

By Senator Rodriguez

39-00329A-22

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1 A bill to be entitled
2 An act relating to evidentiary standards for actions
3 arising during an emergency; creating s. 448.111,
4 F.S.; defining the term "engaged individual";
5 prohibiting certain actions taken by a business during
6 a public health emergency from being used as evidence
7 in certain civil causes of action; providing an
8 effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 448.111, Florida Statutes, is created to
13 read:

14 448.111 Evidentiary standards for actions of a business
15 during an emergency.-

16 (1) For purposes of this section, the term "engaged
17 individual" means an individual who provides a good or service
18 to a business or on behalf of a business and who is remunerated
19 for the good or service, regardless of the individual's
20 classification as an employee or independent contractor.

21 (2) Notwithstanding any other law, the following actions of
22 a business, if taken during a public health emergency declared
23 by the State Health Officer under s. 381.00315, may not be used
24 as evidence in a civil cause of action brought under s. 440.10,
25 s. 440.192, s. 440.38, s. 440.381, s. 448.103, s. 448.110, s.
26 448.25, chapter 532, or s. 717.115, or in a civil cause of
27 action to recover lost wages, salary, employment benefits, or
28 other compensation, because an individual has not been properly
29 classified as an employee:

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30 (a) Providing financial assistance to previously engaged
31 individuals who are unable to work because of health and safety
32 concerns.

33 (b) Directly providing benefits related to the health and
34 safety of engaged individuals, including medical or cleaning
35 supplies, personal protective equipment, health checks, or
36 medical testing.

37 (c) Providing training or information related to the health
38 and safety of engaged individuals or the public.

39 (d) Taking any action, including action required or
40 suggested by any federal, state, or local law, ordinance, order,
41 or directive, which is intended to protect public health and
42 safety.

43 Section 2. This act shall take effect July 1, 2022.