The Committee on Rules (Book) recommended the following:

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

Between lines 251 and 252
insert:

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

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

(1) For the purposes of this section, the term “educational institution” has the same meaning as in s. 768.38(2).
(2) An educational institution that has taken reasonably necessary actions in compliance with federal, state, or local guidance to diminish the impact or the spread of COVID-19 may not be held liable for, and shall be immune from, any civil damages, equitable relief, or other remedies relating to such actions. Reasonably necessary actions taken while a state of emergency was declared for this state for the COVID-19 pandemic include, but are not limited to, any of the following:

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

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

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

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

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

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

And the title is amended as follows:

Delete line 288 and insert:

providing applicability; creating s. 768.39, F.S.; defining the term “educational institution”; providing educational institutions with immunity from civil liability under certain circumstances; specifying that the provision of in-person or on-campus education and related services is deemed impossible during a specified timeframe; specifying that certain actions taken by educational institutions are deemed to have been justified; providing construction; providing for retroactive application; providing severability;