

1                                   A bill to be entitled  
 2           An act relating to employer immunity from civil  
 3           liability; amending s. 381.986, F.S.; providing  
 4           definitions; providing employers with immunity from  
 5           civil liability for adverse personnel actions taken  
 6           against an employee or job applicant under certain  
 7           circumstances; providing an effective date.

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

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 11           **Section 1. Subsections (16) and (17) of section 381.986,**  
 12 **Florida Statutes, are renumbered as subsections (17) and (18),**  
 13 **respectively, and a new subsection (16) is added to that**  
 14 **section, to read:**

15           381.986 Medical use of marijuana.—

16           (16) IMMUNITY FROM CIVIL LIABILITY.—

17           (a) For the purposes of this subsection, the term:

18           1. "Adverse personnel action" means the refusal to hire a  
 19 job applicant; the discharge, suspension, transfer, or demotion  
 20 of an employee; or the withholding of bonuses, the reduction in  
 21 salary or benefits, or any other adverse action taken against an  
 22 employee or job applicant within the terms and conditions of  
 23 employment held or offered.

24           2. "Confirmed drug test," "drug test," "employee  
 25 assistance program," "job applicant," and "reasonable suspicion

26 drug test" have the same meanings as in s. 112.0455(5).

27 (b) An employer who takes adverse personnel action against  
28 an employee or job applicant based on such person's possession  
29 or use of marijuana is immune from civil liability for such  
30 action if:

31 1. The possession or use of marijuana occurs on a  
32 workplace site;

33 2. The use of marijuana impairs an employee's ability to  
34 perform his or her employment duties or responsibilities; or

35 3. The employee or job applicant refuses to test or tests  
36 positive for marijuana with respect to any of the following  
37 types of drug tests, as long as the requirements of s. 112.0455  
38 or s. 440.102, as applicable, are met:

39 a. Job applicant testing, where an employer requires a job  
40 applicant to submit to a drug test and uses a refusal to submit  
41 to a drug test or a positive confirmed drug test as a basis for  
42 refusing to hire the job applicant.

43 b. Reasonable suspicion testing, where an employer  
44 requires an employee to submit to a reasonable suspicion drug  
45 test.

46 c. Followup testing, where the employee in the course of  
47 employment enters an employee assistance program for drug-  
48 related problems or an alcohol and drug rehabilitation program,  
49 and the employer requires the employee to submit to a drug test  
50 as a followup to such program.

51 |       **Section 2.** This act shall take effect July 1, 2026. |