

1 A bill to be entitled
2 An act relating to protection of medical freedom;
3 amending s. 381.003, F.S.; prohibiting the Department
4 of Health from requiring enrollment in the state's
5 immunization registry or otherwise requiring persons
6 to submit to immunization tracking; prohibiting the
7 department from including a person's immunization
8 records in any interstate or federal immunization
9 tracking system or otherwise giving an entity access
10 to a person's immunization records without first
11 obtaining written informed consent from the person or
12 person's parent or guardian, as applicable; amending
13 s. 381.00316, F.S.; prohibiting business and
14 governmental entities from requiring individuals to
15 provide proof of vaccination or postinfection recovery
16 from any disease to gain access to, entry upon, or
17 service from such entities; prohibiting educational
18 institutions from requiring students or residents to
19 provide proof of vaccination or postinfection recovery
20 from any disease for attendance or enrollment or to
21 gain access to, entry upon, or service from such
22 entities; providing an exception; prohibiting health
23 care providers from making the provision of any health
24 care service contingent upon patients' vaccination or
25 postinfection recovery from any disease; creating s.

26 448.077, F.S.; defining terms; prohibiting employers
27 from refusing employment to, or discharging,
28 disciplining, demoting, or otherwise discriminating
29 against, an individual solely on the basis of
30 vaccination or immunity status; creating a right of
31 action for aggrieved individuals; providing for
32 relief; creating ss. 626.9708, 627.6441, 627.6614, and
33 641.31078, F.S.; defining the term "vaccination or
34 immunity status"; specifying prohibited discriminatory
35 practices in the provision of life and disability
36 insurance policies, health insurance policies, group
37 health insurance policies, and health maintenance
38 contracts, respectively; providing construction;
39 amending s. 760.01, F.S.; revising the purposes of the
40 Florida Civil Rights Act of 1992 to include
41 discrimination protection for vaccination or immunity
42 status; reordering and amending s. 760.02, F.S.;
43 defining the term "vaccination or immunity status";
44 amending s. 760.05, F.S.; revising the functions of
45 the Florida Commission on Human Relations to conform
46 to changes made by the act; amending s. 760.07, F.S.;
47 revising provisions regarding remedies for unlawful
48 discrimination to conform to changes made by the act;
49 amending s. 760.08, F.S.; prohibiting places of public
50 accommodation from discriminating on the basis of

51 vaccination or immunity status; amending s. 760.10,
52 F.S.; prohibiting employers from engaging in specified
53 discriminatory employment practices on the basis of a
54 person's vaccination or immunity status; providing an
55 exception; amending s. 760.22, F.S.; defining the term
56 "vaccination or immunity status"; amending ss. 760.23,
57 760.24, 760.25, and 760.26, F.S.; prohibiting
58 discrimination on the basis of a person's vaccination
59 or immunity status in the sale or rental of housing,
60 the provision of brokerage services, the financing of
61 housing or residential real estate transactions, and
62 land use decisions or permitting of development,
63 respectively; amending s. 760.29, F.S.; revising an
64 exemption from the Fair Housing Act regarding the
65 appraisal of real property to conform to changes made
66 by the act; amending s. 760.60, F.S.; prohibiting
67 certain clubs from engaging in specified
68 discriminatory practices on the basis of a person's
69 vaccination or immunity status; amending s. 1003.22,
70 F.S.; prohibiting the department from requiring
71 children to receive immunizations approved only for
72 emergency use as a school-entry requirement; providing
73 an effective date.

74
75 Be It Enacted by the Legislature of the State of Florida:

76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Section 1. Paragraph (e) of subsection (1) of section 381.003, Florida Statutes, is amended to read:

381.003 Communicable disease and AIDS prevention and control.—

(1) The department shall conduct a communicable disease prevention and control program as part of fulfilling its public health mission. A communicable disease is any disease caused by transmission of a specific infectious agent, or its toxic products, from an infected person, an infected animal, or the environment to a susceptible host, either directly or indirectly. The communicable disease program must include, but need not be limited to:

(e) Programs for the prevention and control of vaccine-preventable diseases, including programs to immunize school children as required by s. 1003.22(3)-(11) and the development of an automated, electronic, and centralized database and registry of immunizations. The department may not require enrollment in the immunization registry or otherwise require persons to submit to any form of immunization tracking. The department shall ensure that all children in this state are immunized against vaccine-preventable diseases. The immunization registry must allow the department to enhance current immunization activities for the purpose of improving the immunization of all children in this state.

101 1. Except as provided in subparagraph 2., the department
 102 shall include all children born in this state in the
 103 immunization registry by using the birth records from the Office
 104 of Vital Statistics. The department shall add other children to
 105 the registry as immunization services are provided.

106 2. The parent or guardian of a child may refuse to have
 107 the child included in the immunization registry by signing a
 108 form obtained from the department, or from the health care
 109 practitioner or entity that provides the immunization, which
 110 indicates that the parent or guardian does not wish to have the
 111 child included in the immunization registry. Each consent to
 112 treatment form provided by a health care practitioner or by an
 113 entity that administers vaccinations or causes vaccinations to
 114 be administered to children from birth through 17 years of age
 115 must contain a notice stating that the parent or guardian of a
 116 child may refuse to have his or her child included in the
 117 immunization registry. The parent or guardian may either submit
 118 the opt-out form directly to the department or ~~must~~ provide it
 119 ~~such opt-out form~~ to the health care practitioner or entity upon
 120 administration of the vaccination. Such health care practitioner
 121 or entity shall submit the form to the department. If a parent
 122 or guardian has refused to have his or her child included in the
 123 immunization registry, ~~A parent or guardian may submit the opt-~~
 124 ~~out form directly to the department.~~ any records or identifying
 125 information pertaining to the child must ~~shall~~ be removed from

126 | the registry, ~~if the parent or guardian has refused to have his~~
127 | ~~or her child included in the immunization registry.~~

128 | 3. A college or university student, from 18 years of age
129 | to 23 years of age, who obtains a vaccination from a college or
130 | university student health center or clinic in this ~~the~~ state may
131 | refuse to be included in the immunization registry by signing a
132 | form obtained from the department, health center, or clinic
133 | which indicates that the student does not wish to be included in
134 | the immunization registry. The student may either submit the
135 | form directly to the department or ~~must provide it such opt-out~~
136 | ~~form~~ to the health center or clinic upon administration of the
137 | immunization ~~vaccination~~. Such health center or clinic shall
138 | submit the form to the department. If the student has refused to
139 | be included in the immunization registry, ~~A student may submit~~
140 | ~~the opt-out form directly to the department.~~ any records or
141 | identifying information pertaining to the student must ~~shall~~ be
142 | removed from the registry ~~if the student has refused to be~~
143 | ~~included in the immunization registry.~~

144 | 4. The immunization registry shall allow for immunization
145 | records to be electronically available to entities that are
146 | required by law to have such records, including, but not limited
147 | to, schools and licensed child care facilities. However, the
148 | department may not include a person's immunization records in
149 | any interstate or federal immunization tracking system or
150 | otherwise allow an entity not required by law to have such

151 records without first obtaining written informed consent from
152 the person or the person's parent or guardian, if the person is
153 a minor, to release the immunization records for such purpose.

154 5. A health care practitioner licensed under chapter 458,
155 chapter 459, or chapter 464 in this state who administers
156 vaccinations or causes vaccinations to be administered to
157 children from birth through 17 years of age is required to
158 report vaccination data to the immunization registry, unless a
159 parent or guardian of a child has refused to have the child
160 included in the immunization registry by meeting the
161 requirements of subparagraph 2. A health care practitioner
162 licensed under chapter 458, chapter 459, or chapter 464 in this
163 state who administers vaccinations or causes vaccinations to be
164 administered to college or university students from 18 years of
165 age to 23 years of age at a college or university student health
166 center or clinic is required to report vaccination data to the
167 immunization registry, unless the student has refused to be
168 included in the immunization registry by meeting the
169 requirements of subparagraph 3. Vaccination data for students in
170 other age ranges may be submitted to the immunization registry
171 only if the student consents to inclusion in the immunization
172 registry. The upload of data from existing automated systems is
173 an acceptable method for updating immunization information in
174 the immunization registry. The information in the immunization
175 registry must include the child's name, date of birth, address,

176 and any other unique identifier necessary to correctly identify
 177 the child; the immunization record, including the date, type of
 178 administered vaccine, and vaccine lot number; and the presence
 179 or absence of any adverse reaction or contraindication related
 180 to the immunization. Information received by the department for
 181 the immunization registry retains its status as confidential
 182 medical information and the department must maintain the
 183 confidentiality of that information as otherwise required by
 184 law. A health care practitioner or other agency that obtains
 185 information from the immunization registry must maintain the
 186 confidentiality of any medical records in accordance with s.
 187 456.057 or as otherwise required by law.

188 Section 2. Section 381.00316, Florida Statutes, is amended
 189 to read:

190 381.00316 ~~COVID-19~~ Vaccine documentation.—

191 (1) A business entity, as defined in s. 768.38 to include
 192 any business operating in this state, may not require patrons or
 193 customers to provide any documentation certifying ~~COVID-19~~
 194 vaccination or postinfection recovery from any disease to gain
 195 access to, entry upon, or service from the business operations
 196 in this state. This subsection does not otherwise restrict
 197 businesses from instituting screening protocols consistent with
 198 authoritative or controlling government-issued guidance to
 199 protect public health.

200 (2) A governmental entity as defined in s. 768.38 may not

201 require persons to provide any documentation certifying ~~COVID-19~~
202 vaccination or postinfection recovery from any disease to gain
203 access to, entry upon, or service from the governmental entity's
204 operations in this state. This subsection does not otherwise
205 restrict governmental entities from instituting screening
206 protocols consistent with authoritative or controlling
207 government-issued guidance to protect public health.

208 (3) An educational institution as defined in s. 768.38 may
209 not require students or residents to provide any documentation
210 certifying ~~COVID-19~~ vaccination or postinfection recovery from
211 any disease for attendance or enrollment, or to gain access to,
212 entry upon, or service from such educational institution in this
213 state. This subsection does not otherwise restrict educational
214 institutions from instituting screening protocols consistent
215 with authoritative or controlling government-issued guidance to
216 protect public health. This subsection does not apply to
217 immunizations required by s. 1003.22(3).

218 (4) The department may impose a fine not to exceed \$5,000
219 per violation.

220 (5) This section does not apply to a health care provider
221 as defined in s. 768.38; a service provider licensed or
222 certified under s. 393.17, part III of chapter 401, or part IV
223 of chapter 468; or a provider with an active health care clinic
224 exemption under s. 400.9935. However, such providers may not
225 make the provision of any health care services contingent upon a

226 patient receiving or having received a particular vaccine or
227 having recovered from infection from a particular disease.

228 (6) The department may adopt rules pursuant to ss. 120.536
229 and 120.54 to implement this section.

230 Section 3. Section 448.077, Florida Statutes, is created
231 to read:

232 448.077 Employment discrimination on the basis of
233 vaccination or immunity status prohibited.—

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

235 (a) "Employee" means any individual who performs services
236 for and under the direction and control of an employer for wages
237 or other remuneration. The term includes independent
238 contractors.

239 (b) "Employer" means any individual, firm, partnership,
240 institution, corporation, or association that employs two or
241 more employees. The term includes governmental entities as
242 defined in s. 768.38.

243 (c) "Vaccination or immunity status," with respect to an
244 individual, means whether he or she has been administered a
245 vaccine for or is otherwise immune to a particular disease.

246 (2) It is an unlawful employment practice for an employer
247 to refuse to employ an individual, or to discharge, discipline,
248 demote, or otherwise discriminate against an employee with
249 respect to wages or terms, conditions, or privileges of
250 employment, based on the individual's vaccination or immunity

251 status.

252 (3) An individual who is refused employment or
 253 discriminated against on the basis of vaccination or immunity
 254 status in violation of this section may file a civil action in a
 255 court of competent jurisdiction for relief as set forth in
 256 subsection (4).

257 (4) In any action brought pursuant to subsection (3), the
 258 court may order any of the following relief, as applicable:

259 (a) An injunction restraining continued violation of this
 260 section.

261 (b) Employment or reinstatement of the employee to the
 262 same position applied for or held, as applicable, before the
 263 violation occurred or to an equivalent position.

264 (c) Compensation for lost wages, benefits, and other
 265 remuneration.

266 (d) Reasonable attorney fees.

267 (e) Any other relief the court deems appropriate.

268 Section 4. Section 626.9708, Florida Statutes, is created
 269 to read:

270 626.9708 Discrimination on the basis of vaccination or
 271 immunity status prohibited.—

272 (1) As used in this section, the term "vaccination or
 273 immunity status," with respect to an individual, means whether
 274 he or she has been administered a vaccine for or is otherwise
 275 immune to a particular disease.

276 (2) An insurer authorized to transact insurance in this
 277 state may not do any of the following:

278 (a) Require proof of vaccination or immunity status for
 279 any disease from an applicant or a policyholder.

280 (b) Refuse to issue or renew any policy of life insurance
 281 or disability insurance solely on the basis of the applicant's
 282 or policyholder's vaccination or immunity status.

283 (c) Impose a higher premium rate or charge or otherwise
 284 discriminate in coverage in a life insurance policy or
 285 disability insurance policy solely on the basis of the
 286 applicant's or policyholder's vaccination or immunity status.

287 (3) This section may not be construed to require an
 288 insurer to provide insurance coverage for a medical condition
 289 that the applicant or policyholder has already sustained.

290 Section 5. Section 627.6441, Florida Statutes, is created
 291 to read:

292 627.6441 Discrimination on the basis of vaccination or
 293 immunity status prohibited.—

294 (1) As used in this section, the term "vaccination or
 295 immunity status," with respect to an individual, means whether
 296 he or she has been administered a vaccine for or is otherwise
 297 immune to a particular disease.

298 (2) A health insurer may not do any of the following:

299 (a) Require proof of vaccination or immunity status for
 300 any disease from an applicant or a policyholder.

301 (b) Refuse to issue or renew a health insurance policy
 302 solely on the basis of the applicant's or policyholder's
 303 vaccination or immunity status.

304 (c) Impose a higher premium rate or charge or otherwise
 305 discriminate in the coverage of care in a health insurance
 306 policy solely on the basis of the applicant's or policyholder's
 307 vaccination or immunity status.

308 (3) This section may not be construed to require a health
 309 insurer to provide coverage for a medical condition that the
 310 applicant or policyholder has already sustained.

311 Section 6. Section 627.6614, Florida Statutes, is created
 312 to read:

313 627.6614 Discrimination on the basis of vaccination or
 314 immunity status prohibited.-

315 (1) As used in this section, the term "vaccination or
 316 immunity status," with respect to an individual, means whether
 317 he or she has been administered a vaccine for or is otherwise
 318 immune to a particular disease.

319 (2) An insurer offering coverage under a group, blanket,
 320 or franchise health insurance policy in this state may not do
 321 any of the following:

322 (a) Require proof of vaccination or immunity status for
 323 any disease from an applicant or a policyholder.

324 (b) Refuse to issue or renew a health insurance policy
 325 solely on the basis of the applicant's or policyholder's

326 vaccination or immunity status.

327 (c) Impose a higher premium rate or charge or otherwise
 328 discriminate in the coverage of care in a health insurance
 329 policy solely on the basis of the applicant's or policyholder's
 330 vaccination or immunity status.

331 (3) This section may not be construed to require an
 332 insurer to provide coverage for a medical condition that the
 333 applicant or policyholder has already sustained.

334 Section 7. Section 641.31078, Florida Statutes, is created
 335 to read:

336 641.31078 Discrimination on the basis of vaccination or
 337 immunity status prohibited.-

338 (1) As used in this section, the term "vaccination or
 339 immunity status," with respect to an individual, means whether
 340 he or she has been administered a vaccine for or is otherwise
 341 immune to a particular disease.

342 (2) A health maintenance organization providing coverage
 343 under a health maintenance contract in this state may not do any
 344 of the following:

345 (a) Require proof of vaccination or immunity status for
 346 any disease from an applicant or a subscriber.

347 (b) Refuse to issue or renew a health maintenance contract
 348 solely on the basis of the applicant's or subscriber's
 349 vaccination or immunity status.

350 (c) Impose a higher premium rate or charge or otherwise

351 discriminate in the coverage of care in a health maintenance
 352 contract solely on the basis of the applicant's or subscriber's
 353 vaccination or immunity status.

354 (3) This section may not be construed to require a health
 355 maintenance organization to provide coverage for a medical
 356 condition that the applicant or subscriber has already
 357 sustained.

358 Section 8. Subsection (2) of section 760.01, Florida
 359 Statutes, is amended to read:

360 760.01 Purposes; construction; title.—

361 (2) The general purposes of the Florida Civil Rights Act
 362 of 1992 are to secure for all individuals within this ~~the~~ state
 363 freedom from discrimination because of race, color, religion,
 364 sex, pregnancy, national origin, age, handicap, vaccination or
 365 immunity status, or marital status and thereby to protect their
 366 interest in personal dignity, to make available to the state
 367 their full productive capacities, to secure this ~~the~~ state
 368 against domestic strife and unrest, to preserve the public
 369 safety, health, and general welfare, and to promote the
 370 interests, rights, and privileges of individuals within this ~~the~~
 371 state.

372 Section 9. Section 760.02, Florida Statutes, is reordered
 373 and amended to read:

374 760.02 Definitions.—For the purposes of ss. 760.01-760.11
 375 and 509.092, the term:

376 (7)~~(1)~~ "Florida Civil Rights Act of 1992" means ss.
 377 760.01-760.11 and 509.092.

378 (2) "Commission" means the Florida Commission on Human
 379 Relations created by s. 760.03.

380 (3) "Commissioner" or "member" means a member of the
 381 commission.

382 (4) "Discriminatory practice" means any practice made
 383 unlawful by the Florida Civil Rights Act of 1992.

384 (9)~~(5)~~ "National origin" includes ancestry.

385 (10)~~(6)~~ "Person" includes an individual, association,
 386 corporation, joint apprenticeship committee, joint-stock
 387 company, labor union, legal representative, mutual company,
 388 partnership, receiver, trust, trustee in bankruptcy, or
 389 unincorporated organization; any other legal or commercial
 390 entity; the state; or any governmental entity or agency.

391 (5)~~(7)~~ "Employer" means any person employing 15 or more
 392 employees for each working day in each of 20 or more calendar
 393 weeks in the current or preceding calendar year, and any agent
 394 of such a person.

395 (6)~~(8)~~ "Employment agency" means any person regularly
 396 undertaking, with or without compensation, to procure employees
 397 for an employer or to procure for employees opportunities to
 398 work for an employer, and includes an agent of such a person.

399 (8)~~(9)~~ "Labor organization" means any organization which
 400 exists for the purpose, in whole or in part, of collective

401 bargaining or of dealing with employers concerning grievances,
402 terms or conditions of employment, or other mutual aid or
403 protection in connection with employment.

404 (1)~~(10)~~ "Aggrieved person" means any person who files a
405 complaint with the Human Relations Commission.

406 (11) "Public accommodations" means places of public
407 accommodation, lodgings, facilities principally engaged in
408 selling food for consumption on the premises, gasoline stations,
409 places of exhibition or entertainment, and other covered
410 establishments. Each of the following establishments which
411 serves the public is a place of public accommodation within the
412 meaning of this section:

413 (a) Any inn, hotel, motel, or other establishment which
414 provides lodging to transient guests, other than an
415 establishment located within a building which contains not more
416 than four rooms for rent or hire and which is actually occupied
417 by the proprietor of such establishment as his or her residence.

418 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
419 soda fountain, or other facility principally engaged in selling
420 food for consumption on the premises, including, but not limited
421 to, any such facility located on the premises of any retail
422 establishment, or any gasoline station.

423 (c) Any motion picture theater, theater, concert hall,
424 sports arena, stadium, or other place of exhibition or
425 entertainment.

426 (d) Any establishment which is physically located within
427 the premises of any establishment otherwise covered by this
428 subsection, or within the premises of which is physically
429 located any such covered establishment, and which holds itself
430 out as serving patrons of such covered establishment.

431 (12) "Vaccination or immunity status," with respect to an
432 individual, means whether he or she has been administered a
433 vaccination for or is otherwise immune to a particular disease.

434 Section 10. Section 760.05, Florida Statutes, is amended
435 to read:

436 760.05 Functions of the commission.—The commission shall
437 promote and encourage fair treatment and equal opportunity for
438 all persons regardless of race, color, religion, sex, pregnancy,
439 national origin, age, handicap, vaccination or immunity status,
440 or marital status and mutual understanding and respect among all
441 members of all economic, social, racial, religious, and ethnic
442 groups; and shall endeavor to eliminate discrimination against,
443 and antagonism between, religious, racial, and ethnic groups and
444 their members.

445 Section 11. Section 760.07, Florida Statutes, is amended
446 to read:

447 760.07 Remedies for unlawful discrimination.—Any violation
448 of any Florida statute that makes unlawful discrimination
449 because of race, color, religion, gender, pregnancy, national
450 origin, age, handicap, vaccination or immunity status, or

451 marital status in the areas of education, employment, or public
452 accommodations gives rise to a cause of action for all relief
453 and damages described in s. 760.11(5), unless greater damages
454 are expressly provided for. If the statute prohibiting unlawful
455 discrimination provides an administrative remedy, the action for
456 equitable relief and damages provided for in this section may be
457 initiated only after the plaintiff has exhausted his or her
458 administrative remedy. The term "public accommodations" does not
459 include lodge halls or other similar facilities of private
460 organizations which are made available for public use
461 occasionally or periodically. The right to trial by jury is
462 preserved in any case in which the plaintiff is seeking actual
463 or punitive damages.

464 Section 12. Section 760.08, Florida Statutes, is amended
465 to read:

466 760.08 Discrimination in places of public accommodation.—
467 All persons are entitled to the full and equal enjoyment of the
468 goods, services, facilities, privileges, advantages, and
469 accommodations of any place of public accommodation without
470 discrimination or segregation on the ground of race, color,
471 national origin, sex, pregnancy, handicap, vaccination or
472 immunity status, familial status, or religion.

473 Section 13. Subsections (1) and (2), paragraphs (a) and
474 (b) of subsection (3), subsections (4), (5), and (6), and
475 paragraph (a) of subsection (9) of section 760.10, Florida

476 Statutes, are amended to read:

477 760.10 Unlawful employment practices.—

478 (1) It is an unlawful employment practice for an employer:

479 (a) To discharge or to fail or refuse to hire any
480 individual, or otherwise to discriminate against any individual
481 with respect to compensation, terms, conditions, or privileges
482 of employment, because of such individual's race, color,
483 religion, sex, pregnancy, national origin, age, handicap,
484 vaccination or immunity status, or marital status.

485 (b) To limit, segregate, or classify employees or
486 applicants for employment in any way which would deprive or tend
487 to deprive any individual of employment opportunities, or
488 adversely affect any individual's status as an employee, because
489 of such individual's race, color, religion, sex, pregnancy,
490 national origin, age, handicap, vaccination or immunity status,
491 or marital status.

492 (2) It is an unlawful employment practice for an
493 employment agency to fail or refuse to refer for employment, or
494 otherwise to discriminate against, any individual because of
495 race, color, religion, sex, pregnancy, national origin, age,
496 handicap, vaccination or immunity status, or marital status or
497 to classify or refer for employment any individual on the basis
498 of race, color, religion, sex, pregnancy, national origin, age,
499 handicap, vaccination or immunity status, or marital status.

500 (3) It is an unlawful employment practice for a labor

501 organization:

502 (a) To exclude or to expel from its membership, or
 503 otherwise to discriminate against, any individual because of
 504 race, color, religion, sex, pregnancy, national origin, age,
 505 handicap, vaccination or immunity status, or marital status.

506 (b) To limit, segregate, or classify its membership or
 507 applicants for membership, or to classify or fail or refuse to
 508 refer for employment any individual, in any way that would
 509 deprive or tend to deprive any individual of employment
 510 opportunities, or adversely affect any individual's status as an
 511 employee or as an applicant for employment, because of such
 512 individual's race, color, religion, sex, pregnancy, national
 513 origin, age, handicap, vaccination or immunity status, or
 514 marital status.

515 (4) It is an unlawful employment practice for any
 516 employer, labor organization, or joint labor-management
 517 committee controlling apprenticeship or other training or
 518 retraining, including on-the-job training programs, to
 519 discriminate against any individual because of race, color,
 520 religion, sex, pregnancy, national origin, age, handicap,
 521 vaccination or immunity status, or marital status in admission
 522 to, or employment in, any program established to provide
 523 apprenticeship or other training.

524 (5) Whenever, in order to engage in a profession,
 525 occupation, or trade, it is required that a person receive a

526 | license, certification, or other credential, become a member or
 527 | an associate of any club, association, or other organization, or
 528 | pass any examination, it is an unlawful employment practice for
 529 | any person to discriminate against any other person seeking such
 530 | license, certification, or other credential, seeking to become a
 531 | member or associate of such club, association, or other
 532 | organization, or seeking to take or pass such examination,
 533 | because of such other person's race, color, religion, sex,
 534 | pregnancy, national origin, age, handicap, vaccination or
 535 | immunity status, or marital status.

536 | (6) It is an unlawful employment practice for an employer,
 537 | labor organization, employment agency, or joint labor-management
 538 | committee to print, or cause to be printed or published, any
 539 | notice or advertisement relating to employment, membership,
 540 | classification, referral for employment, or apprenticeship or
 541 | other training, indicating any preference, limitation,
 542 | specification, or discrimination, based on race, color,
 543 | religion, sex, pregnancy, national origin, age, absence of
 544 | handicap, vaccination or immunity status, or marital status.

545 | (9) Notwithstanding any other provision of this section,
 546 | it is not an unlawful employment practice under ss. 760.01-
 547 | 760.10 for an employer, employment agency, labor organization,
 548 | or joint labor-management committee to:

549 | (a) Take or fail to take any action on the basis of
 550 | religion, sex, pregnancy, national origin, age, handicap,

551 vaccination or immunity status, or marital status in those
552 certain instances in which religion, sex, condition of
553 pregnancy, national origin, age, absence of a particular
554 handicap, vaccination or immunity status, or marital status is a
555 bona fide occupational qualification reasonably necessary for
556 the performance of the particular employment to which such
557 action or inaction is related.

558 Section 14. Subsection (11) is added to section 760.22,
559 Florida Statutes, to read:

560 760.22 Definitions.—As used in ss. 760.20–760.37, the
561 term:

562 (11) "Vaccination or immunity status," with respect to an
563 individual, means whether he or she has been administered a
564 vaccination for or is otherwise immune to a particular disease.

565 Section 15. Subsections (1) through (5) of section 760.23,
566 Florida Statutes, are amended to read:

567 760.23 Discrimination in the sale or rental of housing and
568 other prohibited practices.—

569 (1) It is unlawful to refuse to sell or rent after the
570 making of a bona fide offer, to refuse to negotiate for the sale
571 or rental of, or otherwise to make unavailable or deny a
572 dwelling to any person because of race, color, national origin,
573 sex, disability, vaccination or immunity status, familial
574 status, or religion.

575 (2) It is unlawful to discriminate against any person in

576 | the terms, conditions, or privileges of sale or rental of a
577 | dwelling, or in the provision of services or facilities in
578 | connection therewith, because of race, color, national origin,
579 | sex, disability, vaccination or immunity status, familial
580 | status, or religion.

581 | (3) It is unlawful to make, print, or publish, or cause to
582 | be made, printed, or published, any notice, statement, or
583 | advertisement with respect to the sale or rental of a dwelling
584 | that indicates any preference, limitation, or discrimination
585 | based on race, color, national origin, sex, disability,
586 | vaccination or immunity status, familial status, or religion or
587 | an intention to make any such preference, limitation, or
588 | discrimination.

589 | (4) It is unlawful to represent to any person because of
590 | race, color, national origin, sex, disability, vaccination or
591 | immunity status, familial status, or religion that any dwelling
592 | is not available for inspection, sale, or rental when such
593 | dwelling is in fact so available.

594 | (5) It is unlawful, for profit, to induce or attempt to
595 | induce any person to sell or rent any dwelling by a
596 | representation regarding the entry or prospective entry into the
597 | neighborhood of a person or persons of a particular race, color,
598 | national origin, sex, disability, vaccination or immunity
599 | status, familial status, or religion.

600 | Section 16. Section 760.24, Florida Statutes, is amended

601 to read:

602 760.24 Discrimination in the provision of brokerage
 603 services.—It is unlawful to deny any person access to, or
 604 membership or participation in, any multiple-listing service,
 605 real estate brokers' organization, or other service,
 606 organization, or facility relating to the business of selling or
 607 renting dwellings, or to discriminate against him or her in the
 608 terms or conditions of such access, membership, or
 609 participation, on account of race, color, national origin, sex,
 610 disability, vaccination or immunity status, familial status, or
 611 religion.

612 Section 17. Subsection (1) and paragraph (a) of subsection
 613 (2) of section 760.25, Florida Statutes, are amended to read:

614 760.25 Discrimination in the financing of housing or in
 615 residential real estate transactions.—

616 (1) It is unlawful for any bank, building and loan
 617 association, insurance company, or other corporation,
 618 association, firm, or enterprise the business of which consists
 619 in whole or in part of the making of commercial real estate
 620 loans to deny a loan or other financial assistance to a person
 621 applying for the loan for the purpose of purchasing,
 622 constructing, improving, repairing, or maintaining a dwelling,
 623 or to discriminate against him or her in the fixing of the
 624 amount, interest rate, duration, or other term or condition of
 625 such loan or other financial assistance, because of the race,

626 color, national origin, sex, disability, vaccination or immunity
627 status, familial status, or religion of such person or of any
628 person associated with him or her in connection with such loan
629 or other financial assistance or the purposes of such loan or
630 other financial assistance, or because of the race, color,
631 national origin, sex, disability, vaccination or immunity
632 status, familial status, or religion of the present or
633 prospective owners, lessees, tenants, or occupants of the
634 dwelling or dwellings in relation to which such loan or other
635 financial assistance is to be made or given.

636 (2)(a) It is unlawful for any person or entity whose
637 business includes engaging in residential real estate
638 transactions to discriminate against any person in making
639 available such a transaction, or in the terms or conditions of
640 such a transaction, because of race, color, national origin,
641 sex, disability, vaccination or immunity status, familial
642 status, or religion.

643 Section 18. Section 760.26, Florida Statutes, is amended
644 to read:

645 760.26 Prohibited discrimination in land use decisions and
646 in permitting of development.—It is unlawful to discriminate in
647 land use decisions or in the permitting of development based on
648 race, color, national origin, sex, disability, vaccination or
649 immunity status, familial status, religion, or, except as
650 otherwise provided by law, the source of financing of a

651 development or proposed development.

652 Section 19. Paragraph (a) of subsection (5) of section
653 760.29, Florida Statutes, is amended to read:

654 760.29 Exemptions.—

655 (5) Nothing in ss. 760.20–760.37:

656 (a) Prohibits a person engaged in the business of
657 furnishing appraisals of real property from taking into
658 consideration factors other than race, color, national origin,
659 sex, disability, vaccination or immunity status, familial
660 status, or religion.

661 Section 20. Subsection (1) of section 760.60, Florida
662 Statutes, is amended to read:

663 760.60 Discriminatory practices of certain clubs
664 prohibited; remedies.—

665 (1) It is unlawful for a person to discriminate against
666 any individual because of race, color, religion, gender,
667 national origin, handicap, vaccination or immunity status, age
668 above the age of 21, or marital status in evaluating an
669 application for membership in a club that has more than 400
670 members, that provides regular meal service, and that regularly
671 receives payment for dues, fees, use of space, facilities,
672 services, meals, or beverages directly or indirectly from
673 nonmembers for business purposes. It is unlawful for a person,
674 on behalf of such a club, to publish, circulate, issue, display,
675 post, or mail any advertisement, notice, or solicitation that

676 contains a statement to the effect that the accommodations,
677 advantages, facilities, membership, or privileges of the club
678 are denied to any individual because of race, color, religion,
679 gender, national origin, handicap, vaccination or immunity
680 status, age above the age of 21, or marital status. This
681 subsection does not apply to fraternal or benevolent
682 organizations, ethnic clubs, or religious organizations where
683 business activity is not prevalent.

684 Section 21. Subsection (3) of section 1003.22, Florida
685 Statutes, is amended to read:

686 1003.22 School-entry health examinations; immunization
687 against communicable diseases; exemptions; duties of Department
688 of Health.—

689 (3) The Department of Health may adopt rules necessary to
690 administer and enforce this section. The Department of Health,
691 after consultation with the Department of Education, shall adopt
692 rules governing the immunization of children against, the
693 testing for, and the control of preventable communicable
694 diseases. The rules must include procedures for exempting a
695 child from immunization requirements. Immunizations must ~~shall~~
696 be required for poliomyelitis, diphtheria, rubeola, rubella,
697 pertussis, mumps, tetanus, and other communicable diseases as
698 determined by rules of the Department of Health; however, any
699 immunization approved by the United States Food and Drug
700 Administration only for emergency use may not be required. The

HB 305

2023

701 manner and frequency of administration of the immunization or
702 testing must ~~shall~~ conform to recognized standards of medical
703 practice. The Department of Health shall supervise and secure
704 the enforcement of the required immunization. Immunizations
705 required by this section must ~~shall~~ be available at no cost from
706 the county health departments.

707 Section 22. This act shall take effect July 1, 2023.