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1
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.

189 (d) A licensed facility as defined in s. 395.002 may not
190 discriminate in providing health care to a patient based solely
191 on that patient's vaccination status with a COVID-19 vaccine
192 ~~This subsection does not otherwise restrict businesses from~~
193 ~~instituting screening protocols consistent with authoritative or~~
194 ~~controlling government-issued guidance to protect public health.~~

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

203 (b) A governmental entity may not discharge or refuse to

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204 hire a person; deprive or attempt to deprive a person of
205 employment opportunities; adversely affect a person's status as
206 an employee; or otherwise discriminate against a person based on
207 the knowledge or belief of the person's status relating to
208 vaccination with any vaccine defined under subsection (2) or a
209 person's failure to take a COVID-19 test.

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

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

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

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

227 2. A business entity or governmental entity when a face
228 mask, a face shield, or any other facial covering that covers
229 the mouth and nose is required safety equipment consistent with
230 occupational or laboratory safety requirements, in accordance
231 with standards adopted by the Department of Health. The
232 Department of Health shall adopt emergency rules to develop such

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233 standards. Emergency rules adopted under this subparagraph are
234 exempt from s. 120.54(4)(c) and shall remain in effect until
235 replaced by rules adopted under the nonemergency rulemaking
236 procedures of the Administrative Procedure Act ~~This subsection~~
237 ~~does not otherwise restrict governmental entities from~~
238 ~~instituting screening protocols consistent with authoritative or~~
239 ~~controlling government-issued guidance to protect public health.~~

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

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

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

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

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

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

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

275 (9)~~(6)~~ The department may adopt rules pursuant to ss.
276 120.536 and 120.54 to implement this section.

277 Section 2. Section 381.00319, Florida Statutes, is amended
278 to read:

279 381.00319 Prohibition on mask mandates and COVID-19
280 vaccination and testing mandates for educational institutions
281 students.—

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

283 (a) "COVID-19" has the same meaning as in s. 381.00316
284 ~~381.00317(1)~~.

285 (b) "COVID-19 vaccine" has the same meaning as in s.
286 381.00316.

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

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

293 (e) "Messenger ribonucleic acid vaccine" has the same
294 meaning as in s. 381.00316.

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

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

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

317 (c) For matters relating to vaccines other than those
318 defined under subsection (1), an educational institution shall
319 provide for exemptions and reasonable accommodations for

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320 religious and medical reasons in accordance with federal law.

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

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

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

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

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

347 (b) For the purpose of conducting an investigation or a
348 proceeding, the Department of Health may administer oaths, take

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349 depositions, make inspections when authorized by law, issue
350 subpoenas supported by affidavit, serve subpoenas and other
351 process, and compel the attendance of witnesses and the
352 production of books, papers, documents, and other evidence.
353 Challenges to and enforcement of subpoenas or orders shall be in
354 accordance with s. 120.569.

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

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

360 (6) The Department of Health may adopt rules to implement
361 this section.

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

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

370 Section 3. Section 381.00321, Florida Statutes, is created
371 to read:

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

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378 252.36.

379 Section 4. Section 395.1057, Florida Statutes, is created
380 to read:

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

390 Section 5. Effective upon this act becoming a law, section
391 408.824, Florida Statutes, is created to read:

392 408.824 Facial covering requirements for health care
393 practitioners and health care providers.—

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

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

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

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

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

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407 defined in s. 465.003; or an office registered under s. 458.328
408 or s. 459.0138.

409 (e) "Office" means an office maintained for the practice of
410 a health care practitioner's profession, as provided in his or
411 her practice act.

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

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

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

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

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436 (4) Effective August 1, 2023:

437 (a) Health care practitioners and health care providers may
438 not require any person to wear a facial covering for any reason
439 unless the requirement is in accordance with the standards
440 developed under subsection (2) and the policies and procedures
441 established under subsection (3).

442 (b) A health care practitioner or a health care provider in
443 violation of paragraph (a) or subsection (3) is subject to
444 disciplinary action by the agency or a board as defined in s.
445 456.001, or the department if there is no board, as applicable.

446 Section 6. Section 456.62, Florida Statutes, is created to
447 read:

448 456.62 Communication of COVID-19 treatment alternatives.—

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

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

460 (3) In determining which alternative medications to present
461 to a patient for purposes of obtaining informed consent, the
462 health care practitioner must include any medications currently
463 authorized or approved by the United States Food and Drug
464 Administration for the treatment of COVID-19 and use his or her

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465 best clinical judgment to identify any alternative medications
466 that could reasonably be expected to benefit the patient.

467 (4) In providing such information regarding alternative
468 medications, the health care practitioner shall take into
469 consideration the physical state of the patient and the
470 patient's ability to understand the information.

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

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

477 Section 7. Section 465.0266, Florida Statutes, is amended
478 to read:

479 465.0266 Common database.—Nothing contained in this chapter
480 may shall be construed to prohibit the dispensing by a
481 pharmacist licensed in this state or another state of a
482 prescription contained in a common database, and such dispensing
483 does shall not constitute a transfer as defined in s.

484 465.026(1)-(6), provided that the following conditions are met:

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

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

492 (3) The common database maintains a record of all
493 pharmacists involved in the process of dispensing a

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494 prescription.

495 (4) The owner of the common database maintains a policy and
496 procedures manual that governs its participating pharmacies,
497 pharmacists, and pharmacy employees and that is available to the
498 board or its agent upon request. The policy and procedures
499 manual must ~~shall~~ include the following information:

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

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

509 (c) The policy and procedure for providing adequate
510 security to protect the confidentiality and integrity of patient
511 information.

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

516
517 Any pharmacist dispensing a prescription has at all times the
518 right and obligation to exercise his or her independent
519 professional judgment. Any pharmacist properly dispensing an
520 alternative medication prescribed for the treatment of COVID-19
521 is not subject to disciplinary action by the board or the
522 department based solely on such dispensing. Notwithstanding

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523 ~~other provisions in~~ this section, a ~~no~~ pharmacist licensed in
524 this state ~~participating in the~~ dispensing ~~of~~ a prescription
525 pursuant to this section is not ~~shall be~~ responsible for the
526 acts and omissions of another person participating in the
527 dispensing process provided such person is not under the direct
528 supervision and control of the pharmacist licensed in this
529 state.

530 Section 8. Paragraph (n) of subsection (3) of section
531 1002.20, Florida Statutes, is amended to read:

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

538 (3) HEALTH ISSUES.—

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

541 1. A district school board, a district school
542 superintendent, an elected or appointed local official, or any
543 district school board employee may not:

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

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552 b. Prohibit a student from attending school or school-
553 sponsored activities, prohibit a student from being on school
554 property, or subject a student to restrictions or disparate
555 treatment, based on an exposure to COVID-19, so long as the
556 student remains asymptomatic and has not received a positive
557 test for COVID-19 as defined in s. 381.00319(1) ~~s. 381.00317(1)~~.

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

566 2. A district school board, a district school
567 superintendent, an elected or appointed local official, or any
568 school district employee may not prohibit an employee from
569 returning to work or subject an employee to restrictions or
570 disparate treatment based on an exposure to COVID-19 so long as
571 the employee remains asymptomatic and has not received a
572 positive test for COVID-19 as defined in s. 381.00319(1) ~~s.~~
573 ~~381.00317(1)~~.

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

575 Section 9. Sections 381.00316(2)(g) and 381.00319(1)(e),
576 Florida Statutes, as created by this act, are repealed June 1,
577 2025.

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