

HB411

2022

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
 12 to 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
 21 of a business, if taken during a public health emergency
 22 declared by the State Health Officer under s. 381.00315 or a
 23 state of emergency declared by the Governor under s. 252.36, may
 24 not be used as evidence in a civil cause of action brought under
 25 s. 440.10, s. 440.192, s. 440.38, s. 440.381, s. 448.103, s.

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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
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
39 health 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.