

Florida Department of Health's new rule: \$5,000 fines for some vaccine mandates

By [Kirby Wilson](#)

September 1st, 2021

Source: [Tampa Bay Times](#)

Businesses, schools and governments can't deny service to unvaccinated Floridians under a state law passed this year.

TALLAHASSEE — Florida businesses and governments that require proof of COVID-19 vaccination from customers or members of the public will soon face \$5,000 fines, according to a new Department of Health rule.

Earlier this year, the Republican-led Florida Legislature passed a bill, [SB 2006](#), banning businesses, governments, and schools from requiring "vaccine passports" — essentially proof that people seeking their services have gotten a COVID-19 vaccine. In May, DeSantis signed that bill into law. The legislation allowed the state's Department of Health to issue fines "not to exceed \$5,000 per violation."

On [Aug. 27](#), the department filed a rule that lays out how it will enforce the measure. Businesses, governments, and schools will be fined \$5,000 "per individual and separate violation," the rule states. That's the maximum penalty allowed by law.

Violators will be issued a notice of their infraction, and they'll have a chance to appeal their fines, the rule says. Once a fine is finalized, entities will have 30 days to pay it.

The rule will go into effect Sept. 16.

The course of the pandemic has changed considerably since DeSantis signed the bill banning vaccine passports. The delta variant has proven more transmissible and harder to combat than past iterations of COVID-19. Thousands of Floridians — the vast majority of whom were unvaccinated — have become seriously ill

from the virus this summer. The state is not finished counting its dead, but the surge looks to be the worst on record.

However, available vaccines have held up well against Delta. And last month, the federal Food and Drug administration fully approved the Pfizer-BioNTech coronavirus shot. For months, Pfizer's shot had been authorized under the agency's emergency use authorization. Although Florida requires a variety of vaccinations for school children, [coronavirus vaccination requirements](#) for students are illegal.

Under SB 2006, businesses and governments are allowed to mandate vaccinations among employees, but DeSantis has said he does not support such requirements. In hospitals and nursing homes, where protection against the virus is perhaps most critical, DeSantis has argued that vaccine mandates would exacerbate existing staffing shortages.

Although several countries have implemented "vaccine passport" programs to encourage people to get shots, DeSantis has argued they are a [violation of personal freedom](#). Before he signed SB 2006 into law, DeSantis also issued an [executive order](#) banning mandatory vaccinations at businesses.

Florida currently ranks 19th of the 50 states in vaccination rate, according to the [Centers for Disease Control and Prevention](#). The state reported last week that 68 percent of eligible residents have gotten at least one shot.

It's unclear how many businesses have already been cited under the new vaccine passport law. A spokesperson for the Department of Health did not immediately respond to a request for information.

But there is evidence that some businesses are working around the statute. For example, the concert promoter Live Nation has announced it will mandate proof of vaccination or a negative test to customers hoping to attend one of its concerts [starting Oct. 4](#).

DeSantis spokesperson Christina Pushaw said this practice would not violate the law, because Live Nation is allowed to deny a customer entry if they fail to produce a negative test result.

The DeSantis administration is currently fighting Norwegian Cruise Line over the law in federal court. The cruise line won [a favorable ruling from U.S. District Judge Kathleen Williams](#) last month, but DeSantis is appealing.

The Bahamian government also said last month it would only allow ships full of vaccinated passengers [onto its ports](#), further complicating Florida's ban on vaccination mandates. Since those rules were announced, Disney and Carnival have also mandated vaccination for travelers [on cruises to The Bahamas](#). That country's rules apply to passengers [aged 12 and older](#).

The new rule spurred criticism from Democrats, including one of DeSantis' challengers in next year's governor's race, Agriculture Commissioner Nikki Fried.

"This not only goes against common sense — it's also an insult to the free-market principles he claims to champion," Fried said in a statement. "(DeSantis) has made it abundantly clear that he's more interested in getting revenge against Floridians who are trying to do the right thing than he is in stopping the spread of COVID or supporting our local businesses."