

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

November 23, 2021

VIA EMAIL ONLY

RuleAdoptions@DOS.MyFlorida.com

Anya C. Grosenbaugh
Florida Department of State
Administrative Code/Weekly Unit
Room 701, the Capitol
Tallahassee, Florida 32399

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

Dear Ms. Grosenbaugh,

Enclosed is the certification package for filing the above-referenced rule for adoption.

If you have any questions regarding this rule, please contact me either by phone at (850) 245-7172, or by e-mail, Karen.Gates@deo.myflorida.com.

Sincerely,

/s/ Karen Gates

Karen Gates
Deputy General Counsel

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

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CERTIFICATION OF DEPARTMENT OF ECONOMIC OPPORTUNITY
EMERGENCY RULE FILED WITH THE
DEPARTMENT OF STATE

I hereby certify that this rule complies with the emergency rulemaking authority and exemptions provided in sections 112.0441(4) and 381.00317(6), Florida Statutes. I further certify that the procedures used in the promulgation of this emergency rule were fair under the circumstances and that the rule otherwise complies with section 120.54(4), Florida Statutes. The adoption of this rule was authorized by the head of the agency, and this rule is hereby adopted upon its filing with the Department of State.

Rule No.

73BER21-2

Under the provision of section 120.54(4)(d), Florida Statutes, this rule takes effect upon filing unless a later time and date less than 20 days from filing is set out below.



Signature, Person Authorized to Certify Rules

Secretary _____

Title

Number of Pages Certified

CERTIFICATION OF DEPARTMENT OF STATE
DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No.

Rule covered by this certification:

Rule No.

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



Signature of Agency Head

Secretary _____

Title

DEPARTMENT OF ECONOMIC OPPORTUNITY

RULE NUMBER:

RULE TITLE:

73BER21-2

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

STATEMENT OF FACTS AND REASONS FOR FINDING IMMEDIATE DANGER

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.

STATEMENT OF AGENCY REASONS THAT 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.

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

Mandate

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.