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**Florida Academy of Family Physicians
2022 Legislative Session
Interim Capital Update – Week #5 Special Session
November 18, 2021**

Lawmakers returned to Tallahassee on Monday, November 15th for a special session called by Governor Ron DeSantis in response to the Biden Administration's recent vaccine and testing mandate. Legislators were originally scheduled to continue interim committee meetings in preparation for the January 11th start of the 2022 Session. Instead, the House and Senate approved four bills, summarized below, to address concerns over the actions recently taken by the Biden Administration.

The vote on the bills, both in committee and on the floor, were mostly split down party lines with Republicans voting in favor of the measures and Democrats voting against. Following passage, the bills were sent to the Governor who promptly signed them into law on Thursday, November 18th. They took effect immediately which sets the stage for a potential legal battle between the state and federal government. Earlier this month, a federal appeals court in New Orleans stayed the mandates for private employers.

COVID-19 Mandates | [HB 1B](#) by Rep. Erin Grall (R-Vero Beach) prohibits private employers from mandating COVID-19 vaccinations without providing employees the ability to opt out of the mandate. Private employers imposing a vaccine mandate must authorize exemptions for the following reasons: medical reasons, including pregnancy or anticipated pregnancy, religious, COVID-19 immunity, and periodic testing, or use of employer-provided personal protective equipment.

Florida's Attorney General is authorized to impose administrative fines up to \$50,000 per violation, if an employee is terminated for refusing a vaccination and the employer did not follow the exemption procedures. Employees improperly terminated may be eligible for reemployment benefits.

Further, educational institutions and local governments are prohibited from mandating a vaccine as a condition of employment and the Department of Health (DOH) may impose a fine up to \$5,000 per violation. Parents may bring an action against schools for declaratory and injunctive relief and courts must award attorney fees to the prevailing party. School boards are prohibited from requiring students to wear a face covering without providing an opt-out by parents. Lastly, quarantining of asymptomatic students and teachers is limited.

The provisions in the bill sunset on June 1, 2023.

Employer COVID-19 Vaccination Policies/Public Records Exemption | [HB 3B](#) by Rep. Ralph Massullo (R-Lecanto) makes an employee complaint that a private employer violated Florida law regarding vaccinations confidential and exempt from [Florida's Public Records](#)

[Law](#). The public records exemption will expire on October 2, 2023.

Florida Occupational Safety and Health State Plan | [HB 5B](#) by Rep. Ardian Zika (R-Land O’Lakes) directs the Governor’s Office to develop a proposal for a state plan with jurisdiction over occupation safety and health issues for government and private employees. A status report must be submitted to the Senate President and House Speaker by January 17, 2022. Further, the plan must be developed in conjunction with the DOH, the Department of Financial Services (DFS), and the Department of Business and Professional Regulation (DBPR).

Vaccinations During Public Health Emergencies | [HB 7B](#) by Rep. Alex Andrade (R-Pensacola) repeals the authority of the Florida Surgeon General to order an individual to be vaccinated for communicable diseases that present a severe danger to public health during a public health emergency.

Upon finishing the work of the special session, legislators departed Tallahassee, eager to begin a long Thanksgiving break. They will return to the Capitol on Monday, November 29th for the final round of interim committee meetings. The 60-day 2022 Session is scheduled to commence on Tuesday, January 11th and end on Friday, March 11th.