

STEARNS WEAVER MILLER

Following adjournment of Florida's Special Legislative Session, the Governor [signed](#) four bills into law on November 18, 2021. The four recently passed bills are as follows:

[HB 1B](#) prohibits a private employer from imposing a COVID-19 vaccination mandate for any full-time, part-time, or contract employee without providing individual exemptions that allow an employee to opt out of such requirement on the basis of:

- Medical reasons, including, but not limited to, pregnancy or anticipated pregnancy;
- Religious reasons;
- COVID-19 immunity;
- Periodic testing; and
- Employer-provided personal protective equipment.

The bill also prohibits an employer from imposing a policy that prohibits an employee from choosing to receive a COVID-19 vaccination. Further, the bill prohibits, notwithstanding any other law to the contrary, an educational institution or a governmental entity from imposing a COVID-19 vaccination mandate for any full-time, part-time, or contract employee and prohibits educational institutions or any elected or appointed official from imposing a COVID-19 vaccination mandate for any student.

Employers that violate these health protections can be fined with the new law (\$10,000 per violation for employers with 99 employees or less, and \$50,000 per violation for larger companies).

- [HB 3B](#) creates a public records exemption for an employee's personal medical information and religious information contained in files created during an investigation of an employer who is alleged to violate state law regarding COVID-19 vaccination policies or practices.
- [HB 5B](#) directs the Executive Office of the Governor (EOG) to develop a proposal for a state plan to assert jurisdiction over Florida's occupational safety and health issues for government and private employees. This bill provides a \$1 million appropriation to the Governor's Office of Policy (OPB) to study occupational safety and health issues.
- [HB 7B](#) repeals the authority of the State Health Officer (State Surgeon General) to mandate vaccinations upon the declaration of a public emergency.
- In addition, several emergency rules were adopted to implement the four bills that passed.
 - The Department of Health (DOH) adopted two emergency rules. [64DER21-17](#) provides the standards, circumstances, and forms sufficient for employees to claim exemption from a private employer COVID-19 vaccination mandate. [64ER21-18](#) establishes the procedure for imposing penalties against any governmental entity or educational institution for the violation of the new COVID-19 vaccination policies or practices.

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- The Department of Legal Affairs (Office of the Attorney General) adopted [2ER21-1](#), which establishes the procedure for private employer vaccination mandate complaints.