



SPECIAL SESSION UPDATE



FROM NOVEMBER 16, 2021

Welcome back for the Special Session! This week, legislators in both chambers have convened to discuss legislation relating to COVID-19 mandates, vaccination policies and the Florida Occupational Safety and Health State Plan. Please keep reading for a recap of this legislation.

HB 1B & SB 2B – COVID-19 Mandates

On Tuesday, November 16, [HB 1B](#) by Representative Erin Grall (R-Vero Beach) was read on the House floor and was rolled to third reading.

Also on Tuesday, [SB 2B](#) by Senator Danny Burgess (R-Zephyrhills) was heard by the Senate Appropriations Committee and was reported favorable. **AIF did not weigh in on this legislation.**

This legislation:

- Prohibits private employers from mandating COVID-19 vaccination without providing employees the ability to opt out of the mandate.
- Requires private employers that choose to impose a COVID-19 vaccination mandate to authorize all the following exemptions: medical, which includes pregnancy or anticipated pregnancy; religious; COVID-19 immunity; periodic testing; or use of employer-provided personal protective equipment.
 - These exemptions must be submitted to the employer on forms adopted by the Department of Health (DOH) or substantially similar forms.
- Authorizes the Attorney General to receive and investigate complaints and impose administrative fines of up to \$50,000 per violation, if an employee was terminated for refusing vaccination and the employer failed to follow the exemption procedures.
- Prohibits public educational institutions and governmental entities from requiring COVID-19 vaccination as a condition of employment and authorizes the DOH to impose a fine not to exceed \$5,000 per violation.
- Specifies that employees improperly terminated on the basis of COVID-19 vaccination mandates may be eligible for reemployment benefits and establishes that reemployment benefits may not be denied or discontinued based on a new job offer that would require COVID-19 vaccination.
- Prohibits educational institutions and elected or appointed local officials from mandating COVID-19 vaccination for students, allows parents and students to bring an action against

educational institutions for declaratory and injunctive relief, and requires courts to award attorney fees and court costs to prevailing parents and students.

- Prohibits school boards and local officials from requiring students to wear a face mask, face shield, or other face covering without providing for parental exemption from such requirements and limits the quarantining of asymptomatic students and teachers for exposure to COVID-19.
- Appropriates \$5 million from the General Revenue Fund for the Department of Legal Affairs to investigate complaints and to take legal action to stop the enforcement of vaccination mandates imposed by the federal government.
- Sunsets the above provisions on June 1, 2023.

HB 1B will now be read a third time on the House floor and will receive votes.

SB 2B will now go to the Senate floor for consideration.

HB 3B & SB 4B – Public Records/Employer COVID-19 Vaccination Policies

On Tuesday, November 16, [HB 3B](#) by Representative Erin Grall (R-Vero Beach) was read on the House floor and was rolled to third reading.

Also on Tuesday, [SB 4B](#) by Senator Danny Burgess (R-Zephyrhills) was heard by the Senate Appropriations Committee and was reported favorable. **AIF did not weigh in on this legislation.**

This legislation prohibits a private employer from imposing a COVID-19 vaccination mandate for any employee without providing certain exemptions that allow an employee to opt out of such mandate. It allows an employee to file a complaint with Dept. of Legal Affairs (DLA) alleging that an exemption was not offered or was improperly applied or denied and authorizes DLA to investigate such complaint. In addition, this allows a terminated employee to file a complaint with DLA alleging that an exemption was not offered or was improperly applied or denied, resulting in the employee's termination, which DLA must investigate. This bill creates a public record exemption for an employee complaint alleging a private employer's violation of state law regarding employer COVID-19 vaccination policies or practices, and all information relating to an investigation of such complaint, held by DLA until the investigation is completed or ceases to be active. After an investigation is completed or ceases to be active, information relating to the investigation remains confidential and exempt from public records requirements if disclosure of that information would jeopardize the integrity of another active investigation, reveal medical information about an employee, or reveal information regarding an employee's religious beliefs.

HB 3B will now be read a third time on the House floor and will receive votes.

SB 4B will now go to the Senate floor for consideration.

HB 5B & SB 6B – Florida Occupational Safety and Health State Plan

On Tuesday, November 16, [HB 5B](#) by Representative Ardian Zika (R-Land O'Lakes) was read on the House floor and was rolled to third reading.

Also on Tuesday, [SB 6B](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Appropriations Committee and was reported favorable. **AIF did not weigh in on this legislation.**

This legislation provides legislative intent to establish a Florida Occupational Safety and Health State Plan. Currently, the federal Occupational Safety and Health Administration (OSHA) has jurisdiction over health and safety regulations for most private sector employers in this state. OSHA's authority includes a variety of administrative regulations such as overtime requirements for employees, as well as workplace safety requirements such as respiratory protection at certain construction sites. Federal law allows for a state to assert its own regulatory state plan in lieu of the standard OSHA regulations so long as the state plan is at least as effective as OSHA and applies to public sector employees. There are 27 states plus the U.S. Virgin Islands that operate an OSHA-approved plan of some form.

This legislation directs the Executive Office of the Governor to develop a proposal for a state plan and requires the office to submit a status report of its efforts to the President of the Senate and the Speaker of the House of Representatives by January 17, 2022.

This legislation appropriates \$1 million to the Executive Office of the Governor from the General Revenue Fund to implement the bill.

HB 5B will now be read a third time on the House floor and will receive votes.

SB 6B will now go to the Senate floor for consideration.