 1. Present subsections (4), (5), and (6) of section
25 381.00316, Florida Statutes, are redesignated as subsections
26 (5), (6), and (7), respectively, a new subsection (4) is added
27 to that section, and subsection (2) of that section is amended,
28 to read:

29 381.00316 COVID-19 vaccine documentation.—

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

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

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

45 381.00317 COVID-19 vaccination requirement as condition of
46 employment prohibited; exceptions; right of action.-

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

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

53 (b) "Employer" means any person, firm, partnership,
54 institution, corporation, association or other entity that
55 hires, contracts with, or otherwise employs persons for services
56 performed in exchange for wages or other remuneration. The term
57 includes, but is not limited to, business entities, educational
58 institutions, and governmental entities as those terms are

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59 defined in s. 768.38.

60 (2) An employer may not require a person to receive a
61 COVID-19 vaccine or provide documentation certifying COVID-19
62 vaccination or postinfection recovery as a condition of
63 employment, promotion, or continued employment or otherwise
64 discriminate against a person, with respect to compensation,
65 classification, professional status, tenure, terms, conditions,
66 or privileges of employment or any other differential treatment
67 that would adversely affect the person's employment status or
68 opportunities, on the basis of the person's COVID-19 vaccination
69 or postinfection recovery status or failure to provide proof of
70 such status, unless all of the following conditions have been
71 met:

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

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

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

- 85 1. A true placebo; or
86 2. Another vaccine product approved by the United States
87 Food and Drug Administration based on a pivotal randomized,

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88 controlled clinical trial that evaluated the safety of that
89 vaccine product using a control group that received a true
90 placebo.

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

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

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

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

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

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

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

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

115 (3) Notwithstanding subsection (2), a person may not be
116 required to receive a COVID-19 vaccine under this section if he

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117 or she objects, in writing, on grounds that receiving the
118 vaccines used to prevent SARS-CoV-2 or COVID-19 conflicts with
119 his or her moral, ethical, religious, or philosophical beliefs.
120 Such person is entitled to all of the rights and protections
121 provided herein.

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

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