

1 A bill to be entitled
 2 An act relating to actions against public officers,
 3 employees, or agents; amending s. 111.071, F.S.;
 4 authorizing counties, municipalities, political
 5 subdivisions, and agencies of the state which have been
 6 excluded from participation in the Insurance Risk
 7 Management Trust Fund to require their officers,
 8 employees, and agents to make payment of certain judgments
 9 under certain circumstances; prohibiting such counties,
 10 municipalities, political subdivisions, and agencies from
 11 requiring such officers, employees, and agents, when held
 12 harmless by a federal court, to make such payments;
 13 providing an effective date.

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

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 17 Section 1. Paragraph (a) of subsection (1) of section
 18 111.071, Florida Statutes, is amended to read:

19 111.071 Payment of judgments or settlements against
 20 certain public officers or employees.—

21 (1) Any county, municipality, political subdivision, or
 22 agency of the state which has been excluded from participation
 23 in the Insurance Risk Management Trust Fund is authorized to
 24 expend available funds to pay:

25 (a) Any final judgment, including damages, costs, and
 26 attorney's fees, arising from a complaint for damages or injury
 27 suffered as a result of any act or omission of action of any
 28 officer, employee, or agent in a civil or civil rights lawsuit

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29 | described in s. 111.07. If the civil action arises under s.
30 | 768.28 as a tort claim, the limitations and provisions of s.
31 | 768.28 governing payment shall apply. If the action is a civil
32 | rights action arising under 42 U.S.C. s. 1983, or similar
33 | federal statutes, payments for the full amount of the judgment
34 | may be made unless the officer, employee, or agent has been
35 | determined by the county, municipality, political subdivision,
36 | or agency ~~in the final judgment~~ to have caused the harm
37 | intentionally. However, if a federal court finds that the
38 | county, municipality, political subdivision, or agency is liable
39 | but holds the officer, employee, or agent harmless from any
40 | liability, the county, municipality, political subdivision, or
41 | agency may not require the officer, employee, or agent to make
42 | payments for the full amount of judgment.

43 | Section 2. This act shall take effect July 1, 2010.