

By Representative Mahon

1 A bill to be entitled
2 An act relating to sovereign immunity; amending
3 s. 768.28, F.S.; increasing the recovery limits
4 under the limited waiver of sovereign immunity
5 in tort actions; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsection (5) of section 768.28, Florida
10 Statutes, is amended to read:

11 768.28 Waiver of sovereign immunity in tort actions;
12 recovery limits; limitation on attorney fees; statute of
13 limitations; exclusions; indemnification; risk management
14 programs.--

15 (5) The state and its agencies and subdivisions shall
16 be liable for tort claims in the same manner and to the same
17 extent as a private individual under like circumstances, but
18 liability shall not include punitive damages or interest for
19 the period before judgment. Neither the state nor its agencies
20 or subdivisions shall be liable to pay a claim or a judgment
21 by any one person which exceeds the sum of \$250,000 ~~\$100,000~~
22 or any claim or judgment, or portions thereof, which, when
23 totaled with all other claims or judgments paid by the state
24 or its agencies or subdivisions arising out of the same
25 incident or occurrence, exceeds the sum of \$500,000 ~~\$200,000~~.
26 However, a judgment or judgments may be claimed and rendered
27 in excess of these amounts and may be settled and paid
28 pursuant to this act up to \$250,000 ~~\$100,000~~ or \$500,000
29 ~~\$200,000~~, as the case may be; and that portion of the judgment
30 that exceeds these amounts may be reported to the Legislature,
31 but may be paid in part or in whole only by further act of the

1 Legislature. Notwithstanding the limited waiver of sovereign
2 immunity provided herein, the state or an agency or
3 subdivision thereof may agree, within the limits of insurance
4 coverage provided, to settle a claim made or a judgment
5 rendered against it without further action by the Legislature,
6 but the state or agency or subdivision thereof shall not be
7 deemed to have waived any defense of sovereign immunity or to
8 have increased the limits of its liability as a result of its
9 obtaining insurance coverage for tortious acts in excess of
10 the \$250,000~~\$100,000~~ or \$500,000~~\$200,000~~ waiver provided
11 above. The limitations of liability set forth in this
12 subsection shall apply to the state and its agencies and
13 subdivisions whether or not the state or its agencies or
14 subdivisions possessed sovereign immunity before July 1, 1974.

15 Section 2. This act shall take effect July 1, 2001.

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18 HOUSE SUMMARY

19 Increases to \$250,000 the amount of liability to pay a
20 claim or judgment to any one person and \$500,000 on all
21 claims arising out of the same incident under the limited
22 statutory waiver of sovereign immunity in tort actions.
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