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LEGISLATIVE ACTION

Senate

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House

Floor: WD/2R

03/18/2021 03:22 PM

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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



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

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

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

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

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

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



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41 action.

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

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

46 And the title is amended as follows:

47 Delete line 20

48 and insert:

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

50 defining the term "educational institution"; providing

51 educational institutions with immunity from civil

52 liability under certain circumstances; specifying that

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

54 related services is deemed impossible during a

55 specified timeframe; specifying that certain actions

56 taken by educational institutions are deemed to have

57 been justified; providing construction; providing for

58 retroactive application; providing severability;