

LEGAL UPDATE

FLORIDA

Law Prohibits COVID-19 Vaccine Passports for Business Patrons

On May 3, 2021, Florida enacted a [new law](#) that prohibits business entities from requiring patrons or customers to provide proof of a COVID-19 vaccine (also known as a “vaccine passport”) before being allowed entry to the business to receive services.

Although the law went into effect on **July 1, 2021**, the same general rule previously applied under an [executive order](#) issued by Florida’s governor on April 2, 2021. That executive order was suspended on the same day the new law was enacted.

Impact on Employers

The new law does **not** impose any new prohibitions or obligations directly affecting the employer-employee relationship. Instead, it protects **customers and patrons** from being denied access to, entry upon, or service from a business entity based on their COVID-19 vaccination or post-infection recovery status.

Certain businesses, such as those in some health care industries, are exempt from the law altogether. For nonexempt employers, the law specifies that it does not “restrict businesses from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.” This would include [guidance](#) from the U.S. Equal Employment Opportunity Commission (EEOC), which generally allows employers to require employees to get COVID-19 vaccines, as long as certain requirements are met.

Penalties for Noncompliance

Business entities that require patrons or customers to provide documentation certifying COVID-19 vaccination or post-infection recovery to gain access or services may face penalties of up to \$5,000 per violation.

Important Dates

April 2, 2021

The governor issued Executive Order 2021-81, which prohibits businesses from requiring customers or patrons to show proof of vaccination

May 3, 2021

The legislature enacted a new law that imposes the same prohibition as Executive Order 2021-81

July 1, 2021

The new law, which does not create any new prohibitions on businesses as employers, went into effect

The new law does not directly affect an employer’s ability to require employee vaccinations.

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