

CS/CS/HB 1107

2010

1 A bill to be entitled  
2 An act relating to sovereign immunity; amending s. 768.28,  
3 F.S.; increasing the statutory limits on liability for  
4 tort claims against the state and its agencies and  
5 subdivisions; providing for application of the act to  
6 claims arising on or after the effective date; providing  
7 an effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Subsection (5) of section 768.28, Florida  
12 Statutes, is amended 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 (5) The state and its agencies and subdivisions shall be  
18 liable for tort claims in the same manner and to the same extent  
19 as a private individual under like circumstances, but liability  
20 shall not include punitive damages or interest for the period  
21 before judgment. Neither the state nor its agencies or  
22 subdivisions shall be liable to pay a claim or a judgment by any  
23 one person which exceeds the sum of \$200,000 ~~\$100,000~~ or any  
24 claim or judgment, or portions thereof, which, when totaled with  
25 all other claims or judgments paid by the state or its agencies  
26 or subdivisions arising out of the same incident or occurrence,  
27 exceeds the sum of \$300,000 ~~\$200,000~~. However, a judgment or  
28 judgments may be claimed and rendered in excess of these amounts

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29 | and may be settled and paid pursuant to this act up to \$200,000  
30 | ~~\$100,000~~ or \$300,000 ~~\$200,000~~, as the case may be; and that  
31 | portion of the judgment that exceeds these amounts may be  
32 | reported to the Legislature, but may be paid in part or in whole  
33 | only by further act of the Legislature. Notwithstanding the  
34 | limited waiver of sovereign immunity provided herein, the state  
35 | or an agency or subdivision thereof may agree, within the limits  
36 | of insurance coverage provided, to settle a claim made or a  
37 | judgment rendered against it without further action by the  
38 | Legislature, but the state or agency or subdivision thereof  
39 | shall not be deemed to have waived any defense of sovereign  
40 | immunity or to have increased the limits of its liability as a  
41 | result of its obtaining insurance coverage for tortious acts in  
42 | excess of the \$200,000 ~~\$100,000~~ or \$300,000 ~~\$200,000~~ waiver  
43 | provided above. The limitations of liability set forth in this  
44 | subsection shall apply to the state and its agencies and  
45 | subdivisions whether or not the state or its agencies or  
46 | subdivisions possessed sovereign immunity before July 1, 1974.

47 | Section 2. This act shall take effect October 1, 2011, and  
48 | applies to claims arising on or after that date.