

## **For Immediate Release**

March 11, 2021

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### **COVID-19 Liability Protections for Businesses and Health Care Providers Ready for Senate Floor**

**Tallahassee**—The Florida Senate Committee on Rules, chaired by Senator Kathleen Passidomo (R-Naples), today passed Senate Bill 72, Liability Protections for COVID-19-Related Claims, by Senator Jeff Brandes (R-St. Petersburg). The legislation offers strong protections from civil liability related to the COVID-19 Pandemic for health care providers working to serve Floridians and businesses trying to safely reopen. Having passed three committees of reference, the bill is now available for consideration on the Senate floor.

“Our laws should offer strong protections for the hardworking health care workers and diligent businesses across our state who have made a good faith effort to adhere to safety guidelines that have been continuously updated and revised as we gain more knowledge about how to better manage the coronavirus,” said Senate President Wilton Simpson, (R-Trilby). “Working from home isn’t an option for farmers. It isn’t an option for the vast majority of health care workers. And, it isn’t an option for thousands of other predominantly blue collar workers across the state whose goods and services Floridians rely on. This good bill will separate the serious and meritorious claims brought against a Florida business or health care provider from the claims that are unfair or inappropriate as our state continues to fully reopen and recover.”

“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. Likewise, our health care providers struggled to meet evolving standards and often found themselves desperate for resources, required to make judgment calls with often times limited or conflicting guidance,” said Senator Brandes. “This bill makes it clear that Florida supports businesses who are trying to do the right thing. Florida supports our health care workers – the heroes of this pandemic. Most importantly, Floridians understand that every situation cannot be anticipated, and we support professionals applying their best judgement for how to handle an unfathomably difficult situation.”

As it relates to businesses, 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.

As it relates to health care providers, the bill requires a plaintiff who files a COVID-19-related lawsuit to prove that a health care provider's conduct constituted gross negligence or intentional misconduct. The protections apply specifically to acts or omissions made in reliance upon government-issued health standards or guidance relating to COVID-19. Under the bill, a health care provider has strong liability protections when the provider substantially follows authoritative or applicable government-issued health standards or guidance related to COVID-19. The provider is also entitled to strong liability protections when interpreting or applying the standards or guidance with respect to the provision of health care or related services, or lack thereof, or the allocation of scarce resources or assistance with daily living.

For more information, please visit [www.FLSenate.gov](http://www.FLSenate.gov).

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