

By Senator Ring

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1 A bill to be entitled
2 An act relating to legislative relief acts; amending
3 s. 11.02, F.S.; deleting provisions requiring public
4 notice of relief acts; amending s. 11.047, F.S.;
5 deleting a provision exempting claim bills from
6 contingency fee prohibitions; repealing s. 11.065,
7 F.S., relating to the presentation of claims for
8 relief to the Legislature; amending s. 11.066, F.S.;
9 deleting a provision authorizing a judgment creditor
10 to petition the Legislature for an appropriation to
11 pay such judgment; amending s. 17.26, F.S.; deleting a
12 provision authorizing a person entitled to payment on
13 a state obligation to petition the Legislature for
14 payment if such obligation becomes unenforceable under
15 law; amending s. 215.425, F.S.; deleting a provision
16 authorizing an appropriation or the payment of a claim
17 for additional compensation of a state officer, agent,
18 or contractor; amending s. 250.34, F.S.; deleting a
19 provision authorizing the presentation of a claim bill
20 by members of the Florida National Guard in addition
21 to the receipt of certain disability and death
22 benefits provided under law; amending s. 768.28, F.S.;
23 deleting a provision authorizing a tort claimant to
24 present claims or judgments in excess of the limited
25 waiver of sovereign immunity to the Legislature for
26 payment; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 11.02, Florida Statutes, is amended to
31 read:

32 11.02 Notice of special or local legislation ~~or certain~~
33 ~~relief acts.~~—The notice required to obtain special or local
34 legislation ~~or any relief act specified in s. 11.065~~ shall be by
35 publishing the identical notice in each county involved in some
36 newspaper as defined in chapter 50 published in or circulated
37 throughout the county or counties where the matter or thing to
38 be affected by such legislation shall be situated one time at
39 least 30 days before introduction of the proposed law into the
40 Legislature or, there being no newspaper circulated throughout
41 or published in the county, by posting for at least 30 days at
42 not less than three public places in the county or each of the
43 counties, one of which places shall be at the courthouse in the
44 county or counties where the matter or thing to be affected by
45 such legislation shall be situated. Notice of special or local
46 legislation shall state the substance of the contemplated law,
47 as required by s. 10, Art. III of the State Constitution. ~~Notice~~
48 ~~of any relief act specified in s. 11.065 shall state the name of~~
49 ~~the claimant, the nature of the injury or loss for which the~~
50 ~~claim is made, and the amount of the claim against the affected~~
51 ~~municipality's revenue-sharing trust fund.~~

52 Section 2. Subsection (2) of section 11.047, Florida
53 Statutes, is amended to read:

54 11.047 Contingency fees; prohibitions; penalties.—

55 (2) No person may, in whole or in part, pay, give, or
56 receive, or agree to pay, give, or receive, a contingency fee.
57 ~~However, this subsection does not apply to claims bills.~~

58 Section 3. Section 11.065, Florida Statutes, is repealed.

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59 Section 4. Subsection (3) of section 11.066, Florida
60 Statutes, is amended to read:

61 11.066 Suits seeking monetary damages against the state or
62 its agencies; payment of judgments; appropriations required.—

63 (3) Neither the state nor any of its agencies shall pay or
64 be required to pay monetary damages under the judgment of any
65 court except pursuant to an appropriation made by law. ~~To~~
66 ~~enforce a judgment for monetary damages against the state or a~~
67 ~~state agency, the sole remedy of the judgment creditor, if there~~
68 ~~has not otherwise been an appropriation made by law to pay the~~
69 ~~judgment, is to petition the Legislature in accordance with its~~
70 ~~rules to seek an appropriation to pay the judgment.~~

71 Section 5. Subsections (4) and (5) of section 17.26,
72 Florida Statutes, are amended to read:

73 17.26 Cancellation of state warrants not presented within 1
74 year.—

75 ~~(4) If a valid obligation of the state is due, owing, and~~
76 ~~unpaid and it becomes unenforceable for any reason because of~~
77 ~~the provisions and limitations contained in this section, the~~
78 ~~person entitled to payment on the obligation may present a claim~~
79 ~~for relief to the Legislature, provided the claim is made within~~
80 ~~the time limitations presently provided by law.~~

81 (4) ~~(5)~~ This section does not extend any applicable statute
82 of limitations or revive any barred claim with respect to any
83 state obligation outstanding and unpaid on July 1, 1995.

84 Section 6. Section 215.425, Florida Statutes, is amended to
85 read:

86 215.425 Extra compensation ~~claims~~ prohibited; bonuses;
87 severance pay.—

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88 (1) No extra compensation shall be made to any officer,
89 agent, employee, or contractor after the service has been
90 rendered or the contract made; ~~nor shall any money be~~
91 ~~appropriated or paid on any claim the subject matter of which~~
92 ~~has not been provided for by preexisting laws, unless such~~
93 ~~compensation or claim is allowed by a law enacted by two-thirds~~
94 ~~of the members elected to each house of the Legislature.~~

95 However, when adopting salary schedules for a fiscal year, a
96 district school board or community college district board of
97 trustees may apply the schedule for payment of all services
98 rendered after ~~subsequent to~~ July 1 of that fiscal year.

99 (2) This section does not apply to:

100 (a) A bonus or severance pay that is paid wholly from
101 nontax revenues and nonstate-appropriated funds, the payment and
102 receipt of which does not otherwise violate part III of chapter
103 112, and which is paid to an officer, agent, employee, or
104 contractor of a public hospital that is operated by a county or
105 a special district; or

106 (b) A clothing and maintenance allowance given to
107 plainclothes deputies pursuant to s. 30.49.

108 (3) Any policy, ordinance, rule, or resolution designed to
109 implement a bonus scheme must:

110 (a) Base the award of a bonus on work performance;

111 (b) Describe the performance standards and evaluation
112 process by which a bonus will be awarded;

113 (c) Notify all employees of the policy, ordinance, rule, or
114 resolution before the beginning of the evaluation period on
115 which a bonus will be based; and

116 (d) Consider all employees for the bonus.

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117 (4) (a) On or after July 1, 2011, a unit of government that
118 enters into a contract or employment agreement, or renewal or
119 renegotiation of an existing contract or employment agreement,
120 that contains a provision for severance pay with an officer,
121 agent, employee, or contractor must include the following
122 provisions in the contract:

123 1. A requirement that severance pay provided may not exceed
124 an amount greater than 20 weeks of compensation.

125 2. A prohibition of provision of severance pay when the
126 officer, agent, employee, or contractor has been fired for
127 misconduct, as defined in s. 443.036(30), by the unit of
128 government.

129 (b) On or after July 1, 2011, an officer, agent, employee,
130 or contractor may receive severance pay that is not provided for
131 in a contract or employment agreement if the severance pay
132 represents the settlement of an employment dispute. Such
133 severance pay may not exceed an amount greater than 6 weeks of
134 compensation. The settlement may not include provisions that
135 limit the ability of any party to the settlement to discuss the
136 dispute or settlement.

137 (c) This subsection does not create an entitlement to
138 severance pay in the absence of its authorization.

139 (d) As used in this subsection, the term "severance pay"
140 means the actual or constructive compensation, including salary,
141 benefits, or perquisites, for employment services yet to be
142 rendered which is provided to an employee who has recently been
143 or is about to be terminated. The term does not include
144 compensation for:

145 1. Earned and accrued annual, sick, compensatory, or

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146 administrative leave;

147 2. Early retirement under provisions established in an
148 actuarially funded pension plan subject to part VII of chapter
149 112; or

150 3. Any subsidy for the cost of a group insurance plan
151 available to an employee upon normal or disability retirement
152 that is by policy available to all employees of the unit of
153 government pursuant to the unit's health insurance plan. This
154 subparagraph may not be construed to limit the ability of a unit
155 of government to reduce or eliminate such subsidies.

156 (5) Any agreement or contract, executed on or after July 1,
157 2011, which involves extra compensation between a unit of
158 government and an officer, agent, employee, or contractor may
159 not include provisions that limit the ability of any party to
160 the agreement or contract to discuss the agreement or contract.

161 Section 7. Subsection (4) of section 250.34, Florida
162 Statutes, is amended to read:

163 250.34 Injury or death on state active duty.—

164 (4) Each member of the Florida National Guard who is
165 killed, or who dies as the result of injuries incurred, while on
166 state active duty under competent orders qualifies for benefits
167 as a law enforcement officer pursuant to s. 112.19 or any
168 successor statute providing for death benefits for law
169 enforcement officers, and the decedent's survivors or estate are
170 entitled to the death benefits provided in s. 112.19. ~~However,~~
171 ~~this section does not prohibit survivors or the estate of the~~
172 ~~decedent from presenting a claim bill for approval by the~~
173 ~~Legislature in addition to the death benefits provided in this~~
174 ~~section.~~

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175 Section 8. Subsection (5) of section 768.28, Florida
176 Statutes, is amended to read:

177 768.28 Waiver of sovereign immunity in tort actions;
178 recovery limits; limitation on attorney fees; statute of
179 limitations; exclusions; indemnification; risk management
180 programs.—

181 (5) The state and its agencies and subdivisions shall be
182 liable for tort claims in the same manner and to the same extent
183 as a private individual under like circumstances, but liability
184 shall not include punitive damages or interest for the period
185 before judgment. Neither the state nor its agencies or
186 subdivisions shall be liable to pay a claim or a judgment by any
187 one person which exceeds the sum of \$200,000 or any claim or
188 judgment, or portions thereof, which, when totaled with all
189 other claims or judgments paid by the state or its agencies or
190 subdivisions arising out of the same incident or occurrence,
191 exceeds the sum of \$300,000. ~~However, a judgment or judgments~~
192 ~~may be claimed and rendered in excess of these amounts and may~~
193 ~~be settled and paid pursuant to this act up to \$200,000 or~~
194 ~~\$300,000, as the case may be; and that portion of the judgment~~
195 ~~that exceeds these amounts may be reported to the Legislature,~~
196 ~~but may be paid in part or in whole only by further act of the~~
197 ~~Legislature.~~ Notwithstanding the limited waiver of sovereign
198 immunity provided herein, the state or an agency or subdivision
199 thereof may agree, within the limits of insurance coverage
200 provided, to settle a claim made or a judgment rendered against
201 it in excess of the \$200,000 or \$300,000 waiver provided above
202 ~~without further action by the Legislature,~~ but the state or
203 agency or subdivision thereof shall not be deemed to have waived

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204 any defense of sovereign immunity or to have increased the
205 limits of its liability as a result of its obtaining insurance
206 coverage for tortious acts in excess of the \$200,000 or \$300,000
207 waiver ~~provided above~~. The limitations of liability set forth in
208 this subsection shall apply to the state and its agencies and
209 subdivisions regardless of whether ~~or not~~ the state or its
210 agencies or subdivisions possessed sovereign immunity before
211 July 1, 1974.

212 Section 9. This act shall take effect July 1, 2014.