

1 A bill to be entitled
2 An act relating to administrative procedure;
3 creating s. 120.571, F.S., the "Agency
4 Accountability Act"; providing for court orders
5 imposing liability upon an agency which has
6 made a determination affecting the substantial
7 interests of a party based on a grossly
8 negligent assessment of material facts, under
9 specified circumstances; providing for agency
10 liability for actual damages and attorney's
11 fees incurred by the party suffering financial
12 harm as a result of the determination;
13 providing for waiver of sovereign immunity;
14 specifying applicability; providing an
15 effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 120.571, Florida Statutes, is
20 created to read:

21 120.571 Agency liability for grossly negligent
22 assessment of material facts; waiver of sovereign immunity.--

23 (1) SHORT TITLE.--This section shall be known and may
24 be cited as the "Agency Accountability Act."

25 (2) APPLICATION TO ADMINISTRATIVE PROCEEDINGS.--The
26 provisions of this section apply in all proceedings in which
27 the substantial interests of a party have been determined by
28 final action of an agency.

29 (3) AGENCY LIABILITY.--Notwithstanding s. 120.68 or
30 any other provision to the contrary, if the court reviewing
31 the final action finds that the agency, in determining a

1 material fact within the agency's exercise of delegated
2 discretion, has made a grossly negligent factual assessment
3 causing financial harm to a party, the court shall enter an
4 order finding the agency liable for any actual damages and
5 attorney's fees incurred by the party suffering the financial
6 harm.

7 (4) WAIVER OF SOVEREIGN IMMUNITY.--The limitations on
8 waiver of sovereign immunity in any other provision of law to
9 the contrary notwithstanding, the state, in accordance with s.
10 13, Art. X of the State Constitution, hereby waives sovereign
11 immunity for the state itself, and for its agencies and
12 subdivisions, for the express and limited purpose necessary to
13 carry out this section.

14 Section 2. This act shall take effect July 1 of the
15 year in which enacted, and shall apply to all proceedings for
16 which final agency action has been rendered on or after that
17 date.