LEGISLATIVE ACTION

Senator Book moved the following:

**Senate Amendment (with title amendment)**

Between lines 366 and 367 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
disaster 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
(5) This section shall apply retroactively to causes of actions accruing on or after March 9, 2020.

And the title is amended as follows:

Delete line 20

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;