## Florida Senate - 2005

By Senator Posey

```
24-1183A-05
```

1	A bill to be entitled
2	An act relating to sovereign immunity; amending
3	s. 768.28, F.S.; providing that a law
4	enforcement officer and the employing agency of
5	the officer are not liable for civil damages
6	for injury or death effected or caused by a
7	person fleeing from the law enforcement officer
8	under certain circumstances; providing for
9	severability; providing for application;
10	providing an effective date.
11	
12	Be It Enacted by the Legislature of the State of Florida:
13	
14	Section 1. Paragraph (d) is added to subsection (9) of
15	section 768.28, Florida Statutes, to read:
16	768.28 Waiver of sovereign immunity in tort actions;
17	recovery limits; limitation on attorney fees; statute of
18	limitations; exclusions; indemnification; risk management
19	programs
20	(9)
21	(d) A law enforcement officer as defined in s. 943.10
22	who is employed by the state or any political subdivision of
23	the state, or the employing agency of that officer as defined
24	in s. 943.10, is not liable for civil damages for injury or
25	death effected or caused by a person fleeing from the law
26	enforcement officer if the pursuit of that person is conducted
27	in a manner that does not involve willful or wanton disregard
28	for the safety of persons or property on the part of the law
29	enforcement officer and the person fleeing is reasonably
30	believed to have committed a felony violation of the laws of
31	this state.

1

**CODING:** Words stricken are deletions; words <u>underlined</u> are additions.

1 2

3

4

5

б

7

8

9 10

11 12

Section 2. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable. Section 3. This act shall take effect upon becoming a law and shall apply to causes of action that accrue on or after the effective date. SENATE SUMMARY

Provides that a law enforcement officer and the employing agency of the officer are not liable for civil damages for injury or death effected or caused by a person fleeing from a law enforcement officer under certain circumstances.

2

CODING: Words stricken are deletions; words underlined are additions.