

1 A bill to be entitled
 2 An act relating to sovereign immunity; amending s. 768.28,
 3 F.S.; providing that no contract of the state or its
 4 agencies or subdivisions may waive sovereign immunity for
 5 tortious conduct of the state or its agencies or
 6 subdivisions beyond the limitations of the legislative
 7 waiver of sovereign immunity except as expressly provided
 8 by general law; declaring contractual provisions in
 9 violation to be void; providing that the bill is remedial;
 10 providing an effective date.

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

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14 Section 1. Subsection (19) of section 768.28, Florida
 15 Statutes, is amended 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 (19) (a) Except as otherwise expressly provided by general
 21 law, neither the state nor any agency or subdivision of the
 22 state waives any defense of sovereign immunity, or increases the
 23 limits of its liability, upon entering into any a contractual
 24 relationship ~~with another agency or subdivision of the state.~~
 25 Such a contract must not contain any provision that requires one
 26 party to indemnify or insure the other party for the other
 27 party's negligence or to assume any liability for the other
 28 party's negligence. This does not preclude a party from

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29 requiring a nongovernmental entity to provide such
30 indemnification or insurance. The restrictions of this
31 subsection do not prevent a regional water supply authority from
32 indemnifying and assuming the liabilities of its member
33 governments for obligations arising from past acts or omissions
34 at or with property acquired from a member government by the
35 authority and arising from the acts or omissions of the
36 authority in performing activities contemplated by an interlocal
37 agreement. Such indemnification may not be considered to
38 increase or otherwise waive the limits of liability to third-
39 party claimants established by this section.

40 (b) Any contractual provision for an indebtedness or
41 liability contracted for in violation of this subsection shall
42 be void.

43 Section 2. The provisions of this act are remedial and it
44 is the intent of the Legislature that, to the extent permitted
45 by law, they shall apply to all existing and future contracts of
46 the state or its agencies or subdivisions.

47 Section 3. This act shall take effect upon becoming a law.