

Amendment No.

CHAMBER ACTION

Senate

House

.

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:

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

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

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

24
25 This subsection does not apply to an employee whose physical
26 place of employment is his or her place of residence. Nothing in
27 this subsection prevents an employer from terminating an
28 employee from employment if that employee has been absent from
29 work due to COVID-19 related issues for more than 21 consecutive
30 days or a total of 21 days within a 90-day period. Nothing in
31 this subsection is intended to interfere with an employee's
32 rights under the Family and Medical Leave Act of 1993, 29 U.S.C.
33 s. 2601, et seq.

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36 **T I T L E A M E N D M E N T**

37 Remove line 3 and insert:

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38 relating to COVID-19; amending s. 448.102, F.S.;

39 prohibiting an employer from taking retaliatory

40 personnel action against an employee testing positive

41 for, exhibiting symptoms of, or ordered to quarantine

42 due to COVID-19 under specified circumstances;

43 creating s. 768.38, F.S.;

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