

For Immediate Release

January 6, 2021

Contact: Katie Betta

(850) 487-5229

Senator Brandes Files Legislation to Protect Businesses Safely Reopening During the COVID-19 Pandemic

Tallahassee—Florida Senator Jeff Brandes (R-St. Petersburg), Chair of the Senate Committee on Judiciary, today filed Senate Bill 72, Civil Liability For Damages Relating To COVID-19. The legislation aims to shield businesses from unscrupulous or opportunistic lawsuits related to the COVID-19 pandemic.

“Businesses across Florida have suffered greatly over the last several months and are doing the best they can to safely reopen during a period of extreme uncertainty,” said Senate President Wilton Simpson, (R-Trilby). “When a business makes a good faith effort to adhere to safety guidelines, our laws should provide strong protections.

“Speaker Sprowls and our House colleagues have been tremendous partners in crafting the important protections for our businesses contained in this legislation. As we move forward, we are continuing to work together on additional legislation to ensure protections for the health care providers who have been on the front lines of this pandemic from day one,” continued President Simpson.

“The unprecedented nature of the COVID-19 pandemic has created an uncertain legal climate for Florida businesses, which could result in serious and ongoing economic challenges for our entire state,” said Chair Brandes. “These important protections will aid in separating the serious and meritorious claims brought against a Florida business from the claims that are unfair or inappropriate as our state continues to fully reopen and recover.”

“Floridians should have the expectation of safety when they enter a business. At the same time business owners and their employees must be allowed to earn a living and support their families amid changing guidance and regulations. As we continue to navigate the ongoing pandemic, this legislation will help protect businesses who are trying to do the right thing from the threat of potentially limitless civil liability,” said Senator Danny Burgess (R-Zephyrhills), chair of the Senate’s Select Committee on Pandemic Preparedness and Response.

The legislation provides protections for all persons, including businesses, charities, educational institutions, and others against a COVID-19-related claim. Specifically, the bill requires a court to dismiss without prejudice any lawsuit bringing a COVID-19-related claim if the complaint is not pled with particularity, or if the person filing the lawsuit failed to provide an affidavit of a physician attesting that the defendant caused the plaintiff’s injuries or damages. If the court determines that the defendant made a good faith effort to substantially comply with government issued health standards or guidance, the defendant is immune from liability.

Claims must be brought within one year after a cause of action accrues. The bill applies retroactively and takes effect upon becoming a law. COVID-19-related protections for health care providers are not addressed in the bill, but will be the focus of separate legislation.