Amendment No. 3

Committee/Subcommittee hearing bill: Civil Justice & Property Rights Subcommittee
Representative Diamond offered the following:

Amendment (with title amendment)
Between lines 59 and 60, insert:

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

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

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

(a) The employee tested positive for COVID-19, otherwise known as the novel coronavirus, and is following a licensed
physician's written direction or applicable Florida Department of Health guidelines issued in response to the COVID-19 pandemic.

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

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

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

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TITLE AMENDMENT

Remove line 3 and insert:
relating to COVID-19; amending s. 448.102, F.S.; prohibiting an employer from taking retaliatory personnel action against an employee testing positive for, exhibiting symptoms of, or ordered to quarantine due to COVID-19 under specified circumstances; creating s. 768.38, F.S.;