

Notice of Emergency Rule

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER21-17 Standards and Forms for Exemption from Private Employer COVID-19 Vaccination Mandates

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: Pursuant to section 381.00317(6), Florida Statutes, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare as all conditions are deemed met to adopt emergency rules pursuant to section 120.54(4), Florida Statutes.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:

SUMMARY OF THE RULE: Pursuant to section 381.00317(6), Florida Statutes, the procedures are deemed fair under the circumstances.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Carina Blackmore at carina.blackmore@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64DER21-17 Standards and Forms for Exemption from Private Employer COVID-19 Vaccination Mandates

(1) To claim an exemption based on medical reasons, including pregnancy or anticipated pregnancy, an employee must present a completed DH8016-DCHP-11/2021 "Medical Exemption from COVID-19 Vaccination," form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their employer.

(2) The following circumstances constitute an anticipated pregnancy:

(a) the employee intends to become pregnant; and

(b) the employee is of child-bearing age.

The medical exemption for anticipated pregnancy shall remain in effect for the time that the employee intends to become pregnant and is of child-bearing age. The employer shall accept the representations of the employee in regard to the employee's intent to become pregnant.

(3) To claim an exemption based on religious reasons, which may include a sincerely held moral or ethical belief, an employee must present a completed DH8017-DCHP-11/2021 "Religious Exemption from COVID-19 Vaccination," form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their employer. An employer shall not inquire into the veracity of the employee's religious beliefs.

(4) To claim an exemption based on COVID-19 immunity, an employee must present a completed DH8018-DCHP-11/2021 "Exemption from COVID-19 Vaccination Based on COVID-19 Immunity," form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their employer. For the purpose of claiming an exemption based on COVID-19 immunity, an employee must present proof of either:

(a) A positive laboratory result from a diagnostic test that has received full approval by, or Emergency Use Authorization from, the U.S. Food and Drug Administration, or

(b) A positive laboratory result from an antibody test that has received full approval by, or Emergency Use Authorization from, the U.S. Food and Drug Administration.


(5) To claim an exemption based on periodic testing, an employee must present a completed DH8019-DCHP-11/2021 "Exemption from COVID-19 Vaccination Based on Periodic Testing," form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their employer.

(6) For the purpose of claiming an exemption based on periodic testing, an employer can test an employee, using a diagnostic test that has received full approval by, or Emergency Use Authorization from, the U.S. Food and Drug Administration, no more than weekly, or upon evidence of COVID-19 symptoms, at no cost to the employee.

(7) To claim an exemption based on employer-provided personal protective equipment, an employee must present a completed DH8020-DCHP-11/2021 "Exemption from COVID-19 Vaccination Based on Employer-Provided Personal Protective Equipment," form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their employer.

Rulemaking Authority 381.00317(1), (1)(a), (1)(c), (6), (6)(a) FS. Law Implemented 381.00317(1), (6)(a) FS. History--New.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.



Joseph A. Ladapo, MD, PhD
State Surgeon General

Date

11/18/2021

Notice of Emergency Rule

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER21-18 Penalties for Public Employee COVID-19 Vaccine Mandates

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: Pursuant to section 112.0441(4), Florida Statutes, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare as all conditions are deemed met to adopt emergency rules pursuant to section 120.54(4), Florida Statutes.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:

SUMMARY OF THE RULE: Pursuant to section 112.0441(4), Florida Statutes, the procedures are deemed fair under the circumstances.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Douglas Woodlief at douglas.woodlief@flhealth.gov.


THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER21-18 Penalties for Public Employee COVID-19 Vaccine Mandates

(1) The Department will issue a notice of violation to any governmental entity or educational institution found in violation of section 112.0441, Florida Statutes, prior to final agency action. Such notice will include hearing rights pursuant to section 120.569, Florida Statutes.

(2) Each violation of section 112.0441, Florida Statutes, will result in the imposition of a \$5,000 fine per individual and separate violation against the governmental entity or the educational institution. Fines imposed are due and payable to the Department within 30 days of entry of the final order unless otherwise stated in the final order. Rulemaking Authority 112.0441(4), FS. Law Implemented 112.0441, FS. History—New _____.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.



Joseph A. Ladapo, MD, PhD
State Surgeon General

11/18/2021

Date