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LEGISLATIVE ACTION

Senate

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House

Floor: 5/F/2R

03/18/2021 03:09 PM

Senator Thurston moved the following:

1 **Senate Substitute for Amendment (645490) (with title**
2 **amendment)**

3
4 Delete lines 365 - 366
5 and insert:

6 (c) For COVID-19-related claims governed by chapter 112 or
7 chapter 440 and any other claims for benefits provided by law to
8 individuals suffering injury or illness in the course and scope
9 of employment, the following individuals are presumed to have
10 contracted COVID-19 in the course and scope of their employment:

11 1. A person licensed under chapter 458, chapter 459,



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12 chapter 461, chapter 463, chapter 464, chapter 465, chapter 466,
13 or chapter 483;

14 2. An employee of a:

15 a. Facility licensed, certified, or approved by any state
16 agency and for which chapter 395, chapter 400, chapter 429, or
17 chapter 766 applies;

18 b. Federally qualified health center as defined in 42
19 U.S.C. s. 1396d(1)(2)(B); or

20 c. Sole proprietorship, group practice, partnership, or
21 corporation that provides health care services by physicians
22 covered by s. 627.419, that is directly supervised by one or
23 more of such physicians, and that is wholly owned by one or more
24 of those physicians or by a physician and the spouse, parent,
25 child, or sibling of that physician;

26 3. An emergency medical technician as defined in s.
27 401.23(11);

28 4. A paramedic as defined in 401.23(17);

29 5. A law enforcement officer as defined in s. 112.531(2);

30 6. First responders as defined in s. 112.1815(1);

31 7. Correctional officers as defined in s. 943.10(2) and
32 other individuals whose official duties require a physical
33 presence in a detention facility;

34 8. Educational personnel working at least 30 hours a week
35 in person at a K-12 educational institution, including both
36 instructional and administrative personnel; or

37 9. A firefighter as defined in s. 112.81(1).

38 (d) The presumption in paragraph (c) may be rebutted if the
39 defendant proves by clear and convincing evidence that the
40 individual's infection did not arise out of the course and scope



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41 of his or her employment.

42

43 ===== T I T L E A M E N D M E N T =====

44 And the title is amended as follows:

45 Delete line 20

46 and insert:

47 creating a certain presumption for COVID-19-related
48 claims of certain employees which are governed by
49 certain other provisions; providing that such
50 presumption may be rebutted under certain
51 circumstances; providing severability;