

February 2, 2021

The Honorable Chair Thomas Leek
Members of the House Pandemic and Public Emergencies Committee

RE: House Bill 7 Civil Liability for Damages Relating to COVID-19

Chair Leek and Members,

The Florida Consumer Action Network (FCAN) is a statewide non-partisan, non-profit consumer advocacy group with thousands of members, active on behalf of consumers since 1985.

We rise in strong opposition to House Bill 7, which is an unnecessary, overreaching and harmful effort that will make it harder for workers and consumers to seek justice when harmed through the failure of almost any Florida business or institution, as defined broadly by HB 7, to exercise reasonable care to protect against COVID-19.

HB 7 is unnecessary because the lawsuits it speculates may occur *have not occurred* and are unlikely to occur. Instead, businesses are suing their insurance companies for COVID-19 claims related to business interruption, but consumers and workers are not filing COVID-19 lawsuits.

HB 7 is overreaching because the procedural hurdles it enacts both before a consumer or worker can bring a lawsuit and then to advance a COVID-19 claim are actually insurmountable barriers for consumers and workers. A case must both be pleaded in particularity and accompanied by a signed affidavit that attests to a qualified physician's belief, within a reasonable degree of medical certainty, that COVID-19-related damages, injury, or death occurred as a result of the defendant's acts or omissions. And even if that obstacle is somehow crossed, a "good faith" defense may establish absolute immunity. If the claim gets beyond that hurdle, it must demonstrate "at least gross negligence proven by clear and convincing evidence."

This bill goes too far. Our first responders and front-line medical workers who are taking risks to save lives deserve protections, but this legislation doesn't protect workers, it protects giant corporations. It blocks accountability for bad actors who decide to cut corners at the expense of their own workers and patients. When nobody is accountable, nobody is safe. HB 7 accomplishes one thing and one thing only: it places everyone else risk, both innocent workers and consumers as well as businesses that take reasonable care. When nobody is accountable, nobody is safe.

Please vote NO on HB 7.