

For Immediate Release

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Senate Passes COVID-19 Liability Protections for Businesses and Health Care Providers

The bill protects businesses and health care providers from unscrupulous or opportunistic lawsuits related to the COVID-19 pandemic

Tallahassee—The Florida Senate 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.

“Our hardworking and dedicated health care providers have been on the front lines of this pandemic from day one, putting their own health in jeopardy to help others. Meanwhile, businesses across Florida are doing the best they can to safely reopen and keep people employed during a period of extreme uncertainty,” said Senate President Wilton Simpson (R-Trilby). “The last thing we want is for businesses and health care providers, who do the right thing, to face a constant threat of frivolous lawsuits that hamper their ability to serve their patients and customers.”

“Businesses and medical facilities across our state are trying to survive, reopen, and recover from the pandemic. Now is not the time for excessive and frivolous litigation. Now is the time for the state, its people, health care providers, and businesses to focus on economic recovery and getting back to normal,” said Senator Brandes.

Shielding Businesses Acting In Good Faith

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.

Protecting Front Line 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. Under the bill, a health care provider has strong liability protections when the provider substantially complies with authoritative or applicable government-issued health standards or guidance related to COVID-19. The provider is also entitled to strong liability protections for delaying or cancelling a medical procedure or surgery due to government-issued health standards or guidance.

For more information, please visit www.FLSenate.gov.

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