



399394

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/11/2021	.	
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	.	
	.	

The Committee on Rules (Book) recommended the following:

1 **Senate Amendment to Amendment (149800) (with title**
2 **amendment)**

3
4 Between lines 251 and 252

5 insert:

6 Section 3. Section 768.39, Florida Statutes, is created to
7 read:

8 768.39 Immunity for educational institutions for actions
9 related to the COVID-19 pandemic.-

10 (1) For the purposes of this section, the term "educational
11 institution" has the same meaning as in s. 768.38(2).



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12 (2) An educational institution that has taken reasonably
13 necessary actions in compliance with federal, state, or local
14 guidance to diminish the impact or the spread of COVID-19 may
15 not be held liable for, and shall be immune from, any civil
16 damages, equitable relief, or other remedies relating to such
17 actions. Reasonably necessary actions taken while a state of
18 emergency was declared for this state for the COVID-19 pandemic
19 include, but are not limited to, any of the following:

20 (a) Shifting in-person instruction to online or remote
21 instruction for any period of time;

22 (b) Closing or modifying the provision of residential
23 housing, dining, or other facilities on the campus of the
24 educational institution; or

25 (c) Pausing or modifying ancillary student activities and
26 services available through the educational institution.

27 (3) The provision of in-person or on-campus education and
28 related services is deemed to have been impossible for
29 educational institutions to provide for any period of time in
30 which such institutions took reasonably necessary actions
31 described in subsection (2) to protect students, staff, and
32 educators in response to the COVID-19 pandemic. As a result of
33 the various governmental orders and the need for educational
34 institutions to protect their communities, the reasonably
35 necessary actions described in subsection (2) are deemed to have
36 been justified.

37 (4) If any aspect of the immunity under subsection (2) is
38 limited by a court or by operation of law from applying to
39 certain types of claims or causes of action, the immunity under
40 this section must still be provided to the fullest extent



41 authorized by law to any other types of claims or causes of
42 action.

43 (5) This section shall apply retroactively to causes of
44 actions accruing on or before March 9, 2020.

45
46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete line 288

49 and insert:

50 providing applicability; creating s. 768.39, F.S.;

51 defining the term "educational institution"; providing

52 educational institutions with immunity from civil

53 liability under certain circumstances; specifying that

54 the provision of in-person or on-campus education and

55 related services is deemed impossible during a

56 specified timeframe; specifying that certain actions

57 taken by educational institutions are deemed to have

58 been justified; providing construction; providing for

59 retroactive application; providing severability;