

RECENT STATE OF FLORIDA GOVERNMENT ACTIONS

Civil Liability for Damages Relating to COVID-19 | [House Bill 7](#) and [Senate Bill 72](#) | The Florida House and Senate have both filed identical bills that will provide civil liability protections for businesses, educational institutions, government entities, religious organizations, and other entities affected by COVID-19.

Under the bills, a covered entity that makes a good faith effort to substantially comply with applicable COVID-19 guidance is immune from civil liability from a COVID-19-related civil action. The bills also provide that for any COVID-19-related civil action against a covered entity, a plaintiff must:

- Plead his or her complaint with particularity.
- Submit, at the time of filing suit, a physician's affidavit confirming the physician's belief that the plaintiff's COVID-19-related injury occurred because of the defendant's conduct.
- Prove, by clear and convincing evidence, that the defendant was at least grossly negligent.

The bills provide a one-year statute of limitations for COVID-19-related claims. For a plaintiff whose cause of action has already accrued, the one-year period does not begin to run until the bills become effective. The bills are effective upon becoming law and apply retroactively. However, the provisions in the bills do not apply in a civil action against a particular defendant if the action is filed before the bills' effective date.

HB 7 was passed by the full House on March 5, 2021 by a vote of 83-31. SB 72 has been amended to include liability protections for health care providers and is ready for consideration by the full Senate. Both bills are a priority for Governor DeSantis, as well as House and Senate leaders this session.