

Amendment No.3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice & Property
2 Rights Subcommittee

3 Representative Diamond offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 59 and 60, insert:

7 Section 1. Subsection (4) is added to section 448.102,
8 Florida Statutes, to read:

9 448.102 Prohibitions.— An employer may not take any
10 retaliatory personnel action against an employee because the
11 employee has:

12 (4) Reasonably refused to report to his or her assigned
13 physical place of employment under any of the following
14 circumstances:

15 (a) The employee tested positive for COVID-19, otherwise
16 known as the novel coronavirus, and is following a licensed

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17 physician's written direction or applicable Florida Department
18 of Health guidelines issued in response to the COVID-19
19 pandemic.

20 (b) The employee was ordered to quarantine due to COVID-19
21 by the Florida Department of Health or its equivalent in the
22 employee's state of residence.

23 (c) The employee experienced COVID-19 symptoms, recognized
24 as such by the Centers for Disease Control and Prevention, and
25 made a reasonably diligent effort to be tested for COVID-19 upon
26 the onset of such symptoms.

27
28 This subsection does not apply to an employee whose physical
29 place of employment is his or her place of residence. Nothing in
30 this subsection shall prevent an employer from terminating an
31 employee from employment if that employee has been absent from
32 work due to COVID-19 related issues for more than 30 consecutive
33 days, or a total of 30 days within a 90 day period. Nothing in
34 this subsection is intended to interfere with an employee's
35 rights under the Family and Medical Leave Act of 1993, 29 U.S.C.
36 s. 2601, et seq.

37
38 -----
39 **T I T L E A M E N D M E N T**

40 Remove line 3 and insert:

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41 relating to COVID-19; amending s. 448.102, F.S.; prohibiting an
42 employer from taking retaliatory personnel action against an
43 employee testing positive for, exhibiting symptoms of, or
44 ordered to quarantine due to COVID-19 under specified
45 circumstances; creating s. 768.38, F.S.;