



300664

LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
03/11/2021	.	
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The Committee on Rules (Book) recommended the following:

1           **Senate Substitute for Amendment (274920) (with title**  
2 **amendment)**

3  
4           Between lines 163 and 164

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).



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



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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 8

49 and insert:

50 providing a statute of limitations; creating s.  
51 768.39, F.S.; defining the term "educational  
52 institution"; providing educational institutions with  
53 immunity from civil liability under certain  
54 circumstances; specifying that the provision of in-  
55 person or on-campus education and related services is  
56 deemed impossible during a specified timeframe;  
57 specifying that certain actions taken by educational  
58 institutions are deemed to have been justified;  
59 providing construction; providing for retroactive  
60 application; providing