

Notice of Emergency Rule

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:

73BER21-2 Determinations Regarding Suitable Work Requiring Compliance with a COVID-19 Vaccination Mandate

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to sections 112.0441(4) and 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.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Pursuant to sections 112.0441(4) and 381.00317(6), Florida Statutes, the procedures are deemed fair under the circumstances.

SUMMARY: The rule provides that individuals will not be disqualified from receiving Reemployment Assistance benefits if the individual refuses an offer of work that requires compliance with a COVID-19 vaccination mandate contrary to sections 381.00317(1) and 381.00317(2), Florida Statutes, or section 112.0441(1)(b), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Karen Gates at Karen.Gates@deo.myflorida.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

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In addition to the standards listed in section 443.101(2), Florida Statutes, the following criteria will apply. Work will not be considered suitable if:

(1) The work is for an educational institution, as that term is defined in section 112.0441(1)(b), Florida Statutes, or a governmental entity, as that term is defined in section 768.38, Florida Statutes, and the educational institution or governmental entity imposes a COVID-19 vaccination mandate as a condition of employment.

(2) The work is for a private employer that imposes a COVID-19 vaccination mandate as a condition of employment, and the private employer does not offer the exemptions listed in section 381.00317(1), Florida Statutes.

Rulemaking Authority sections 381.00317(6)(b) and 112.0441(4), Florida Statutes. Laws Implemented sections 381.00317(5)(b)2. and 112.0441(3)(b)2., Florida Statutes. 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.

EFFECTIVE DATE: November 23, 2021