

26 requiring the Department of Health to adopt certain
 27 emergency rules; providing administrative penalties;
 28 authorizing the Department of Legal Affairs to take
 29 specified actions for purposes of conducting
 30 investigations or proceedings; requiring that
 31 collected fines be deposited in the General Revenue
 32 Fund; providing construction; providing that certain
 33 terminated employees are eligible for reemployment
 34 assistance; amending s. 381.00319, F.S.; revising and
 35 defining terms; revising provisions related to the
 36 prohibition on COVID-19-related mandates by
 37 educational institutions; prohibiting educational
 38 institutions from imposing certain vaccine mandates on
 39 any person; prohibiting educational institutions from
 40 requiring a person to provide certain documentation or
 41 requiring a COVID-19 test to gain admission to, access
 42 to, entry upon, or service from such institutions or
 43 otherwise discriminating against any person based on
 44 such person's vaccination or COVID-19 postinfection
 45 recovery status or failure to take a COVID-19 test;
 46 requiring educational institutions to provide
 47 exemptions and reasonable accommodations for religious
 48 and medical reasons; prohibiting educational
 49 institutions from requiring persons to wear face
 50 coverings, from denying persons access to, entry upon,

51 services from, or admission to such institutions, or
 52 from otherwise discriminating against persons based on
 53 their refusal to wear a facial covering; providing
 54 exceptions; requiring the Department of Health to
 55 adopt certain emergency rules; providing
 56 administrative penalties; authorizing the department
 57 to take specified actions for purposes of conducting
 58 investigations or proceedings; requiring that
 59 collected fines be deposited in the General Revenue
 60 Fund; providing construction; authorizing the
 61 department to adopt rules; creating s. 381.00321,
 62 F.S.; prohibiting governmental entities and
 63 educational institutions from adopting, implementing,
 64 or enforcing certain public health policies or
 65 guidelines unless authorized by state law, rule, or
 66 executive order; creating s. 395.1057, F.S.;

67 prohibiting hospitals from interfering with patients'
 68 right to choose COVID-19 treatment alternatives if
 69 certain conditions are met; providing for disciplinary
 70 action; creating s. 408.824, F.S.; defining terms;
 71 requiring the Agency for Health Care Administration
 72 and the Department of Health to jointly develop
 73 standards for the appropriate use of facial coverings
 74 in health care settings by a specified date; requiring
 75 the agency and the department to adopt emergency rules

76 | to develop such standards; requiring the agency and
 77 | the department to post such standards on their
 78 | respective websites and provide a link for reporting
 79 | related violations; requiring certain health care
 80 | practitioners and all health care providers to
 81 | establish facial covering policies and procedures by a
 82 | specified date; providing requirements for such
 83 | policies and procedures; requiring such health care
 84 | practitioners and health care providers to make their
 85 | policies and procedures easily accessible on their
 86 | respective websites; beginning on a specified date,
 87 | prohibiting health care practitioners and health care
 88 | providers from requiring persons to wear a facial
 89 | covering for any reason unless the requirement is in
 90 | accordance with specified policies and procedures;
 91 | providing for disciplinary action; creating s. 456.62,
 92 | F.S.; requiring health care practitioners treating
 93 | patients diagnosed with COVID-19 to obtain patients'
 94 | informed consent before prescribing any medications
 95 | for treatment of COVID-19; providing a requirement for
 96 | obtaining such informed consent; requiring health care
 97 | practitioners to include certain information and use
 98 | their best clinical judgment when making certain
 99 | determinations related to alternative medications for
 100 | treatment of COVID-19; requiring health care

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101 practitioners to indicate certain information in their
 102 patients' medical records; providing construction;
 103 amending s. 465.0266, F.S.; exempting certain
 104 pharmacists from disciplinary action under certain
 105 circumstances; amending s. 1002.20, F.S.; conforming
 106 provisions to changes made by the act; abrogating the
 107 future repeal of specified provisions; providing for
 108 the future repeal of specified provisions; providing
 109 effective dates.

110

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

112

113 Section 1. Section 381.00316, Florida Statutes, is amended
 114 to read:

115 381.00316 Discrimination by governmental and business
 116 entities based on health care choices; prohibition ~~COVID-19~~
 117 ~~vaccine documentation.~~-

118 (1)(a) It is the intent of the Legislature that Floridians
 119 be free from mandated facial coverings, mandates of any kind
 120 relating to vaccines as provided in this section, and
 121 discrimination based on such vaccination status.

122 (b) The Legislature finds that society is harmed by
 123 discrimination based on vaccination status as provided in this
 124 section when healthy persons are prevented from participating in
 125 society and accessing employment opportunities. The Legislature

126 further finds that remedies to prevent such discrimination are
 127 in the best interest of this state.

128 (2) As used in this section, the term:

129 (a) "Business entity" has the same meaning as in s.
 130 606.03. The term also includes a charitable organization as
 131 defined in s. 496.404, a corporation not for profit as defined
 132 in s. 617.01401, or any other business operating in this state.

133 (b) "COVID-19" means the novel coronavirus identified as
 134 SARS-CoV-2; any disease caused by SARS-CoV-2, its viral
 135 fragments, or a virus mutating therefrom; and all conditions
 136 associated with the disease which are caused by SARS-CoV-2, its
 137 viral fragments, or a virus mutating therefrom.

138 (c) "COVID-19 vaccine" means a preparation designed to
 139 stimulate the human body's immune response against COVID-19.

140 (d) "Department" means the Department of Legal Affairs.

141 (e) "Emergency use authorization vaccine" means any
 142 vaccine that is authorized for emergency use under 21 U.S.C.
 143 360bbb-3(a)(1) and qualifies as an unapproved product under 21
 144 U.S.C. 360bbb-3(a)(2)(A).

145 (f) "Governmental entity" means the state or any political
 146 subdivision thereof, including the executive, legislative, and
 147 judicial branches of government; the independent establishments
 148 of the state, counties, municipalities, districts, authorities,
 149 boards, or commissions; or any agencies that are subject to
 150 chapter 286. The term does not include an educational

151 institution as defined in s. 381.00319.

152 (g) "Messenger ribonucleic acid vaccine" means any vaccine
 153 that uses laboratory-produced messenger ribonucleic acid to
 154 trigger the human body's immune system to generate an immune
 155 response.

156 (3)(a)~~(1)~~ A business entity, ~~as defined in s. 768.38 to~~
 157 include any business operating in this state, may not require
 158 any person ~~patrons or customers~~ to provide any documentation
 159 certifying ~~COVID-19~~ vaccination with any vaccine defined under
 160 subsection (2) or postinfection recovery from COVID-19, or
 161 require a COVID-19 test, to gain access to, entry upon, or
 162 service from the business operations in this state or as a
 163 condition of contracting, hiring, promotion, or continued
 164 employment with the business entity.

165 (b) A business entity may not discharge or refuse to hire
 166 a person; deprive or attempt to deprive a person of employment
 167 opportunities; adversely affect a person's status as an employee
 168 or as an applicant for employment; or otherwise discriminate
 169 against a person based on knowledge or belief of the person's
 170 status relating to vaccination with any vaccine defined under
 171 subsection (2) or COVID-19 postinfection recovery, or a person's
 172 failure to take a COVID-19 test.

173 (c) For matters relating to vaccines other than those
 174 defined under subsection (2), a business entity shall provide
 175 for exemptions and reasonable accommodations for religious and

176 medical reasons in accordance with federal law ~~This subsection~~
 177 ~~does not otherwise restrict businesses from instituting~~
 178 ~~screening protocols consistent with authoritative or controlling~~
 179 ~~government-issued guidance to protect public health.~~

180 (4) (a) (2) A governmental entity as defined in s. 768.38
 181 may not require any person persons to provide any documentation
 182 certifying COVID-19 vaccination with any vaccine defined under
 183 subsection (2) or postinfection recovery from COVID-19, or
 184 require a COVID-19 test, to gain access to, entry upon, or
 185 service from the governmental entity's operations in this state
 186 or as a condition of contracting, hiring, promotion, or
 187 continued employment with the governmental entity.

188 (b) A governmental entity may not discharge or refuse to
 189 hire a person; deprive or attempt to deprive a person of
 190 employment opportunities; adversely affect a person's status as
 191 an employee; or otherwise discriminate against a person based on
 192 the knowledge or belief of the person's status relating to
 193 vaccination with any vaccine defined under subsection (2) or a
 194 person's failure to take a COVID-19 test.

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

199 (5) (a) A business entity or governmental entity may not
 200 require a person to wear a face mask, a face shield, or any

201 other facial covering that covers the mouth and nose. A business
 202 entity or governmental entity may not deny any person access to,
 203 entry upon, service from, or admission to such entity or
 204 otherwise discriminate against a person based on such person's
 205 refusal to wear a face mask, a face shield, or any other facial
 206 covering that covers the mouth and nose.

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

208 1. A health care provider or health care practitioner as
 209 those terms are defined in s. 408.824, provided that such health
 210 care provider or health care practitioner is in compliance with
 211 that section.

212 2. A business entity or governmental entity when a face
 213 mask, a face shield, or any other facial covering that covers
 214 the mouth and nose is required safety equipment consistent with
 215 occupational or laboratory safety requirements, in accordance
 216 with standards adopted by the Department of Health. The
 217 Department of Health shall adopt emergency rules to develop such
 218 standards. Emergency rules adopted under this subparagraph are
 219 exempt from s. 120.54(4)(c) and shall remain in effect until
 220 replaced by rules adopted under the nonemergency rulemaking
 221 procedures of the Administrative Procedure Act ~~This subsection~~
 222 ~~does not otherwise restrict governmental entities from~~
 223 ~~instituting screening protocols consistent with authoritative or~~
 224 ~~controlling government-issued guidance to protect public health.~~

225 ~~(3) An educational institution as defined in s. 768.38 may~~

226 ~~not require students or residents to provide any documentation~~
 227 ~~certifying COVID-19 vaccination or postinfection recovery for~~
 228 ~~attendance or enrollment, or to gain access to, entry upon, or~~
 229 ~~service from such educational institution in this state. This~~
 230 ~~subsection does not otherwise restrict educational institutions~~
 231 ~~from instituting screening protocols consistent with~~
 232 ~~authoritative or controlling government-issued guidance to~~
 233 ~~protect public health.~~

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

237 (b) For purposes of conducting an investigation or a
 238 proceeding, the department may administer oaths, take
 239 depositions, make inspections when authorized by law, issue
 240 subpoenas supported by affidavit, serve subpoenas and other
 241 process, and compel the attendance of witnesses and the
 242 production of books, papers, documents, and other evidence.
 243 Challenges to and enforcement of subpoenas or orders shall be in
 244 accordance with s. 120.569.

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

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

250 (8) If a governmental entity fails to comply with

251 subsection (4), an employee terminated based on such
 252 noncompliance may be eligible for reemployment assistance under
 253 chapter 443 in addition to any other remedy available to the
 254 employee for a violation of this section.

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

260 (9)~~(6)~~ The department may adopt rules pursuant to ss.
 261 120.536 and 120.54 to implement this section.

262 Section 2. Section 381.00319, Florida Statutes, is amended
 263 to read:

264 381.00319 Prohibition on mask mandates and COVID-19
 265 vaccination and testing mandates for educational institutions
 266 ~~students.~~

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

268 (a) "COVID-19" has the same meaning as in s. 381.00316
 269 ~~381.00317(1).~~

270 (b) "COVID-19 vaccine" has the same meaning as in s.
 271 381.00316.

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

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

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

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

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

286 (b) An educational institution may not require any person
 287 to provide any documentation certifying vaccination with any
 288 vaccine defined under subsection (1) or postinfection recovery
 289 from COVID-19, or require a COVID-19 test, to gain admission or
 290 access to, entry upon, or service from the educational
 291 institution in this state or as a condition of contracting,
 292 hiring, promotion, or continued employment with the educational
 293 institution. An educational institution may not discharge or
 294 refuse to hire a person; deprive or attempt to deprive a person
 295 of employment opportunities; adversely affect a person's status
 296 as an employee or as an applicant for employment; or otherwise
 297 discriminate against a person based on knowledge or belief of
 298 the person's status relating to vaccination with any vaccine
 299 defined under subsection (1) or COVID-19 postinfection recovery,
 300 or a person's failure to take a COVID-19 test.

301 (c) For matters relating to vaccines other than those
 302 defined under subsection (1), an educational institution shall
 303 provide for exemptions and reasonable accommodations for
 304 religious and medical reasons in accordance with federal law.

305 (3)(a) An educational institution may not require a person
 306 to wear a face mask, a face shield, or any other facial covering
 307 that covers the mouth and nose. An educational institution may
 308 not deny any person access to, entry upon, service from, or
 309 admission to such educational institution or otherwise
 310 discriminate against a person based on such person's refusal to
 311 wear a face mask, a face shield, or any other facial covering
 312 that covers the mouth and nose.

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

314 1. A health care provider or health care practitioner as
 315 those terms are defined in s. 408.824, provided such health care
 316 provider or health care practitioner is in compliance with that
 317 section.

318 2. An educational institution when a face mask, a face
 319 shield, or any other facial covering that covers the mouth and
 320 nose is used as required safety equipment in a course of study
 321 consistent with occupational or laboratory safety requirements,
 322 in accordance with standards adopted by the Department of
 323 Health. The Department of Health shall adopt emergency rules to
 324 develop such standards. Emergency rules adopted under this
 325 subparagraph are exempt from s. 120.54(4)(c) and shall remain in

326 effect until replaced by rules adopted under the nonemergency
 327 rulemaking procedures of the Administrative Procedure Act.

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

331 (b) For the purpose of conducting an investigation or a
 332 proceeding, the Department of Health may administer oaths, take
 333 depositions, make inspections when authorized by law, issue
 334 subpoenas supported by affidavit, serve subpoenas and other
 335 process, and compel the attendance of witnesses and the
 336 production of books, papers, documents, and other evidence.
 337 Challenges to and enforcement of subpoenas or orders shall be in
 338 accordance with s. 120.569.

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

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

344 (6) The Department of Health may adopt rules to implement
 345 this section.

346 ~~(3) A parent of a student, a student who is an emancipated~~
 347 ~~minor, or a student who is 18 years of age or older may bring an~~
 348 ~~action against the educational institution to obtain a~~
 349 ~~declaratory judgment that an act or practice violates this~~
 350 ~~section and to seek injunctive relief. A prevailing parent or~~

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351 ~~student, as applicable, must be awarded reasonable attorney fees~~
 352 ~~and court costs.~~

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

354 Section 3. Section 381.00321, Florida Statutes, is created
 355 to read:

356 381.00321 International health organization policies.—A
 357 governmental entity as defined in s. 381.00316 or an educational
 358 institution as defined in s. 381.00319 may not adopt, implement,
 359 or enforce an international health organization's public health
 360 policies or guidelines unless authorized to do so under state
 361 law, rule, or executive order issued by the Governor under s.
 362 252.36.

363 Section 4. Section 395.1057, Florida Statutes, is created
 364 to read:

365 395.1057 Patients' right to choose COVID-19 treatment
 366 alternatives.—A hospital may not interfere with a patient's
 367 right to choose COVID-19 treatment alternatives as recommended
 368 by a health care practitioner with privileges at the hospital if
 369 the health care practitioner has obtained informed consent from
 370 the patient in accordance with s. 456.62. Any hospital that
 371 violates this section by preventing a health care practitioner
 372 from exercising his or her sound judgment is subject to agency
 373 disciplinary action under s. 395.1065(2).

374 Section 5. Effective upon this act becoming a law, section
 375 408.824, Florida Statutes, is created to read:

376 408.824 Facial covering requirements for health care
 377 practitioners and health care providers.-

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

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

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

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

385 (d) "Health care provider" means a provider as defined in
 386 s. 408.803; a service provider licensed or certified under s.
 387 393.17, part III of chapter 401, or part IV of chapter 468; a
 388 provider with an active health care clinic exemption under s.
 389 400.9935; an optical establishment permitted under s. 484.007; a
 390 massage establishment licensed under s. 480.043; a pharmacy as
 391 defined in s. 465.003; or an office registered under s. 458.328
 392 or s. 459.0138.

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

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

399 (b) The agency and the department shall adopt emergency
 400 rules for the standards developed under paragraph (a). Emergency

401 rules adopted under this section are exempt from s. 120.54(4)(c)
 402 and shall remain in effect until replaced by rules adopted under
 403 the nonemergency rulemaking procedures of the Administrative
 404 Procedure Act.

405 (c) The agency and the department shall publish the
 406 standards developed under paragraph (a) on their respective
 407 websites and provide a link for persons to report violations of
 408 the standards.

409 (3) By August 1, 2023, each health care practitioner who
 410 owns or operates an office and each health care provider shall
 411 establish facial covering policies and procedures for their
 412 respective health care settings, if such health care
 413 practitioner or health care provider requires any individual to
 414 wear a facial covering for any reason. Such policies and
 415 procedures must comply with the standards developed under
 416 subsection (2) and must be accessible from the home page of such
 417 health care practitioner's or health care provider's website or
 418 conspicuously displayed in the lobby of its health care service
 419 setting or settings.

420 (4) Effective August 1, 2023:

421 (a) Health care practitioners and health care providers
 422 may not require any person to wear a facial covering for any
 423 reason unless the requirement is in accordance with the
 424 standards developed under subsection (2) and the policies and
 425 procedures established under subsection (3).

426 (b) A health care practitioner or a health care provider
 427 in violation of paragraph (a) or subsection (3) is subject to
 428 disciplinary action by the agency or a board as defined in s.
 429 456.001, or the department if there is no board, as applicable.

430 Section 6. Section 456.62, Florida Statutes, is created to
 431 read:

432 456.62 Communication of COVID-19 treatment alternatives.—

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

437 (2) To obtain informed consent, the health care
 438 practitioner must provide an explanation of alternative
 439 medications for the treatment of COVID-19 and the relative
 440 advantages, disadvantages, and risks associated with such
 441 alternative medications to the extent necessary to allow the
 442 patient or the patient's legal representative to make a prudent
 443 decision regarding treatment.

444 (3) In determining which alternative medications to
 445 present to a patient for purposes of obtaining informed consent,
 446 the health care practitioner must include any medications
 447 currently authorized or approved by the United States Food and
 448 Drug Administration for the treatment of COVID-19 and use his or
 449 her best clinical judgment to identify any alternative
 450 medications that could reasonably be expected to benefit the

451 patient.

452 (4) In providing such information regarding alternative
 453 medications, the health care practitioner shall take into
 454 consideration the physical state of the patient and the
 455 patient's ability to understand the information.

456 (5) A health care practitioner treating a patient
 457 diagnosed with COVID-19 shall indicate on such patient's medical
 458 record the health care practitioner's compliance or
 459 noncompliance with this section.

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

462 Section 7. Section 465.0266, Florida Statutes, is amended
 463 to read:

464 465.0266 Common database.—Nothing contained in this
 465 chapter may ~~shall~~ be construed to prohibit the dispensing by a
 466 pharmacist licensed in this state or another state of a
 467 prescription contained in a common database, and such dispensing
 468 does ~~shall~~ not constitute a transfer as defined in s.

469 465.026(1)-(6), provided that the following conditions are met:

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

473 (2) All pharmacies involved in the transactions pursuant
 474 to which the prescription is dispensed and all pharmacists
 475 engaging in dispensing functions are properly licensed,

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476 | permitted, or registered in this state or another state.

477 | (3) The common database maintains a record of all
478 | pharmacists involved in the process of dispensing a
479 | prescription.

480 | (4) The owner of the common database maintains a policy
481 | and procedures manual that governs its participating pharmacies,
482 | pharmacists, and pharmacy employees and that is available to the
483 | board or its agent upon request. The policy and procedures
484 | manual must ~~shall~~ include the following information:

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

488 | (b) The procedure for maintaining appropriate records for
489 | regulatory oversight for tracking a prescription during each
490 | stage of the filling and dispensing process, identifying the
491 | pharmacists involved in filling and dispensing the prescription
492 | and counseling the patient, and responding to any requests for
493 | information made by the board under s. 465.0156.

494 | (c) The policy and procedure for providing adequate
495 | security to protect the confidentiality and integrity of patient
496 | information.

497 | (d) A quality assurance program designed to objectively
498 | and systematically monitor, evaluate, and improve the quality
499 | and appropriateness of patient care through the use of the
500 | common database.

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 502 Any pharmacist dispensing a prescription has at all times the
 503 right and obligation to exercise his or her independent
 504 professional judgment. Any pharmacist properly dispensing an
 505 alternative medication prescribed for the treatment of COVID-19
 506 is not subject to disciplinary action by the board or the
 507 department based solely on such dispensing. Notwithstanding
 508 ~~other provisions in~~ this section, a ~~no~~ pharmacist licensed in
 509 this state ~~participating in the~~ dispensing ~~of~~ a prescription
 510 pursuant to this section is not ~~shall be~~ responsible for the
 511 acts and omissions of another person participating in the
 512 dispensing process provided such person is not under the direct
 513 supervision and control of the pharmacist licensed in this
 514 state.

515 Section 8. Paragraph (n) of subsection (3) of section
 516 1002.20, Florida Statutes, is amended to read:

517 1002.20 K-12 student and parent rights.—Parents of public
 518 school students must receive accurate and timely information
 519 regarding their child's academic progress and must be informed
 520 of ways they can help their child to succeed in school. K-12
 521 students and their parents are afforded numerous statutory
 522 rights including, but not limited to, the following:

523 (3) HEALTH ISSUES.—

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

526 1. A district school board, a district school
527 superintendent, an elected or appointed local official, or any
528 district school board employee may not:

529 a. Require a student to wear a face mask, a face shield,
530 or any other facial covering that fits over the mouth or nose.
531 However, a parent, at the parent's sole discretion, may allow
532 his or her child to wear a face mask, a face shield, or any
533 other facial covering that fits over the mouth or nose. This
534 prohibition does not apply to safety equipment required as part
535 of a course of study consistent with occupational or laboratory
536 safety requirements.

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

543
544 A parent of a student, a student who is an emancipated minor, or
545 a student who is 18 years of age or older may bring an action
546 against the school district to obtain a declaratory judgment
547 that an act or practice violates this subparagraph and to seek
548 injunctive relief. A prevailing parent or student, as
549 applicable, must be awarded reasonable attorney fees and court
550 costs.

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551 2. A district school board, a district school
 552 superintendent, an elected or appointed local official, or any
 553 school district employee may not prohibit an employee from
 554 returning to work or subject an employee to restrictions or
 555 disparate treatment based on an exposure to COVID-19 so long as
 556 the employee remains asymptomatic and has not received a
 557 positive test for COVID-19 as defined in s. 381.00319(1) ~~s.~~
 558 ~~381.00317(1)~~.

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

560 Section 9. Sections 381.00316(2)(g) and 381.00319(1)(e),
 561 Florida Statutes, as created by this act, are repealed on June
 562 1, 2025.

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