

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.