

2022542e1

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.; providing a definition; providing that specified
5 actions taken by a business during certain declared
6 emergencies may not be used as evidence in certain
7 civil causes of action; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 448.111, Florida Statutes, is created to
12 read:

13 448.111 Evidentiary standards for actions of a business
14 during an emergency.—

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

20 (2) Notwithstanding any other law, the following actions of
21 a business, if taken during a public health emergency declared
22 by the State Health Officer under s. 381.00315 or a state of
23 emergency declared by the Governor under s. 252.36, may not be
24 used as evidence in a civil cause of action brought under s.
25 440.10, s. 440.192, s. 440.38, s. 440.381, s. 448.103, s.
26 448.110, s. 448.25, chapter 532, or s. 717.115, or in a civil
27 cause of action, as provided for under general law, to recover
28 lost wages, salary, employment benefits, or other compensation,
29 because an individual has not been properly classified as an

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30 employee:

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

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

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

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

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