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LEGAL DEVELOPMENTS IN CONNECTION WITH COVID-19

Legal developments in connection with COVID-19 have led to a proposal in the United States Senate for liability reform.

To date, U.S. Senate Majority Leader Mitch McConnell and U.S. Senator John Cornyn have joined to propose a plan that affords health care providers legal immunity from coronavirus-related lawsuits.

While the exact language of the proposal is not available in its totality, several news outlets have provided some detail about its content. The proposed legal immunity would cover health care providers as well as schools, businesses, and non-profits operating to address the coronavirus epidemic in the United States. It would also shield employers from lawsuits arising from coronavirus testing in the workplace.

Liability immunity can be enacted through legal provisions governing jurisdiction, specific pleading standards, heightened burdens of proof, and caps on damages. Typically, immunity would work to shield defendants from liability arising from mere negligence and would require a plaintiff to prove gross negligence or intentional conduct in order to prevail. Caps on damages are also possible. It is apparent that all of these liability protection formats will be considered by federal lawmakers.

In conclusion, we can expect an ongoing consideration of liability protections at the federal level in the United States. Florida has yet to enact legal reforms providing immunity from coronavirus-related lawsuits. However, we will continue to track and report to you on any such reforms that may impact the legal environment in the future.