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Legislation to Protect Florida Businesses from Frivolous COVID-19 Lawsuits Has Been Filed in the Florida House and Senate

By Laura Pearce posted 2 days ago

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Earlier this week, Senator Brandes filed [SB 72](#) and Representative McClure filed [HB 7](#), identical bills to provide liability protections to Florida businesses from frivolous COVID-19 related claims. Senate and House leadership intend to fast-track these bills, and, in fact, the House bill is scheduled to be heard in the House Civil Justice & Property Rights Subcommittee meeting next week (January 13, 2021, at 4:00 p.m.). That meeting will be available for live viewing at www.TheFloridaChannel.org.

Specifically, the bills: provide businesses, schools and churches certain protections from COVID-19 related lawsuits for damages, injuries or deaths; require plaintiffs to file claims within one year after incidents; and require plaintiffs to obtain affidavits from Florida physicians attesting that the defendants' acts or omissions caused the damages, injuries or deaths. The bills do not contain lawsuit protections for health care providers, which the Legislature intends to address separately.

For more information on [HB 7](#) and [SB 72](#), read the News Release from the Florida House of Representatives below. Also, look for more information from FAIA on how to register for FAIA's Political Engagement Month, which will be held virtually during the month of February and will include various breakout sessions on legislative issues important to agents, including a panel discussion on COVID-19 liability issues and more.

NEWS RELEASE

For Immediate Release:

Jan. 6, 2021

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**Florida House Fights to Protect Florida Businesses
from Frivolous COVID-19 Lawsuits**

TALLAHASSEE, Fla. (Jan. 6, 2021) — Today, Florida House Speaker Chris Sprowls pledged strong support for and fast-tracked legislation filed today to protect Florida businesses and nonprofits from frivolous COVID-19 lawsuits.

“Florida businesses and organizations that do the right thing should not fear being drowned by massive litigation costs,” said House Speaker Chris Sprowls. “We are fast-tracking this COVID-19 liability protection bill to ensure that there is no potential for unscrupulous litigation to threaten Florida’s economic recovery. Ours is the most aggressive liability protection bill in the nation.”

Florida Representative Lawrence McClure, a businessman from Hillsborough County, filed HB 7 today. It offers general liability protection for Florida businesses, schools, nonprofits and religious institutions making a good-faith effort to follow established federal, state and local guidelines. HB 7’s liability protections apply retroactively to any newly filed lawsuit.

“A small-restaurant owner shouldn’t have to worry about making payroll because a predatory actor seized on an opportunity to sue and settle,” said Representative McClure. “HB 7 does what 21 other states across the country have done already, and it does it better.”

On the first day of the House’s first interim committee meeting week, the Civil Justice & Property Rights Subcommittee will take up HB 7 for a vote during its 4 p.m. meeting on Jan. 13 in Webster Hall (212 Knott) at the Florida Capitol.

While HB 7 focuses on businesses and nonprofits, the Florida House will separately address COVID liability protections for health care providers and facilities, including nursing homes and long-term care facilities, in the Health & Human Services Committee silo.

“Florida’s health care providers have other considerations and risks that deserve greater discussion and evaluation,” said Speaker Sprowls. “We owe it to them and the vulnerable populations they serve to be heard before we address their concerns with another bill.

“We appreciate President Simpson’s partnership on this important legislation and look forward to working with the Senate on it, as well. I’ve asked Chair Colleen Burton of the Health and Human Services committee to engage in dialogue next week about protections for health care providers.”

A workshop be held next week to explore liability coverage in health care during the Health & Human Services Committee meeting on Jan. 14 at 9 a.m. That meeting will be available for live viewing at www.TheFloridaChannel.org.

Regarding HB 7, Justice Committee Chair Daniel Perez and Civil Justice & Property Rights Subcommittee Chair Wyman Duggan offered the following remarks:

“Florida’s small business owners and nonprofits should know they have a champion in their Florida House. HB 7 shields our hard-working Florida business owners who follow protocols and guidelines to keep people safe. They shouldn’t have to worry about a costly lawsuit that could drain their funds and put them out of business forever,” Perez said.

“This is important legislation not just for Florida businesses but all of Floridians, to keep Florida’s economy moving. Florida’s small business is the engine that drives Florida’s economy. We cannot afford to allow it to stall over uncertainty regarding potential liability,” Duggan said.

In addition, today Senator Jeff Brandes filed an identical Senate Bill. The Florida Legislative Session begins March 2, 2021.

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[John DeLoach](#)

an hour ago



I agree wholeheartedly with the effort to eliminate frivolous lawsuits against businesses over COVID-19 claims. What about OTHER types of frivolous lawsuits?

I've been in the Insurance Business for over 52 years, as an Adjuster, Claims Manager, Risk Manager, and Insurance Agent. With an ever-increasing litigious minded population, I've witnessed the legal profession jump on board the let's-sue-and-ask-questions-later-bandwagon. City buses in virtually every city are now rolling podiums for trial lawyers: *"Call us if you have a pain !!!"*.

If I get COVID-19, it's possible that I didn't wear a mask, or that someone somewhere didn't wear a mask. So why should ANY business be hauled into court because I chose to be on their premises? YES, I support this legislation. Let's not stop there. It's time to draw the line on ALL frivolous lawsuits. Canada took action against frivolous lawsuits many years ago. Maybe this COVID-19 legislation will be a long-overdue first step in the realization that frivolity, ANY frivolity, has no place in our Civil Justice System.

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