

By Senator Gibson

1-01036-12

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1                   A bill to be entitled  
2           An act relating to claims against the state; amending  
3           s. 11.065, F.S.; allowing certain claims based on a  
4           rendered judgment against the state to be presented to  
5           the Legislature after the 4-year limitation if a party  
6           provides a basis for equitable estoppel or evidence of  
7           manifest injustice; authorizing an equitable claim for  
8           relief which is not based on an existing judgment to  
9           be considered after the 4-year limitation at the  
10          discretion of the President of the Senate or the  
11          Speaker of the House of Representatives; requiring  
12          that an equitable claim for relief for which a basis  
13          for equitable estoppel is provided or evidence of  
14          manifest injustice is presented be considered after  
15          the 4-year limitation; prohibiting ex parte  
16          communications between the respondent and a sponsor or  
17          introducer of a claim for relief until after the claim  
18          is considered by the first committee of reference;  
19          providing a penalty and fine for a violation;  
20          providing criteria for further claims for relief;  
21          providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

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25           Section 1. Section 11.065, Florida Statutes, is amended to  
26 read:

27           11.065 Claims against state; limitations; notice.—

28           (1) A claim ~~No claims~~ against the state based on a rendered  
29 judgment of less than or exceeding the prescribed amount as

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30 provided in s. 768.28 may not shall be presented to the  
31 Legislature more than 4 years after the cause for relief  
32 accrued. Any claim presented after this time of limitation is  
33 ~~shall be~~ void and unenforceable unless the party provides a  
34 basis for equitable estoppel or evidence of manifest injustice.

35 (2) An equitable claim for relief which is not based on an  
36 existing judgment may, at the discretion of the President of the  
37 Senate or the Speaker of the House of Representatives, be  
38 considered after the 4-year limitation. If, however, the party  
39 provides a basis for equitable estoppel or evidence of manifest  
40 injustice after the 4-year limitation, such claim must be  
41 considered. Ex parte communication between a respondent and a  
42 sponsor or introducer of a claim for equitable relief is  
43 prohibited until after the claim is considered by the first  
44 committee of reference. A respondent who, in violation of this  
45 subsection, communicates with a sponsor or introducer before a  
46 claim has been considered by the first committee of reference  
47 commits a misdemeanor of the second degree, punishable as  
48 provided in s. 775.082 or s. 775.083, and by a fine not to  
49 exceed \$500.

50 (3)~~(2)~~ All relief acts of the Legislature shall be for  
51 payment in full. Once a claim is enacted, No further claims for  
52 relief relating to the same cause of action may not shall be  
53 submitted to the Legislature unless authorized by the President  
54 of the Senate, the Speaker of the House of Representatives, or  
55 the Governor in the future.

56 (4)~~(3)~~ Notice shall be given as provided in s. 11.02 before  
57 ~~prior to~~ the introduction of any relief act that which provides  
58 for the payment of the claim from funds scheduled for

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59 distribution to a municipality from the revenue-sharing trust  
60 fund for municipalities.

61 Section 2. This act shall take effect July 1, 2012.