

Notice of Emergency Rule

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE:

64DER21-17 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.

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

SUMMARY: This emergency rule provides the standards and forms for employees to claim exemption from a private employer COVID-19 vaccination mandate.

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 11-18-21.

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 18, 2021