

# ACTION ALERT SUPPLEMENT: HB2006

## Amendments/Improvements Needed

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Current proposed legislation creates discrimination and segregation of unvaccinated employees. Instead of “Keeping Florida Free”, this bill will further restrict the rights of Floridians. If passed as drafted today it will not apply the “law” equally and therefore, we will see further discrimination increase. No Floridian should ever have to ask permission for their Freedom. All Floridians are at risk to get and spread COVID-19 and all should be treated in the same manner, equally.

The entire world is watching Florida set the pace for Freedom and their press conferences words must match what passes legislation this special session and today it does none of this.

*Amending SB2006 is the necessary path forward. Retaining the policy set for within this statute for testing which would be applied equally as data has shown both vaccinated and unvaccinated individuals can get infection, spread, and shed the virus. With language to create an equality for all Floridians the language to include is as follows:*

### SB2006

Amend Section 381.00316, Florida Statutes, already passed last session in Section 18 of SB2006 to include employees in the protection already granted to customers of the very same businesses.

Amend:

A business entity, as defined in s. 768.38 and 606.03 to include any business operating in this state, shall not require employees, contractors, subcontractors, vendors, patrons or customers to provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain or retain employment or contract work, to gain access to, entry upon, or service from the business’ operations in this state. An employer may not impose a policy that prohibits an employee from choosing or not choosing to receive a COVID-19 vaccination or be discriminated, segregated, or be treated differently based on their personal and private health choices. This does not otherwise restrict businesses from instituting non-invasive screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.

The department will impose a fine ~~not to exceed \$5,000 per violation.~~ For an employer with fewer than 100 employees, \$10,000 per violation of this subsection. 2. For an employer with 100 or more employees, \$50,000 per violation of this subsection.

The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

Delete Section #5

~~This section does not apply to a healthcare provider as defined in s. 768.38, a provider licensed or certified under s 393.17, part III of chapter 401, or part of IV of chapter 468, or a provider with an active health care clinic exemption under 400.9935.~~

## Part 2

### SB2B/HB2B Deletions

Section 1. Section 381.00317, Florida Statutes, is created to read: 381.00317 Private employer COVID-19 vaccination mandates prohibited. —

1. ~~An private employer~~ as defined in Section 381.00316 may not impose a COVID-19 vaccination mandate for any full-time, part-time, or contract employee and as defined in Section 381.00316. ~~without providing individual exemptions that allow an employee to opt out of such requirement on the basis of medical reasons, including, but not limited to, pregnancy or anticipated pregnancy; religious reasons; COVID-19 immunity; periodic testing; and the use of employer-provided personal protective equipment.~~
2. ~~An private employer~~ employing any full-time, part-time, or contract employee and as defined in Section 381.00316 are prohibited from discriminating, segregating, or be treated differently based on their personal and private health choices, inclusive of choosing or not choosing to receive a COVID-19 vaccination.
3. For purposes of this section, the term “COVID-19” means the novel coronavirus identified as SARS-CoV-2; any disease caused by SARS-CoV-2, its viral fragments, or a virus 105 mutating therefrom; and all conditions associated with the disease which are caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom. ~~Employers shall use forms adopted by the Department of Health, or substantially similar forms, for employees to submit exemption statements.~~
  - (a) ~~To claim an exemption based on medical reasons, including, but not limited to, pregnancy or anticipated pregnancy, the employee must present to the employer an exemption statement, dated and signed by a physician or a physician assistant who holds a valid, active license under chapter or chapter, or an advanced practice registered nurse who holds a valid, active license under chapter, has examined the employee. The statement must provide that, in the professional opinion of the physician, physician assistant, or advanced practice registered nurse, COVID-19 vaccination is not in the best medical interest of the employee. The Department of Health shall adopt rules specifying circumstances that are considered an anticipated pregnancy, including, but not limited to, a maximum timeframe within which one anticipates pregnancy for the purpose of claiming an exemption under this paragraph.~~
  - (b) ~~To claim an exemption based on religious reasons, the employee must present to the employer an exemption statement indicating that the employee declines COVID-19 vaccination 128 because of a sincerely held religious belief.~~
  - (c) ~~To claim an exemption based on COVID-19 immunity, the employee must present to the employer an exemption statement demonstrating competent medical evidence that the employee has immunity to COVID-19, documented by the results of a valid laboratory test~~

~~performed on the employee. The Department of Health shall adopt a standard for demonstrating competent medical evidence of such immunity.~~

~~(d) To claim an exemption based on periodic testing, the employee must present to the employer an exemption statement indicating that the employee agrees to comply with regular testing for the presence of COVID-19 at no cost to the employee.~~

~~(e) To claim an exemption based on employer-provided personal protective equipment, the employee must present to the employer an exemption statement indicating that the employee agrees to comply with the employer's reasonable written requirement to use employer-provided personal protective equipment when in the presence of other employees or persons.~~

~~(2) If an employer receives a completed exemption statement authorized by subsection (1), the employer must allow the employee to opt out of the employer's COVID-19 vaccination mandate.~~

~~(3) An employee may file a complaint with the Department of Legal Affairs alleging that an exemption has not been offered or has been improperly applied or denied in violation of this section. If the department investigates and finds that the exemption was not offered or was improperly applied or denied, it must notify the employer of its determination and allow the employer the opportunity to cure the noncompliance.~~

~~(4)(a) An employer who fails to comply with this section and terminates an employee based on a COVID-19 vaccination mandate commits a violation of this section. Termination includes the functional equivalent of termination. The terminated employee may file a complaint with the Department of Legal Affairs, alleging that an exemption has not been offered or has been improperly applied or denied, resulting in the employee's termination. The Department of Legal Affairs shall conduct an investigation of the complaint filed by a terminated employee. The investigation, at a minimum, must determine whether the employer has imposed a COVID-19 vaccination mandate, whether the employee has submitted a proper exemption statement and complied with any specified condition, and whether the employee was terminated because of the COVID-19 vaccination mandate. If the Attorney General finds that an employee has been **discriminated against and/or** improperly terminated, the Attorney General must impose an administrative fine not to exceed:~~

~~1. For an employer with fewer than 100 employees, \$10,000 per violation of this subsection.~~

~~2. For an employer with 100 or more employees, \$50,000 per violation of this subsection. However, the Attorney General may not impose a fine on an employer that reinstates, prior to the issuance of a final order, a terminated employee with back pay to the date that the complaint was received by the department under this subsection. (b) In determining the amount of fine to be levied for a violation, the Attorney General may consider any of the following factors: 1. Whether the employer knowingly and willfully violated this section. 2. Whether the employer has shown good faith in attempting to comply with this section. 3. Whether the employer has taken action to correct the violation. 4. Whether the employer has previously been assessed a fine for violating this section. 5. Any other mitigating or aggravating factor that fairness or due process requires. (c) The decision of the Attorney General under this~~

subsection constitutes agency action for purposes of chapter 199 120. (d) Fines collected pursuant to this subsection must be deposited in the General Revenue Fund. (5)(a) If an employer fails to comply with subsections (1) and (2) and terminates an employee based on the employee's noncompliance with a COVID-19 vaccination mandate, the terminated employee may be eligible for reemployment assistance under chapter in addition to any other remedy available to the employee. ~~(b) If an employee is terminated for refusing to comply with a COVID-19 vaccination mandate and the employer did not offer and properly apply the exemptions required under this section:~~

~~1. Such refusal may not be deemed misconduct for the purpose of reemployment assistance under chapter 443. 214 2. Notwithstanding any provision of chapter, work is not deemed suitable, and benefits may not be denied under s. 216 443.101 to the terminated employee for refusing to accept new work if the terminated employee is otherwise eligible and the position requires compliance with a COVID-19 vaccination mandate contrary to this section or s. 112.0441.~~

~~(6) Notwithstanding s. 120.74(4) and (5), the Department of Health, the Department of Legal Affairs, and the Department of Economic Opportunity are authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4) and this section. Such rulemaking must occur initially by filing emergency rules within 15 days after the effective date of this act. An employer COVID-19 vaccination mandate is deemed invalid until the Department of Health files its emergency rules or 15 days after the effective date of this act, whichever occurs first. (a) The Department of Health shall adopt emergency rules to specify requirements for the frequency and methods of testing which may be used by employers, competent medical evidence that the employee has immunity to COVID-19, to specify circumstances that are considered an anticipated pregnancy, and to create the following:~~

~~1. A form for use by a physician, a physician assistant, or an advanced practice registered nurse to document an exemption based on medical reasons, including, but not limited to, pregnancy or anticipated pregnancy.~~

~~2. A form for use by an employee to document an exemption based on religious reasons.~~

~~3. A form for use by an employee to document an exemption based on COVID-19 immunity. Such form must include the laboratory criteria for proof of immunity for the virus that causes COVID-19.~~

~~4. A form for use by an employee to document an exemption based on periodic testing. Such form must include the required 248 frequency of testing and acceptable tests that may be used.~~

~~5. A form for use by an employee to document an exemption based on employer provided personal protective equipment. (b) The Department of Economic Opportunity shall adopt emergency rules to implement subsection (5).~~

~~(c) The Department of Legal Affairs shall adopt emergency rules to implement subsections (3) and (4), including prescribing the complaint and notification processes and specifying the~~

functional equivalent of termination. Notwithstanding s. 120.54(4)(c), emergency rules adopted pursuant to this subsection remain in effect until replaced by rules adopted under regular rulemaking. The Department of Health, the Department of Legal Affairs, and the Department of Economic Opportunity shall begin rulemaking under s. 120.54(2) and (3) immediately after filing the emergency rules.

(7) An employer may not impose a policy that prohibits an employee from choosing or not choosing to receive a COVID-19 vaccination.

The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

~~(8) This section expires June 1, 2023.~~

Words stricken are deletions; words underlined, and red are additions

Other

Section 2. Section 381.00319, Florida Statutes, is created to read: 381.00319 Prohibition on COVID-19 vaccination mandates for students. — 271 (1) For purposes of this section, the term: (a) “COVID-19” has the same meaning as in s. 381.00317(1). 273 (b) “Educational institution” has the same meaning as in s. 112.0441(1) and has the same meaning as in s.1005.03. For the purposes of this section, the term “care” facilities have the same meaning as in s.1001.21 and s. 402.22. (c) “Parent” has the same meaning as in s. 1000.21(5). (2) ~~Notwithstanding any other law to the contrary,~~ an educational institution or elected or appointed local official may not impose a COVID-19 vaccination mandate for any student. 279 (3) A parent of a student, a student who is an emancipated minor, or disabled or mentally or physically handicapped individual or a student who is 18 years of age or older may bring an action against the educational institution to obtain a declaratory judgment that an act or practice violates this section and to seek injunctive relief. A prevailing parent or student, as applicable, must be awarded reasonable attorney fees and court costs. ~~(4) This section expires June 1, 2023.~~

The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

Section 3. Section 112.0441, Florida Statutes, is created to read: 112.0441 Prohibition on private and public employee COVID-19 vaccination mandates.

1. For purposes of this section, the term: (a) “COVID-19” has the same meaning as in s. 381.00317(1). (b) “Educational institution” means an institution under the control of a district school board; a charter school; a state university; a developmental research school; a Florida College System institution; private educational entity; and other educational

institutes for the handicapped or otherwise disabled, including, but not limited to, the Florida School for the Deaf and the Blind; and the Florida Virtual School. 298 (c) “Governmental entity” has the same meaning as in s. 299 768.38. 300 (2)(a) Notwithstanding any other law to the contrary, all educational institutions or a governmental entity may not impose a COVID-19 vaccination mandate for any employees, contractors, subcontractors, vendors, patrons as defined in Section 381.00316. Any existing ordinance, rule, or policy imposing such mandate is null and void as of the effective date of this act. (b) An educational institution or a governmental entity that imposes a COVID-19 vaccination mandate for any full-time, part-time, or contract employee or as defined in Section 381.00316 commits a violation of this section for each employee subject to the employer’s COVID-19 vaccination mandate. The Department of Health may impose a fine not to exceed \$5,000 per violation. Fines collected pursuant to this subsection must be deposited in the General Revenue Fund. (3)(a) If an educational institution or a governmental entity fails to comply with subsection (2) and terminates an employee based on the employee’s noncompliance with a COVID-19 vaccination mandate, the terminated employee may be eligible for reemployment assistance under chapter in addition to any other remedy available to the employee. (b) If an employee is terminated by an educational institution or a governmental entity for refusing to comply with any COVID-19 vaccination mandate:

1. Such refusal may not be deemed misconduct for the purpose of reemployment assistance under chapter 443.
2. Notwithstanding any provision of chapter 443, work is not deemed suitable, and benefits may not be denied under s. 443.101 to the terminated employee for refusing to accept new work if the terminated employee is otherwise eligible and the position requires compliance with a COVID-19 vaccination mandate contrary to this section or s. 381.00317.

(4) Notwithstanding s. 120.74(4) and

(5), the Department of Health and the Department of Economic Opportunity are authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4) to implement this section. Such rulemaking must occur initially by filing emergency rules within 15 days after the effective date of this act. Notwithstanding s. 120.54(4)(c), emergency rules adopted pursuant to this subsection remain in effect until replaced by rules adopted under regular rulemaking. The Department of Health and the Department of Economic Opportunity shall begin rulemaking under s. 120.54(2) and (3) immediately after filing the emergency rules.

~~(5) This section expires June 1, 2023. 343 Section~~

Section 4. The Chief Financial Officer shall immediately transfer \$5 million from the General Revenue Fund to a designated account within the Department of Legal Affairs Operating Trust Fund. For the 2021-2022 fiscal year, the nonrecurring sum of \$5 million is appropriated to the Department of Legal Affairs from the Operating Trust Fund for complaint and investigation activities and for taking legal action to stop the enforcement of COVID-19 vaccination mandates imposed by the 351 Federal Government. Any moneys remaining collected in the designated account on June 1, 2023, must be transferred to the General Revenue Fund ~~un~~allocated to the

The Agency for Persons with Disabilities to be used for direct services only, not administrative or other funding, for the disabled as defined in chapter 393 within Florida Statutes.

The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

Section 5. Paragraph (n) is added to subsection (3) of section 1002.20, Florida Statutes, to read: 1002.20 K-12 student and parent rights. —Parents of public-school students must receive accurate and timely information regarding their child’s academic progress and must be informed 359 of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES. — (n) Face covering or PPE mandates and quarantine or isolation mandates in response to COVID-19.—

1. A private educational institute, district school board, a district school superintendent, an elected or appointed local official, or any district school board employee may not:

a. Require a student to wear a face mask, a face shield, or any other facial covering that fits over the mouth or nose

b. Require a student to wear PPE or conduct testing for COVID-19

However, a parent, at the parent’s sole discretion, may allow his or her child to wear a face mask, a face shield, or any other facial covering that fits over the mouth or nose. This prohibition does not apply to safety equipment required as part of a course of study consistent with occupational or laboratory safety requirements.

b. Prohibit a student from attending school or school sponsored activities, prohibit a student from being on school, or subject a student to restrictions or disparate treatment, based on an exposure to COVID-19, so long as the student remains asymptomatic and has not received a positive test for COVID-19 as defined in s. 381.00317

(1). A parent of a student, a student who is an emancipated minor, or a student who is 18 years of age or older may bring an action against the school district to obtain a declaratory judgment that an act or practice violates this subparagraph and to seek injunctive relief. A prevailing parent or student, as applicable, must be awarded reasonable attorney fees and court costs.

2. A private educational institute, district school board, a district school superintendent, an elected or appointed local official, or any school district employee may not prohibit an employee from returning to work or subject an employee to restrictions or disparate treatment based on an exposure to COVID-19 so long as the employee remains asymptomatic and has not received a positive test for COVID-19 as defined in s. 381.00317(1).

The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

~~3. This paragraph expires June 1, 2023.~~

Section 6. The Division of Law Revision is directed to replace the phrase “the effective date of this act” wherever it occurs in this act with the date the act becomes a law.

Section 7. This act shall take effect upon becoming a law.

Section 8. Section 112.0441, Florida Statutes, is created to read: 112.0441 Prohibition on physicians who prescribe medications for COVID-19

1. Health professionals as defined in statute XXXXXX cannot be prohibited from prescribing medications for COVID-19.
2. Requires prescribing as defined as XXXXX entities to provide all prescribed prescriptions to a patient without interference.
3. Any hospital, care facility, assisted living facilities, hospice, or other residential health agencies as defined XXXXX cannot prohibit a patient’s doctor(s) or designated health care provider from access to prescribed medications.
4. Any hospital, care facility, assisted living facilities, hospice or other residential health agencies as defined XXXXX cannot be prohibit access to the patient by family member(s) or a patient advocate.
5. Any hospital, care facility, assisted living facilities, hospice or other residential health agencies who fails to comply with this section may have a complaint filed with the Department of Legal Affairs.-If the Attorney General finds negligence the Attorney General must impose an administrative fine not to exceed:
  2. A \$50,000 fine per violation of this subsection. The decision of the Attorney General under this subsection constitutes agency action for purposes of chapter 199 120. (d) Fines collected pursuant to this subsection must be deposited in the General Revenue Fund. All moneys collected in the designated account on June 1, 2023, must be transferred to the General Revenue Fund unallocated to The Agency for Persons with Disabilities to be used for direct services only, not administrative, or other funding, for the disabled as defined in chapter 393 of Florida Statutes.

The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

**Section 9.** amending s. 3 381.003, to prohibit forced inclusion or assumed consent in a state funded or private vaccine tracking system

Section 2. An individual, parent or guardian of a child can opt-in to may refuse to have the child included in the immunization registry by signing a form obtained from the department, or from the health care practitioner or entity that provides the immunization, which indicates that the individual, parent or guardian does not wish to be in or have the child included in the immunization registry. Each consent to treatment form provided by a health care practitioner or by an entity that administers vaccinations or causes vaccinations to be administered to children from birth through 17 years of age must contain a notice stating that the parent or guardian of a child may refuse opt-in to have his or her child included in the immunization registry. The parent or guardian must provide such ~~opt-out~~ opt-in form to the health care practitioner or entity upon administration of the vaccination. Such health care practitioner or entity shall submit the form to the department. An individual, parent or guardian may submit the ~~opt-out~~ opt-in form directly to the department. Any All records or identifying information pertaining to the individual or child or college or university student, from 18 years of age to 23 years of age, who did not Opt-in shall be immediately removed from the decision to not participate in the immunization registry ~~must be noted in the registry,~~ if the individual, parent or guardian has refused to have his or her child included in the immunization registry. 3. A college or university student, from 18 years of age to 23 years of age, who obtains a vaccination from a college or university student health center or clinic in the state may refuse to be included in the immunization registry by signing a form obtained from the department, health center, or clinic which indicates that the student does not wish to be included in the immunization registry. The student must provide such ~~opt-out~~ form to the health center or clinic upon administration of the vaccination. Such health center or clinic shall submit the form to the department. A student may submit the ~~opt-out~~ form directly to the department. Any records or identifying information pertaining to the student shall be removed from the registry if the student has refused to be included in the immunization registry. 4.3. The immunization registry shall allow for immunization records to be electronically available transferred to entities that are required by law to have such records, including, but not limited to, schools and, licensed childcare facilities, and any other entity that is required by law to obtain proof of a child's immunizations.

**Section 10 . 112.0441, Florida Statutes, is created to read: 112.0441 Prohibition on group health benefit plans, government insurance program, Medicare or Medicaid or life insurance agencies from discriminating against insured individuals for COVID-19**

1. A group health benefit plan, government insurance program, Medicare or Medicaid or life insurance plan issuer may not use vaccination status information to reject, deny, limit, cancel, refuse to renew, increase the premiums for, limit the amount, extent, or kind of coverage available to the individual, or otherwise adversely affect eligibility for, or deny a claim or any portion thereof under the group health benefit plan.
2. A group health benefit plan, government insurance program, Medicare or Medicaid or life insurance plan issuer may not use the vaccination status of the patients of a health care provider as a qualification or requirement for contracting with the provider or as a basis for terminating the contract with the provider.
3. It is prohibited to utilize the vaccination status of individuals covered by a group health plan as a factor in the rating of a group health benefit plan that provides coverage in this state.

4. It is prohibited to utilize the vaccination status of individuals covered by a group health plan as a factor in terms of providing financial incentives or financial or other penalties on a participating provider.
5. All group health insurance and life insurance companies may not impose a policy that prohibits an employee from choosing or not choosing to receive a COVID-19 vaccination or be discriminated, segregated, or be treated differently based on their personal and private health choices.
6. Insurance agencies who fails to comply with this section and terminates an employee based on a COVID-19 vaccination mandate commits a violation of this section. The insured may file a complaint with the Department of Legal Affairs.-If the Attorney General finds that an insured has been discriminated against, the Attorney General must impose an administrative fine not to exceed:
  1. For an insurer with fewer than 100 employees, \$10,000 per violation of this subsection.
  2. For an insurer with 100 or more employees, \$50,000 per violation of this subsection. However, the Attorney General may not impose a fine on an insurer that reinstates, prior to the issuance of a final order, the insured may pursue XXXXX. (b) In determining the amount of fine to be levied for a violation, the Attorney General may consider any of the following factors: (c) The decision of the Attorney General under this subsection constitutes agency action for purposes of chapter 199 120. (d) Fines collected pursuant to this subsection must be deposited in the General Revenue Fund. All moneys collected in the designated account on June 1, 2023, must be transferred to the General Revenue Fund unallocated to The Agency for Persons with Disabilities to be used for direct services only, not administrative, or other funding, for the disabled as defined in chapter 393 of Florida Statutes.

The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

Section 11. Section 112.0441, Florida Statutes, is created to read: 112.0441 Prohibition health care from discriminating against insured individuals for COVID-19

7. Health professionals as defined in statute XXXXXX cannot be prohibited from prescribing medications for COVID-19
8. Requires prescribing as defined as XXXXX entities to receive all prescribed prescriptions to a patient without interference.
9. Any hospital, care facility, home health agencies as defined XXXXX cannot prohibit doctors or designated health care provider for a patient be prohibited from prescribing medications
10. Patient advocates will
11. No physician, nurse, staff member, or employee of a hospital or other health care facility who objects to receiving a vaccine shall not be required to be vaccinated as a condition of employment. A hospital or health care facility shall not discriminate against any employee

including a physician, nurse, staff member, or an applicant who refuses to receive a vaccine.

12. A licensing authority may not deny an application for an occupational license, suspend, revoke, or refuse to renew an occupational license, or take any other disciplinary action against a license holder based on the vaccination history of the license applicant or license holder.

13. An employer who fails to comply with this section based on a COVID-19 vaccination mandate commits a violation of this section. Individuals may file a complaint with the Department of Legal Affairs. If the Attorney General finds that an individual has been discriminated against and/or improperly treated by the entity, the Attorney General must impose an administrative fine not to exceed:

1. For a business with fewer than 100 employees, \$10,000 per violation of this subsection.

2. For a business with 100 or more employees, \$50,000 per violation of this subsection. However, the Attorney General may not impose a fine on an employer that reinstates, prior to the issuance of a final order, a terminated employee with back pay to the date that the complaint was received by the department under this subsection. (b) In determining the amount of fine to be levied for a violation, the Attorney General may consider any of the following factors: (c) The decision of the Attorney General under this subsection constitutes agency action for purposes of chapter 199 120. (d) Fines collected pursuant to this subsection must be deposited in the General Revenue Fund. All moneys collected in the designated account on June 1, 2023, must be transferred to the General Revenue Fund ~~un~~allocated to The Agency for Persons with Disabilities to be used for direct services only, not administrative, or other funding, for the disabled as defined in chapter 393 of Florida Statutes.

The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.