

By the Committee on Fiscal Policy; and Senator Burton

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1                   A bill to be entitled  
2       An act relating to protection from discrimination  
3       based on health care choices; amending s. 381.00316,  
4       F.S.; providing legislative intent and findings;  
5       defining terms; prohibiting business entities and  
6       governmental entities from requiring a person to  
7       provide certain documentation or requiring a COVID-19  
8       test to gain access to, entry upon, or service from  
9       such entities or as a condition of contracting,  
10      hiring, promotion, or continued employment;  
11      prohibiting business and governmental entities from  
12      refusing to hire persons, discharging persons,  
13      depriving or attempting to deprive persons of  
14      employment opportunities, adversely affecting persons  
15      with respect to employment, or otherwise  
16      discriminating against any person based on knowledge  
17      or belief of a person's vaccination or COVID-19  
18      postinfection recovery status or failure to take a  
19      COVID-19 test; requiring such entities to provide  
20      exemptions and reasonable accommodations for religious  
21      and medical reasons; prohibiting such entities from  
22      requiring persons to wear face coverings in order to  
23      gain access to, entry upon, service from, or admission  
24      to such entities or from otherwise discriminating  
25      against persons based on their refusal to wear a  
26      facial covering; providing exceptions; requiring the  
27      Department of Health to adopt certain emergency rules;  
28      providing administrative penalties; authorizing the  
29      Department of Legal Affairs to take specified actions

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30 for purposes of conducting investigations or  
31 proceedings; requiring that collected fines be  
32 deposited in the General Revenue Fund; providing  
33 construction; providing that certain terminated  
34 employees are eligible for reemployment assistance;  
35 amending s. 381.00319, F.S.; revising and defining  
36 terms; revising provisions related to the prohibition  
37 on COVID-19-related mandates by educational  
38 institutions; prohibiting educational institutions  
39 from imposing certain vaccine mandates on any person;  
40 prohibiting educational institutions from requiring a  
41 person to provide certain documentation or requiring a  
42 COVID-19 test to gain admission to, access to, entry  
43 upon, or service from such institutions or as a  
44 condition of contracting, hiring, promotion, or  
45 continued employment; prohibiting educational  
46 institutions from discharging persons, refusing to  
47 hire persons, depriving or attempting to deprive  
48 persons of employment opportunities, adversely  
49 affecting persons with respect to employment, or  
50 otherwise discriminating against any person based on  
51 the knowledge or belief of a person's vaccination or  
52 COVID-19 postinfection recovery status or failure to  
53 take a COVID-19 test; requiring educational  
54 institutions to provide exemptions and reasonable  
55 accommodations for religious and medical reasons;  
56 prohibiting educational institutions from requiring  
57 persons to wear face coverings, from denying persons  
58 access to, entry upon, service from, or admission to

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59 such institutions, or from otherwise discriminating  
60 against persons based on their refusal to wear a  
61 facial covering; providing exceptions; requiring the  
62 Department of Health to adopt certain emergency rules;  
63 providing administrative penalties; authorizing the  
64 department to take specified actions for purposes of  
65 conducting investigations or proceedings; requiring  
66 that collected fines be deposited in the General  
67 Revenue Fund; providing construction; authorizing the  
68 department to adopt rules; creating s. 381.00321,  
69 F.S.; prohibiting governmental entities and  
70 educational institutions from adopting, implementing,  
71 or enforcing certain public health policies or  
72 guidelines unless authorized by state law, rule, or  
73 executive order; creating s. 395.1057, F.S.;  
74 prohibiting hospitals from interfering with patients'  
75 right to choose COVID-19 treatment alternatives if  
76 certain conditions are met; providing for disciplinary  
77 action; creating s. 408.824, F.S.; defining terms;  
78 requiring the Agency for Health Care Administration  
79 and the Department of Health to jointly develop  
80 standards for the appropriate use of facial coverings  
81 in health care settings by a specified date; requiring  
82 the agency and the department to adopt emergency rules  
83 for such standards; requiring the agency and the  
84 department to post such standards on their respective  
85 websites and provide a link for reporting related  
86 violations; requiring certain health care  
87 practitioners and all health care providers to

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88 establish facial covering policies and procedures by a  
89 specified date; providing requirements for such  
90 policies and procedures; requiring such health care  
91 practitioners and health care providers to make their  
92 policies and procedures easily accessible on their  
93 respective websites or conspicuously display them in  
94 the lobby of their health care service setting or  
95 settings, as applicable; beginning on a specified  
96 date, prohibiting health care practitioners and health  
97 care providers from requiring persons to wear a facial  
98 covering for any reason unless the requirement is in  
99 accordance with specified policies and procedures;  
100 providing for disciplinary action; creating s. 456.62,  
101 F.S.; requiring health care practitioners treating  
102 patients diagnosed with COVID-19 to obtain patients'  
103 informed consent before prescribing any medications  
104 for treatment of COVID-19; providing a requirement for  
105 obtaining such informed consent; requiring health care  
106 practitioners to include certain information and use  
107 their best clinical judgment when making certain  
108 determinations related to alternative medications for  
109 treatment of COVID-19; requiring health care  
110 practitioners to take into consideration certain  
111 factors when providing such information to the  
112 patient; requiring health care practitioners to  
113 indicate certain information in their patients'  
114 medical records; providing construction; amending s.  
115 465.0266, F.S.; exempting certain pharmacists from  
116 disciplinary action under certain circumstances;

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117 amending s. 1002.20, F.S.; conforming provisions to  
118 changes made by the act; abrogating the future repeal  
119 of specified provisions; providing for the future  
120 repeal of specified provisions; providing effective  
121 dates.

122  
123 Be It Enacted by the Legislature of the State of Florida:

124  
125 Section 1. Section 381.00316, Florida Statutes, is amended  
126 to read:

127 381.00316 Discrimination by governmental and business  
128 entities based on health care choices; prohibition COVID-19  
129 vaccine documentation.-

130 (1) (a) It is the intent of the Legislature that Floridians  
131 be free from mandated facial coverings, mandates of any kind  
132 relating to vaccines as provided in this section, and  
133 discrimination based on such vaccination status.

134 (b) The Legislature finds that society is harmed by  
135 discrimination based on vaccination status as provided in this  
136 section when healthy persons are prevented from participating in  
137 society and accessing employment opportunities. The Legislature  
138 further finds that remedies to prevent such discrimination are  
139 in the best interest of this state.

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

141 (a) "Business entity" has the same meaning as in s. 606.03.  
142 The term also includes a charitable organization as defined in  
143 s. 496.404, a corporation not for profit as defined in s.  
144 617.01401, or any other business operating in this state.

145 (b) "COVID-19" means the novel coronavirus identified as

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146 SARS-CoV-2; any disease caused by SARS-CoV-2, its viral  
147 fragments, or a virus mutating therefrom; and all conditions  
148 associated with the disease which are caused by SARS-CoV-2, its  
149 viral fragments, or a virus mutating therefrom.

150 (c) "COVID-19 vaccine" means a preparation designed to  
151 stimulate the human body's immune response against COVID-19.

152 (d) "Department" means the Department of Legal Affairs.

153 (e) "Emergency use authorization vaccine" means any vaccine  
154 that is authorized for emergency use under 21 U.S.C. 360bbb-  
155 3(a) (1) and qualifies as an unapproved product under 21 U.S.C.  
156 360bbb-3(a) (2) (A).

157 (f) "Governmental entity" means the state or any political  
158 subdivision thereof, including the executive, legislative, and  
159 judicial branches of government; the independent establishments  
160 of the state, counties, municipalities, districts, authorities,  
161 boards, or commissions; or any agencies that are subject to  
162 chapter 286. The term does not include an educational  
163 institution as defined in s. 381.00319.

164 (g) "Messenger ribonucleic acid vaccine" means any vaccine  
165 that uses laboratory-produced messenger ribonucleic acid to  
166 trigger the human body's immune system to generate an immune  
167 response.

168 (3) (a) ~~(1)~~ A business entity, as defined in s. 768.38 to  
169 include any business operating in this state, may not require  
170 any person patrons or customers to provide any documentation  
171 certifying ~~COVID-19~~ vaccination with any vaccine defined under  
172 subsection (2) or postinfection recovery from COVID-19, or  
173 require a COVID-19 test, to gain access to, entry upon, or  
174 service from the business operations in this state or as a

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175 condition of contracting, hiring, promotion, or continued  
176 employment with the business entity.

177 (b) A business entity may not discharge or refuse to hire a  
178 person; deprive or attempt to deprive a person of employment  
179 opportunities; adversely affect a person's status as an employee  
180 or as an applicant for employment; or otherwise discriminate  
181 against a person based on knowledge or belief of the person's  
182 status relating to vaccination with any vaccine defined under  
183 subsection (2) or COVID-19 postinfection recovery, or a person's  
184 failure to take a COVID-19 test.

185 (c) For matters relating to vaccines other than those  
186 defined under subsection (2), a business entity shall provide  
187 for exemptions and reasonable accommodations for religious and  
188 medical reasons in accordance with federal law ~~This subsection~~  
189 ~~does not otherwise restrict businesses from instituting~~  
190 ~~screening protocols consistent with authoritative or controlling~~  
191 ~~government issued guidance to protect public health.~~

192 (4) (a) ~~(2)~~ A governmental entity as defined in s. 768.38 may  
193 not require any person ~~persons~~ to provide any documentation  
194 certifying ~~COVID-19~~ vaccination with any vaccine defined under  
195 subsection (2) or postinfection recovery from COVID-19, or  
196 require a COVID-19 test, to gain access to, entry upon, or  
197 service from the governmental entity's operations in this state  
198 or as a condition of contracting, hiring, promotion, or  
199 continued employment with the governmental entity.

200 (b) A governmental entity may not discharge or refuse to  
201 hire a person; deprive or attempt to deprive a person of  
202 employment opportunities; adversely affect a person's status as  
203 an employee; or otherwise discriminate against a person based on

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204 the knowledge or belief of the person's status relating to  
205 vaccination with any vaccine defined under subsection (2) or a  
206 person's failure to take a COVID-19 test.

207 (c) For matters relating to vaccines other than those  
208 defined under subsection (2), a governmental entity shall  
209 provide for exemptions and reasonable accommodations for  
210 religious and medical reasons in accordance with federal law.

211 (5) (a) A business entity or governmental entity may not  
212 require a person to wear a face mask, a face shield, or any  
213 other facial covering that covers the mouth and nose. A business  
214 entity or governmental entity may not deny any person access to,  
215 entry upon, service from, or admission to such entity or  
216 otherwise discriminate against a person based on such person's  
217 refusal to wear a face mask, a face shield, or any other facial  
218 covering that covers the mouth and nose.

219 (b) Paragraph (a) does not apply to:

220 1. A health care provider or health care practitioner as  
221 those terms are defined in s. 408.824, provided that such health  
222 care provider or health care practitioner is in compliance with  
223 that section.

224 2. A business entity or governmental entity when a face  
225 mask, a face shield, or any other facial covering that covers  
226 the mouth and nose is required safety equipment consistent with  
227 occupational or laboratory safety requirements, in accordance  
228 with standards adopted by the Department of Health. The  
229 Department of Health shall adopt emergency rules to develop such  
230 standards. Emergency rules adopted under this subparagraph are  
231 exempt from s. 120.54(4)(c) and shall remain in effect until  
232 replaced by rules adopted under the nonemergency rulemaking



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233 procedures of the Administrative Procedure Act ~~This subsection~~  
234 ~~does not otherwise restrict governmental entities from~~  
235 ~~instituting screening protocols consistent with authoritative or~~  
236 ~~controlling government-issued guidance to protect public health.~~

237 ~~(3) An educational institution as defined in s. 768.38 may~~  
238 ~~not require students or residents to provide any documentation~~  
239 ~~certifying COVID-19 vaccination or postinfection recovery for~~  
240 ~~attendance or enrollment, or to gain access to, entry upon, or~~  
241 ~~service from such educational institution in this state. This~~  
242 ~~subsection does not otherwise restrict educational institutions~~  
243 ~~from instituting screening protocols consistent with~~  
244 ~~authoritative or controlling government-issued guidance to~~  
245 ~~protect public health.~~

246 (6) (a) (4) The department may impose an administrative a  
247 fine not to exceed \$5,000 for each individual and separate per  
248 violation of this section.

249 (b) For purposes of conducting an investigation or a  
250 proceeding, the department may administer oaths, take  
251 depositions, make inspections when authorized by law, issue  
252 subpoenas supported by affidavit, serve subpoenas and other  
253 process, and compel the attendance of witnesses and the  
254 production of books, papers, documents, and other evidence.  
255 Challenges to and enforcement of subpoenas or orders shall be in  
256 accordance with s. 120.569.

257 (c) Fines collected pursuant to this section must be  
258 deposited into the General Revenue Fund.

259 (7) This section does not limit the right of the person  
260 aggrieved by a violation of this section to recover damages or  
261 other relief under any other applicable law.

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262 (8) If a governmental entity fails to comply with  
263 subsection (4), an employee terminated based on such  
264 noncompliance may be eligible for reemployment assistance under  
265 chapter 443 in addition to any other remedy available to the  
266 employee for a violation of this section.

267 ~~(5) This section does not apply to a health care provider~~  
268 ~~as defined in s. 768.38; a service provider licensed or~~  
269 ~~certified under s. 393.17, part III of chapter 401, or part IV~~  
270 ~~of chapter 468; or a provider with an active health care clinic~~  
271 ~~exemption under s. 400.9935.~~

272 (9)~~(6)~~ The department may adopt rules pursuant to ss.  
273 120.536 and 120.54 to implement this section.

274 Section 2. Section 381.00319, Florida Statutes, is amended  
275 to read:

276 381.00319 Prohibition on mask mandates and COVID-19  
277 vaccination and testing mandates for educational institutions  
278 students.-

279 (1) For purposes of this section, the term:

280 (a) "COVID-19" has the same meaning as in s. 381.00316  
281 ~~381.00317(1)~~.

282 (b) "COVID-19 vaccine" has the same meaning as in s.  
283 381.00316.

284 (c) "Educational institution" means a public or private  
285 school, including a preschool, elementary school, middle school,  
286 junior high school, secondary school, career center, or  
287 postsecondary school ~~has the same meaning as in s. 112.0441(1).~~

288 (d) "Emergency use authorization vaccine" has the same  
289 meaning as in s. 381.00316.

290 (e) "Messenger ribonucleic acid vaccine" has the same

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291 meaning as in s. 381.00316.

292 ~~(c) "Parent" has the same meaning as in s. 1000.21(5).~~

293 (2)(a) Notwithstanding any other law to the contrary, An  
294 educational institution or elected or appointed local official  
295 may not impose a COVID-19 vaccination mandate on for any person  
296 requiring vaccination with any vaccine defined under subsection  
297 (1) student.

298 (b) An educational institution in this state may not  
299 require any person to provide any documentation certifying  
300 vaccination with any vaccine defined under subsection (1) or  
301 postinfection recovery from COVID-19, or require a COVID-19  
302 test, to gain admission or access to, entry upon, or service  
303 from the educational institution or as a condition of  
304 contracting, hiring, promotion, or continued employment with the  
305 educational institution. An educational institution may not  
306 discharge or refuse to hire a person; deprive or attempt to  
307 deprive a person of employment opportunities; adversely affect a  
308 person's status as an employee or as an applicant for  
309 employment; or otherwise discriminate against a person based on  
310 knowledge or belief of the person's status relating to  
311 vaccination with any vaccine defined under subsection (1) or  
312 COVID-19 postinfection recovery, or a person's failure to take a  
313 COVID-19 test.

314 (c) For matters relating to vaccines other than those  
315 defined under subsection (1), an educational institution shall  
316 provide for exemptions and reasonable accommodations for  
317 religious and medical reasons in accordance with federal law.

318 (3)(a) An educational institution may not require a person  
319 to wear a face mask, a face shield, or any other facial covering

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320 that covers the mouth and nose. An educational institution may  
321 not deny any person access to, entry upon, service from, or  
322 admission to such educational institution or otherwise  
323 discriminate against a person based on such person's refusal to  
324 wear a face mask, a face shield, or any other facial covering  
325 that covers the mouth and nose.

326 (b) Paragraph (a) does not apply to:

327 1. A health care provider or health care practitioner as  
328 those terms are defined in s. 408.824, provided such health care  
329 provider or health care practitioner is in compliance with that  
330 section.

331 2. An educational institution when a face mask, a face  
332 shield, or any other facial covering that covers the mouth and  
333 nose is used as required safety equipment in a course of study  
334 consistent with occupational or laboratory safety requirements,  
335 in accordance with standards adopted by the Department of  
336 Health. The Department of Health shall adopt emergency rules to  
337 develop such standards. Emergency rules adopted under this  
338 subparagraph are exempt from s. 120.54(4)(c) and shall remain in  
339 effect until replaced by rules adopted under the nonemergency  
340 rulemaking procedures of the Administrative Procedure Act.

341 (4) (a) Notwithstanding s. 768.39, the Department of Health  
342 may impose an administrative fine not to exceed \$5,000 for each  
343 individual and separate violation of this section.

344 (b) For the purpose of conducting an investigation or a  
345 proceeding, the Department of Health may administer oaths, take  
346 depositions, make inspections when authorized by law, issue  
347 subpoenas supported by affidavit, serve subpoenas and other  
348 process, and compel the attendance of witnesses and the

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349 production of books, papers, documents, and other evidence.  
350 Challenges to and enforcement of subpoenas or orders shall be in  
351 accordance with s. 120.569.

352 (c) Fines collected pursuant to this section must be  
353 deposited in the General Revenue Fund.

354 (5) This section does not limit the right of the person  
355 aggrieved by a violation of this section to recover damages or  
356 other relief under any other applicable law.

357 (6) The Department of Health may adopt rules to implement  
358 this section.

359 ~~(3) A parent of a student, a student who is an emancipated~~  
360 ~~minor, or a student who is 18 years of age or older may bring an~~  
361 ~~action against the educational institution to obtain a~~  
362 ~~declaratory judgment that an act or practice violates this~~  
363 ~~section and to seek injunctive relief. A prevailing parent or~~  
364 ~~student, as applicable, must be awarded reasonable attorney fees~~  
365 ~~and court costs.~~

366 ~~(4) This section expires June 1, 2023.~~

367 Section 3. Section 381.00321, Florida Statutes, is created  
368 to read:

369 381.00321 International health organization policies.—A  
370 governmental entity as defined in s. 381.00316 or an educational  
371 institution as defined in s. 381.00319 may not adopt, implement,  
372 or enforce an international health organization's public health  
373 policies or guidelines unless authorized to do so under state  
374 law, rule, or executive order issued by the Governor under s.  
375 252.36.

376 Section 4. Section 395.1057, Florida Statutes, is created  
377 to read:

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378 395.1057 Patients' right to choose COVID-19 treatment  
379 alternatives.—A hospital may not interfere with a patient's  
380 right to choose COVID-19 treatment alternatives as recommended  
381 by a health care practitioner with privileges at the hospital if  
382 the health care practitioner has obtained informed consent from  
383 the patient in accordance with s. 456.62. Any hospital that  
384 violates this section by preventing a health care practitioner  
385 from exercising his or her sound judgment is subject to agency  
386 disciplinary action under s. 395.1065(2).

387 Section 5. Effective upon this act becoming a law, section  
388 408.824, Florida Statutes, is created to read:

389 408.824 Facial covering requirements for health care  
390 practitioners and health care providers.—

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

392 (a) "Department" means the Department of Health.

393 (b) "Facial covering" means a cloth or surgical face mask,  
394 a face shield, or any other facial covering that covers the  
395 mouth and nose.

396 (c) "Health care practitioner" has the same meaning as in  
397 s. 456.001.

398 (d) "Health care provider" means a provider as defined in  
399 s. 408.803; a service provider licensed or certified under s.  
400 393.17, part III of chapter 401, or part IV of chapter 468; a  
401 provider with an active health care clinic exemption under s.  
402 400.9935; an optical establishment permitted under s. 484.007; a  
403 massage establishment licensed under s. 480.043; a pharmacy as  
404 defined in s. 465.003; or an office registered under s. 458.328  
405 or s. 459.0138.

406 (e) "Office" means an office maintained for the practice of

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407 a health care practitioner's profession, as provided in his or  
408 her practice act.

409 (2) (a) By July 1, 2023, the agency and the department shall  
410 jointly develop standards for the appropriate use of facial  
411 coverings for infection control in health care settings.

412 (b) The agency and the department shall adopt emergency  
413 rules for the standards developed under paragraph (a). Emergency  
414 rules adopted under this section are exempt from s. 120.54(4) (c)  
415 and shall remain in effect until replaced by rules adopted under  
416 the nonemergency rulemaking procedures of the Administrative  
417 Procedure Act.

418 (c) The agency and the department shall publish the  
419 standards developed under paragraph (a) on their respective  
420 websites and provide a link for persons to report violations of  
421 the standards.

422 (3) By August 1, 2023, each health care practitioner who  
423 owns or operates an office and each health care provider shall  
424 establish facial covering policies and procedures for their  
425 respective health care settings, if such health care  
426 practitioner or health care provider requires any individual to  
427 wear a facial covering for any reason. Such policies and  
428 procedures must comply with the standards developed under  
429 subsection (2) and must be accessible from the home page of such  
430 health care practitioner's or health care provider's website or  
431 conspicuously displayed in the lobby of its health care service  
432 setting or settings.

433 (4) Effective August 1, 2023:

434 (a) Health care practitioners and health care providers may  
435 not require any person to wear a facial covering for any reason

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436 unless the requirement is in accordance with the standards  
437 developed under subsection (2) and the policies and procedures  
438 established under subsection (3).

439 (b) A health care practitioner or a health care provider in  
440 violation of paragraph (a) or subsection (3) is subject to  
441 disciplinary action by the agency or a board as defined in s.  
442 456.001, or the department if there is no board, as applicable.

443 Section 6. Section 456.62, Florida Statutes, is created to  
444 read:

445 456.62 Communication of COVID-19 treatment alternatives.—

446 (1) A health care practitioner treating a patient diagnosed  
447 with COVID-19 shall obtain the informed consent of the patient  
448 or the patient's legal representative before prescribing any  
449 medication for the treatment of COVID-19.

450 (2) To obtain informed consent, the health care  
451 practitioner must provide an explanation of alternative  
452 medications for the treatment of COVID-19 and the relative  
453 advantages, disadvantages, and risks associated with such  
454 alternative medications to the extent necessary to allow the  
455 patient or the patient's legal representative to make a prudent  
456 decision regarding treatment.

457 (3) In determining which alternative medications to present  
458 to a patient for purposes of obtaining informed consent, the  
459 health care practitioner must include any medications currently  
460 authorized or approved by the United States Food and Drug  
461 Administration for the treatment of COVID-19 and use his or her  
462 best clinical judgment to identify any alternative medications  
463 that could reasonably be expected to benefit the patient.

464 (4) In providing such information regarding alternative



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465 medications, the health care practitioner shall take into  
466 consideration the physical state of the patient and the  
467 patient's ability to understand the information.

468 (5) A health care practitioner treating a patient diagnosed  
469 with COVID-19 shall indicate on such patient's medical record  
470 the health care practitioner's compliance or noncompliance with  
471 this section.

472 (6) This section does not supersede any other provision of  
473 law regarding informed consent.

474 Section 7. Section 465.0266, Florida Statutes, is amended  
475 to read:

476 465.0266 Common database.—Nothing contained in this chapter  
477 may ~~shall~~ be construed to prohibit the dispensing by a  
478 pharmacist licensed in this state or another state of a  
479 prescription contained in a common database, and such dispensing  
480 does ~~shall~~ not constitute a transfer as defined in s.  
481 465.026(1)-(6), provided that the following conditions are met:

482 (1) All pharmacies involved in the transactions pursuant to  
483 which the prescription is dispensed are under common ownership  
484 and utilize a common database.

485 (2) All pharmacies involved in the transactions pursuant to  
486 which the prescription is dispensed and all pharmacists engaging  
487 in dispensing functions are properly licensed, permitted, or  
488 registered in this state or another state.

489 (3) The common database maintains a record of all  
490 pharmacists involved in the process of dispensing a  
491 prescription.

492 (4) The owner of the common database maintains a policy and  
493 procedures manual that governs its participating pharmacies,

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494 pharmacists, and pharmacy employees and that is available to the  
495 board or its agent upon request. The policy and procedures  
496 manual must ~~shall~~ include the following information:

497 (a) A best practices model detailing how each pharmacy and  
498 each pharmacist accessing the common database will comply with  
499 applicable federal and state laws, rules, and regulations.

500 (b) The procedure for maintaining appropriate records for  
501 regulatory oversight for tracking a prescription during each  
502 stage of the filling and dispensing process, identifying the  
503 pharmacists involved in filling and dispensing the prescription  
504 and counseling the patient, and responding to any requests for  
505 information made by the board under s. 465.0156.

506 (c) The policy and procedure for providing adequate  
507 security to protect the confidentiality and integrity of patient  
508 information.

509 (d) A quality assurance program designed to objectively and  
510 systematically monitor, evaluate, and improve the quality and  
511 appropriateness of patient care through the use of the common  
512 database.

513

514 Any pharmacist dispensing a prescription has at all times the  
515 right and obligation to exercise his or her independent  
516 professional judgment. Any pharmacist properly dispensing an  
517 alternative medication prescribed for the treatment of COVID-19  
518 is not subject to disciplinary action by the board or the  
519 department based solely on such dispensing. Notwithstanding  
520 ~~other provisions in~~ this section, a ~~no~~ pharmacist licensed in  
521 this state ~~participating in the~~ dispensing ~~of~~ a prescription  
522 pursuant to this section is not ~~shall be~~ responsible for the

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523 acts and omissions of another person participating in the  
524 dispensing process provided such person is not under the direct  
525 supervision and control of the pharmacist licensed in this  
526 state.

527 Section 8. Paragraph (n) of subsection (3) of section  
528 1002.20, Florida Statutes, is amended to read:

529 1002.20 K-12 student and parent rights.—Parents of public  
530 school students must receive accurate and timely information  
531 regarding their child's academic progress and must be informed  
532 of ways they can help their child to succeed in school. K-12  
533 students and their parents are afforded numerous statutory  
534 rights including, but not limited to, the following:

535 (3) HEALTH ISSUES.—

536 (n) *Face covering mandates and quarantine mandates in*  
537 *response to COVID-19.*—

538 1. A district school board, a district school  
539 superintendent, an elected or appointed local official, or any  
540 district school board employee may not:

541 a. Require a student to wear a face mask, a face shield, or  
542 any other facial covering that fits over the mouth or nose.  
543 However, a parent, at the parent's sole discretion, may allow  
544 his or her child to wear a face mask, a face shield, or any  
545 other facial covering that fits over the mouth or nose. This  
546 prohibition does not apply to safety equipment required as part  
547 of a course of study consistent with occupational or laboratory  
548 safety requirements.

549 b. Prohibit a student from attending school or school-  
550 sponsored activities, prohibit a student from being on school  
551 property, or subject a student to restrictions or disparate

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552 treatment, based on an exposure to COVID-19, so long as the  
553 student remains asymptomatic and has not received a positive  
554 test for COVID-19 as defined in s. 381.00319(1) ~~s. 381.00317(1)~~.

555  
556 A parent of a student, a student who is an emancipated minor, or  
557 a student who is 18 years of age or older may bring an action  
558 against the school district to obtain a declaratory judgment  
559 that an act or practice violates this subparagraph and to seek  
560 injunctive relief. A prevailing parent or student, as  
561 applicable, must be awarded reasonable attorney fees and court  
562 costs.

563 2. A district school board, a district school  
564 superintendent, an elected or appointed local official, or any  
565 school district employee may not prohibit an employee from  
566 returning to work or subject an employee to restrictions or  
567 disparate treatment based on an exposure to COVID-19 so long as  
568 the employee remains asymptomatic and has not received a  
569 positive test for COVID-19 as defined in s. 381.00319(1) ~~s.~~  
570 ~~381.00317(1)~~.

571 ~~3. This paragraph expires June 1, 2023.~~

572 Section 9. Sections 381.00316(2)(g) and 381.00319(1)(e),  
573 Florida Statutes, as created by this act, are repealed June 1,  
574 2025.

575 Section 10. Except as otherwise provided in this act, and  
576 except for this section, which shall take effect upon this act  
577 becoming a law, this act shall take effect June 1, 2023.