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2 An act relating to sovereign immunity; amending
3 s. 768.28, F.S.; providing that a law
4 enforcement agency is not liable for injury,
5 death, or property damage effected or caused by
6 a person fleeing a law enforcement officer
7 under certain circumstances; providing for
8 severability; providing for application;
9 providing an effective date.
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11 Be It Enacted by the Legislature of the State of Florida:
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13 Section 1. Paragraph (d) is added to subsection (9) of
14 section 768.28, Florida Statutes, to read:

15 768.28 Waiver of sovereign immunity in tort actions;
16 recovery limits; limitation on attorney fees; statute of
17 limitations; exclusions; indemnification; risk management
18 programs.--

19 (9)

20 (d) The employing agency of a law enforcement officer
21 as defined in s. 943.10 is not liable for injury, death, or
22 property damage effected or caused by a person fleeing from a
23 law enforcement officer in a motor vehicle if:

24 1. The pursuit is conducted in a manner that does not
25 involve conduct by the officer which is so reckless or wanting
26 in care as to constitute disregard of human life, human
27 rights, safety, or the property of another;

28 2. At the time the law enforcement officer initiates
29 the pursuit, the officer reasonably believes that the person
30 fleeing has committed a forcible felony as defined in s.
31 776.08; and

1 3. The pursuit is conducted by the officer pursuant to
2 a written policy governing high-speed pursuit adopted by the
3 employing agency. The policy must contain specific procedures
4 concerning the proper method to initiate and terminate
5 high-speed pursuit. The law enforcement officer must have
6 received instructional training from the employing agency on
7 the written policy governing high-speed pursuit.

8 Section 2. If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 invalidity does not affect other provisions or applications of
11 this act which can be given effect without the invalid
12 provision or application, and to this end the provisions of
13 this act are severable.

14 Section 3. This act shall take effect upon becoming a
15 law and shall apply to causes of action that accrue on or
16 after the effective date.

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