

1                                   A bill to be entitled  
 2           An act relating to sovereign immunity; amending s. 768.28,  
 3           F.S.; providing that a law enforcement agency is not  
 4           liable for injury, death, or property damage effected or  
 5           caused by a person fleeing a law enforcement officer under  
 6           certain circumstances; providing for severability;  
 7           providing for application; providing an effective date.

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

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 11           Section 1. Paragraph (d) is added to subsection (9) of  
 12           section 768.28, Florida Statutes, to read:

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

17           (9)  
 18           (d) The employing agency of a law enforcement officer as  
 19           defined in s. 943.10 is not liable for injury, death, or  
 20           property damage effected or caused by a person fleeing from a  
 21           law enforcement officer in a motor vehicle if:

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

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

29           3. The pursuit is conducted by the officer pursuant to a  
30 written policy governing high-speed pursuit adopted by the  
31 employing agency. The policy must contain specific procedures  
32 concerning the proper method to initiate and terminate high-  
33 speed pursuits. The law enforcement officer must have received  
34 instructional training from the employing agency on the written  
35 policy governing high-speed pursuit.

36           Section 2. If any provision of this act or its application  
37 to any person or circumstance is held invalid, the invalidity  
38 does not affect other provisions or applications of this act  
39 which can be given effect without the invalid provision or  
40 application, and to this end the provisions of this act are  
41 severable.

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