

Chamber Supports to COVID-19 Liability Relief for Businesses continued....

It also stipulates that for any COVID-19-related civil action against a covered entity, a plaintiff must:

- Plead his/her complaint with particularity; instead of simply providing the short/plain statement of facts required under current law;
- 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*.

This legislation proposes a “safe harbor” to protect businesses that are following Center for Disease Control (CDC) and Health Dept guidelines. It would raise the level of proof needed that a business has violated certain safety criteria. In Court, you must show that someone was negligent based on “preponderance of evidence” or 50% plus 1. These bills would require “clear and convincing” evidence which is a higher threshold.

Neither bill includes liability protection for health care providers, i.e. hospitals, nursing homes, assisted living facilities, or other health care-related entities. It stipulates a one-year statute of limitations for COVID19-related claims and is effective upon becoming a law and applies retroactively. However, the bill's provisions do not apply in a civil action against a particular defendant if the action is filed before the bill's effective date.

In essence, these bills provide business entities a better way to foresee their COVID-19 related litigation risks.

While the Daytona Regional Chamber supports both bills, Chamber members are urged to forward their support to our [Volusia legislative delegation](#).