

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 said service regardless of the individual's classification
 19 as an employee or independent contractor.

20 (2) Notwithstanding any other provision of law, the
 21 following actions of a business, if taken during a public health
 22 emergency or other state of emergency declared by the Governor
 23 under s. 252.36, may not be used as evidence in a civil cause of
 24 action brought under s. 440.10, s. 440.192, s. 440.38, s.
 25 440.381, s. 448.103, s. 448.110, s. 448.25, chapter 532, or s.

26 | 717.115, or in a civil cause of action, as provided for under
27 | general law, to recover lost wages, salary, employment benefits,
28 | or other compensation, because an individual has not been
29 | properly classified as an employee:

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 that are related to the
34 | health and safety of engaged individuals, including medical or
35 | cleaning supplies, personal protective equipment, health checks,
36 | or medical testing.

37 | (c) Providing training or information related to the
38 | health 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 that is intended to protect public health and
42 | safety.

43 | Section 2. This act shall take effect July 1, 2021.