

By Senator DiCeglie

18-01442C-25

20251570\_\_

1                   A bill to be entitled  
2           An act relating to suits against the government;  
3           amending s. 768.28, F.S.; increasing the statutory  
4           limits on liability for tort claims against the state  
5           and its agencies and subdivisions; authorizing a  
6           subdivision of the state to settle a claim in excess  
7           of the statutory limit without further action by the  
8           Legislature regardless of insurance coverage limits;  
9           prohibiting an insurance policy from conditioning  
10          payment of benefits on the enactment of a claim bill;  
11          specifying that the limitations in effect on the date  
12          the claim accrues apply to that claim; revising the  
13          period within which certain claims must be presented  
14          to certain entities; revising exceptions relating to  
15          instituting actions on tort claims against the state  
16          or one of its agencies or subdivisions; revising the  
17          period after which the failure of certain entities to  
18          make final disposition of a claim shall be deemed a  
19          final denial of the claim for certain purposes;  
20          revising the statute of limitations for tort claims  
21          against the state or one of its agencies or  
22          subdivisions and exceptions thereto; providing  
23          applicability; amending s. 944.713, F.S.; conforming  
24          provisions to changes made by the act; reenacting ss.  
25          45.061(5), 110.504(4), 111.071(1)(a), 125.01015(2)(b),  
26          163.01(3)(h) and (15)(k), 190.043, 213.015(13),  
27          252.51, 252.89, 252.944, 260.0125(2), 284.31, 284.38,  
28          322.13(1)(b), 337.19(1), 341.302(17), 351.03(4)(c),  
29          373.1395(6), 375.251(3)(a), 381.0056(9), 393.075(3),

18-01442C-25

20251570\_\_

30 394.9085(7), 395.1055(10)(g), 403.706(17)(c),  
 31 409.175(15)(b), 409.993(1), (2)(a), and (3)(a),  
 32 420.504(8), 455.221(3), 455.32(5), 456.009(3),  
 33 456.076(15)(a), 471.038(3), 472.006(11)(b),  
 34 497.167(7), 513.118(2), 548.046(1), 556.106(8),  
 35 589.19(4)(e), 627.7491(3) and (4), 723.0611(2)(c),  
 36 760.11(5), 766.1115(4), 766.112(2), 768.1355(3),  
 37 768.1382(7), 768.295(4), 946.5026, 946.514(3),  
 38 961.06(5), (6)(a), and (7), 1002.33(12)(h),  
 39 1002.333(6)(b), 1002.34(17), 1002.351(3)(c),  
 40 1002.37(2), 1002.55(3)(1), 1002.83(10), 1002.88(1)(p),  
 41 1006.24(1), and 1006.261(2)(b), F.S., relating to  
 42 offers of settlement, volunteer benefits, payment of  
 43 judgments or settlements against certain public  
 44 officers or employees, office of the sheriff, the  
 45 Florida Interlocal Cooperation Act of 1969, suits  
 46 against community development districts, taxpayer  
 47 rights, liability, tort liability, tort liability,  
 48 limitation on liability of private landowners whose  
 49 property is designated as part of the statewide system  
 50 of greenways and trail, scope and types of coverages,  
 51 waiver of sovereign immunity, driver license  
 52 examiners, suits by and against the Department of  
 53 Transportation, rail program, railroad-highway grade-  
 54 crossing warning signs and signals, limitation on  
 55 liability of water management district with respect to  
 56 areas made available to the public for recreational  
 57 purposes without charge, limitation on liability of  
 58 persons making available to public certain areas for

18-01442C-25

20251570\_\_

59 recreational purposes without charge, school health  
60 services program, general liability coverage,  
61 behavioral provider liability, rules and enforcement,  
62 local government solid waste responsibilities,  
63 licensure of family foster homes, lead agencies and  
64 subcontractor liability, the Florida Housing Finance  
65 Corporation, legal and investigative services, the  
66 Management Privatization Act, legal and investigative  
67 services, impaired practitioner programs, the Florida  
68 Engineers Management Corporation, the Department of  
69 Agriculture and Consumer Services, administrative  
70 matters, conduct on premises and refusal of service,  
71 physician's attendance at match, liability of the  
72 state and its agencies or subdivisions, creation of  
73 certain state forests, naming of certain state  
74 forests, Operation Outdoor Freedom Program, official  
75 law enforcement vehicles and motor vehicle insurance  
76 requirements, the Florida Mobile Home Relocation  
77 Corporation, administrative and civil remedies and  
78 construction, health care providers and creation of  
79 agency relationship with governmental contractors,  
80 comparative fault, the Florida Volunteer Protection  
81 Act, street and security lighting and other similar  
82 illumination, Strategic Lawsuits Against Public  
83 Participation (SLAPP), sovereign immunity in tort  
84 actions, inmates not state employees, compensation for  
85 wrongful incarceration, charter schools, persistently  
86 low-performing schools, charter technical career  
87 centers, the Florida School for Competitive Academics,

18-01442C-25

20251570\_\_

88 the Florida Virtual School, school-year  
89 prekindergarten program delivered by private  
90 prekindergarten providers, Early learning coalitions,  
91 school readiness program provider standards, tort  
92 liability and liability insurance, and use of school  
93 buses for public purposes, respectively, to  
94 incorporate the amendment made to s. 768.28, F.S., in  
95 references thereto; providing an effective date.

96

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

98

99 Section 1. Subsection (5), paragraphs (a) and (d) of  
100 subsection (6), and subsection (14) of section 768.28, Florida  
101 Statutes, are amended to read:

102 768.28 Waiver of sovereign immunity in tort actions;  
103 recovery limits; civil liability for damages caused during a  
104 riot; limitation on attorney fees; statute of limitations;  
105 exclusions; indemnification; risk management programs.—

106 (5) (a) The state and its agencies and subdivisions shall be  
107 liable for tort claims in the same manner and to the same extent  
108 as a private individual under like circumstances, but liability  
109 shall not include punitive damages or interest for the period  
110 before judgment. Neither the state nor its agencies or  
111 subdivisions shall be liable to pay a claim or a judgment that  
112 ~~by any one person which~~ exceeds the limits in paragraph (b).

113 (b)1. If the cause of action accrued before October 1,  
114 2025, the limitations are as follows:

115 a. For a claim or judgment by any one person, \$200,000.

116 b. For multiple claims or judgments, or portions thereof,

18-01442C-25

20251570\_\_

117 which arise out of the same incident or occurrence, a total of  
118 \$300,000.

119 2. If the cause of action accrued on or after October 1,  
120 2025, but before October 1, 2030, the limitations are as  
121 follows:

122 a. For a claim or judgment by any one person, \$1 million.

123 b. For multiple claims or judgments, or portions thereof,  
124 which arise out of the same incident or occurrence, a total of  
125 \$3 million.

126 3. If the cause of action accrued on or after October 1,  
127 2030, the limitations are as follows:

128 a. For a claim or judgment by any one person, \$1.1 million.

129 b. For multiple claims or judgments, or portions thereof,  
130 which arise out of the same incident or occurrence, a total of  
131 \$3.2 million ~~sum of \$200,000 or any claim or judgment, or~~  
132 ~~portions thereof, which, when totaled with all other claims or~~  
133 ~~judgments paid by the state or its agencies or subdivisions~~  
134 ~~arising out of the same incident or occurrence, exceeds the sum~~  
135 ~~of \$300,000.~~

136 (c) However, a judgment or judgments may be claimed and  
137 rendered in excess of these amounts ~~and may be settled and paid~~  
138 pursuant to this act up to the limitations provided under  
139 paragraph (b) \$200,000 or \$300,000, as the case may be; and that  
140 portion of the judgment that exceeds these amounts may be  
141 reported to the Legislature, and ~~but~~ may be paid in part or in  
142 whole ~~only~~ by further act of the Legislature.

143 (d) Notwithstanding the limited waiver of sovereign  
144 immunity provided in paragraphs (a) and (b):

145 1. ~~herein,~~ The state or an agency ~~or subdivision~~ thereof

18-01442C-25

20251570\_\_

146 may agree, within the limits of insurance coverage provided, to  
147 settle a claim made or a judgment rendered against it in excess  
148 of the waiver provided in paragraph (b) without further action  
149 by the Legislature.

150 2. A subdivision of the state may agree to settle a claim  
151 made or a judgment rendered against it in excess of the waiver  
152 provided in paragraph (b) without further action by the  
153 Legislature.

154  
155 However, but the state or an agency or subdivision thereof shall  
156 not be deemed to have waived any defense of sovereign immunity  
157 or to have increased the limits of its liability as a result of  
158 its obtaining insurance coverage for tortious acts in excess of  
159 the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (b).  
160 Beginning October 1, 2025, an insurance policy may not be  
161 delivered or issued for delivery to the state or any agency or  
162 subdivision thereof with a provision that conditions liability  
163 coverage or the payment of insurance benefits, in whole or in  
164 part, on the enactment of a claim bill. Any such provision is  
165 null and void ~~above~~.

166 (e) The limitations of liability set forth in this  
167 subsection ~~shall~~ apply to the state and its agencies and  
168 subdivisions whether or not the state or its agencies or  
169 subdivisions possessed sovereign immunity before July 1, 1974.

170 (f) ~~(b)~~ A municipality has a duty to allow the municipal law  
171 enforcement agency to respond appropriately to protect persons  
172 and property during a riot or an unlawful assembly based on the  
173 availability of adequate equipment to its municipal law  
174 enforcement officers and relevant state and federal laws. If the

18-01442C-25

20251570\_\_

175 governing body of a municipality or a person authorized by the  
176 governing body of the municipality breaches that duty, the  
177 municipality is civilly liable for any damages, including  
178 damages arising from personal injury, wrongful death, or  
179 property damages proximately caused by the municipality's breach  
180 of duty. The sovereign immunity recovery limits in paragraph (b)  
181 ~~(a)~~ do not apply to an action under this paragraph.

182 (g) When determining liability limits for a claim, the  
183 limitations of liability in effect on the date the claim accrues  
184 shall apply to the claim.

185 (6) (a) An action may not be instituted on a claim against  
186 the state or one of its agencies or subdivisions unless the  
187 claimant presents the claim in writing to the appropriate  
188 agency, and also, except as to any claim against a municipality,  
189 county, or the Florida Space Authority, presents such claim in  
190 writing to the Department of Financial Services, within 18  
191 months ~~3 years~~ after such claim accrues and the Department of  
192 Financial Services or the appropriate agency denies the claim in  
193 writing; except that, if:

194 1. Such claim is for contribution pursuant to s. 768.31, it  
195 must be so presented within 6 months after the judgment against  
196 the tortfeasor seeking contribution has become final by lapse of  
197 time for appeal or after appellate review or, if there is no  
198 such judgment, within 6 months after the tortfeasor seeking  
199 contribution has either discharged the common liability by  
200 payment or agreed, while the action is pending against her or  
201 him, to discharge the common liability; or

202 2. Such action arises from a violation of s. 794.011  
203 involving a victim who was under the age of 16 years at the time

18-01442C-25

20251570\_\_

204 of the act, the claimant may present the claim in writing at any  
205 time. This subparagraph applies to any such action other than an  
206 action that would have been time barred on or before October 1,  
207 2025 ~~is for wrongful death, the claimant must present the claim~~  
208 ~~in writing to the Department of Financial Services within 2~~  
209 ~~years after the claim accrues.~~

210 (d) For purposes of this section, complete, accurate, and  
211 timely compliance with the requirements of paragraph (c) shall  
212 occur prior to settlement payment, close of discovery or  
213 commencement of trial, whichever is sooner; provided the ability  
214 to plead setoff is not precluded by the delay. This setoff shall  
215 apply only against that part of the settlement or judgment  
216 payable to the claimant, minus claimant's reasonable attorney  
217 ~~attorney's~~ fees and costs. Incomplete or inaccurate disclosure  
218 of unpaid adjudicated claims due the state, its agency, officer,  
219 or subdivision, may be excused by the court upon a showing by  
220 the preponderance of the evidence of the claimant's lack of  
221 knowledge of an adjudicated claim and reasonable inquiry by, or  
222 on behalf of, the claimant to obtain the information from public  
223 records. Unless the appropriate agency had actual notice of the  
224 information required to be disclosed by paragraph (c) in time to  
225 assert a setoff, an unexcused failure to disclose shall, upon  
226 hearing and order of court, cause the claimant to be liable for  
227 double the original undisclosed judgment and, upon further  
228 motion, the court shall enter judgment for the agency in that  
229 amount. Except as provided otherwise in this subsection, the  
230 failure of the Department of Financial Services or the  
231 appropriate agency to make final disposition of a claim within 4  
232 ~~6~~ months after it is filed shall be deemed a final denial of the



18-01442C-25

20251570\_\_

233 claim for purposes of this section. For purposes of this  
234 subsection, in medical malpractice actions and in wrongful death  
235 actions, the failure of the Department of Financial Services or  
236 the appropriate agency to make final disposition of a claim  
237 within 90 days after it is filed shall be deemed a final denial  
238 of the claim. The statute of limitations ~~for medical malpractice~~  
239 ~~actions and wrongful death actions~~ is tolled as to all  
240 prospective defendants for the period of time taken by the  
241 Department of Financial Services or the appropriate agency to  
242 deny the claim. The provisions of this subsection do not apply  
243 to such claims as may be asserted by counterclaim pursuant to s.  
244 768.14.

245 (14) Every claim against the state or one of its agencies  
246 or subdivisions for damages for a negligent or wrongful act or  
247 omission pursuant to this section shall be forever barred unless  
248 the civil action is commenced by filing a complaint in the court  
249 of appropriate jurisdiction:

250 (a) Within 2 4 years for an action founded on negligence.

251 (b) Within the limitations provided in s. 768.31(4) for an  
252 action for contribution.

253 (c) Within the limitations provided in s. 95.11(5) for an  
254 action for damages arising from medical malpractice or wrongful  
255 death.

256 (d) At any time for an action arising from an act  
257 constituting a violation of s. 794.011 involving a victim who  
258 was under the age of 16 years at the time of the act. This  
259 paragraph applies to any such action other than an action that  
260 would have been time barred on or before October 1, 2025.

261 (e) Within 4 years for any other action not specified in

18-01442C-25

20251570\_\_

262 ~~this subsection after such claim accrues; except that an action~~  
263 ~~for contribution must be commenced within the limitations~~  
264 ~~provided in s. 768.31(4), and an action for damages arising from~~  
265 ~~medical malpractice or wrongful death must be commenced within~~  
266 ~~the limitations for such actions in s. 95.11(5).~~

267 Section 2. Subsection (2) of section 944.713, Florida  
268 Statutes, is amended to read:

269 944.713 Insurance against liability.—

270 (2) The contract shall provide for indemnification of the  
271 state by the private vendor for any liabilities incurred up to  
272 the limits provided under s. 768.28(5). The contract shall  
273 provide that the private vendor, or the insurer of the private  
274 vendor, is liable to pay any claim or judgment for any one  
275 person which does not exceed the applicable maximum amount  
276 provided in s. 768.28(5) ~~the sum of \$100,000 or any claim or~~  
277 ~~judgment, or portions thereof, which, when totaled with all~~  
278 ~~other claims or judgments arising out of the same incident or~~  
279 ~~occurrence, does not exceed the sum of \$200,000.~~ In addition,  
280 the contractor must agree to defend, hold harmless, and  
281 indemnify the department against any and all actions, claims,  
282 damages and losses, including costs and attorney ~~attorney's~~  
283 fees.

284 Section 3. For the purpose of incorporating the amendment  
285 made by this act to section 768.28, Florida Statutes, in a  
286 reference thereto, subsection (5) of section 45.061, Florida  
287 Statutes, is reenacted to read:

288 45.061 Offers of settlement.—

289 (5) Sanctions authorized under this section may be imposed  
290 notwithstanding any limitation on recovery of costs or expenses

18-01442C-25

20251570\_\_

291 which may be provided by contract or in other provisions of  
292 Florida law. This section shall not be construed to waive the  
293 limits of sovereign immunity set forth in s. 768.28.

294 Section 4. For the purpose of incorporating the amendment  
295 made by this act to section 768.28, Florida Statutes, in a  
296 reference thereto, subsection (4) of section 110.504, Florida  
297 Statutes, is reenacted to read:

298 110.504 Volunteer benefits.—

299 (4) Volunteers shall be covered by state liability  
300 protection in accordance with the definition of a volunteer and  
301 the provisions of s. 768.28.

302 Section 5. For the purpose of incorporating the amendment  
303 made by this act to section 768.28, Florida Statutes, in a  
304 reference thereto, paragraph (a) of subsection (1) of section  
305 111.071, Florida Statutes, is reenacted to read:

306 111.071 Payment of judgments or settlements against certain  
307 public officers or employees.—

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

312 (a) Any final judgment, including damages, costs, and  
313 attorney's fees, arising from a complaint for damages or injury  
314 suffered as a result of any act or omission of action of any  
315 officer, employee, or agent in a civil or civil rights lawsuit  
316 described in s. 111.07. If the civil action arises under s.  
317 768.28 as a tort claim, the limitations and provisions of s.  
318 768.28 governing payment shall apply. If the action is a civil  
319 rights action arising under 42 U.S.C. s. 1983, or similar

18-01442C-25

20251570\_\_

320 federal statutes, payments for the full amount of the judgment  
321 may be made unless the officer, employee, or agent has been  
322 determined in the final judgment to have caused the harm  
323 intentionally.

324 Section 6. For the purpose of incorporating the amendment  
325 made by this act to section 768.28, Florida Statutes, in a  
326 reference thereto, paragraph (b) of subsection (2) of section  
327 125.01015, Florida Statutes, is reenacted to read:

328 125.01015 Office of the sheriff.—

329 (2) To ensure the successful transfer of the exclusive  
330 policing responsibility and authority to the sheriff in a  
331 county, as defined in s. 125.011(1), the board of county  
332 commissioners shall:

333 (b) After the election of the sheriff is certified:

334 1. Provide funding for all of the necessary staff and  
335 office space for the sheriff-elect to establish an independent  
336 office of the sheriff, so that the office may effectively  
337 operate and perform all of the functions required by general law  
338 when the sheriff-elect takes office.

339 2. Provide funding for the sheriff-elect to select any  
340 necessary insurances not provided by the county through the  
341 interlocal agreement required under sub-subparagraph 6.d. to  
342 allow the sheriff to effectively operate and perform all of the  
343 functions required by general law when he or she takes office.

344 3. Provide funding for the sheriff-elect to establish bank  
345 and other accounts, as necessary, in his or her official  
346 capacity as sheriff, so that such accounts become operational  
347 when he or she takes office.

348 4. Unless otherwise transferable based on existing surety

18-01442C-25

20251570\_\_

349 bonds for the sheriff's deputies, provide funding for and  
350 facilitate procurement of the required surety bonds for deputy  
351 sheriffs pursuant to s. 30.09, so that such bonds are in place  
352 when the sheriff-elect takes office.

353 5. Prepare and deliver to the office of the sheriff all  
354 documents, property, and other items listed in subsection (4).

355 6. Notwithstanding any provision to the contrary, for a  
356 term commencing on January 7, 2025, and ending on or after  
357 September 30, 2028, provide the sheriff-elect taking office  
358 with, and require the sheriff-elect taking office to use, not  
359 less than the substantially and materially same support  
360 services, facilities, office space, and information technology  
361 infrastructure provided to county offices or departments  
362 performing the duties to be performed by the sheriff-elect upon  
363 taking office in the 1-year period before he or she takes  
364 office.

365 a. As used in this subparagraph, the term "support  
366 services" includes:

367 (I) Property and facilities, and the management and  
368 maintenance for such property and facilities.

369 (II) Communications infrastructure, including telephone and  
370 Internet connectivity.

371 (III) Risk management, including processing, adjusting, and  
372 payment of all claims and demands, including those made under s.  
373 768.28. The county shall provide the sheriff with all required  
374 general liability, property, and other insurance coverage  
375 through its self-insurance program, a self-insurance risk pool,  
376 or commercial insurance. If the county provides insurance  
377 through a self-insurance program, the county must also provide

18-01442C-25

20251570\_\_

378 the sheriff with commercial stop-loss coverage in an amount and  
379 with a self-insured retention agreed upon by the sheriff and the  
380 county.

381 (IV) Legal representation and advice through the office of  
382 the county attorney for all claims, demands, and causes of  
383 action brought against the sheriff, his or her deputies, or  
384 other personnel in their official and individual capacities,  
385 while acting in their official and individual capacities,  
386 including any required outside counsel due to conflicts of  
387 interest. This sub-sub-subparagraph does not prohibit the  
388 sheriff from employing or retaining his or her own legal  
389 representation as he or she deems necessary.

390 (V) Purchasing and procurement services using procedures  
391 under the laws and ordinances applicable to the county for  
392 purchases requiring competitive procurement.

393 (VI) Budget and fiscal software and budget development  
394 services.

395 (VII) Human resource services, including, but not limited  
396 to, facilitation of the hiring process, including employee  
397 applicant screening and employee applicant background checks,  
398 and employee benefit administration. The county may provide  
399 human resource services to the sheriff. However, the sheriff is  
400 the employer of his or her employees, and the sheriff retains  
401 full and complete control and authority over the hiring of his  
402 or her employees and the terms and conditions of employment,  
403 including employee discipline and termination of employment. The  
404 provision of human resource services by the county to the  
405 sheriff does not create a joint-employer relationship. The  
406 sheriff's employees shall remain members of the county's health

18-01442C-25

20251570\_\_

407 insurance and workers' compensation plans for at least the term  
408 set forth in this subparagraph.

409 (VIII) Fleet management, including procurement of all  
410 vehicles and other mobile assets such as boats and aircraft, and  
411 all vehicle repair and maintenance.

412 b. As used in this subparagraph, the term "information  
413 technology infrastructure" includes:

414 (I) All hardware, including computers.

415 (II) Budget and fiscal software, including payroll and  
416 purchasing software.

417 (III) Computer-aided dispatch.

418 c. Under a cost allocation plan agreed to by the county and  
419 the sheriff, the sheriff shall pay the county for such support  
420 services and information technology infrastructure from his or  
421 her general fund budget, except for any support services and  
422 information technology infrastructure costs that general law  
423 otherwise and expressly requires the county to fund outside the  
424 sheriff's budget.

425 d. To satisfy compliance with this subsection and to  
426 establish the office of the sheriff in a manner that minimizes  
427 unnecessary financial expenditures, the county and the sheriff  
428 shall execute an interlocal agreement addressing the  
429 requirements of this subsection and other expenditures,  
430 including an appropriate phase-in period for identification of  
431 the sheriff's assets with the sheriff's markings to minimize the  
432 cost to taxpayers. The interlocal agreement shall have a term  
433 that ends no earlier than September 30, 2028, and may be  
434 amended, renewed, extended, or newly adopted at any time  
435 following the expiration or termination of the agreement. After

18-01442C-25

20251570\_\_

436 the initial period ending no earlier than September 30, 2028, an  
437 interlocal agreement may be entered into between the county and  
438 the sheriff which provides for the same or different  
439 requirements as set forth in this subsection.

440 Section 7. For the purpose of incorporating the amendment  
441 made by this act to section 768.28, Florida Statutes, in  
442 references thereto, paragraph (h) of subsection (3) and  
443 paragraph (k) of subsection (15) of section 163.01, Florida  
444 Statutes, are reenacted to read:

445 163.01 Florida Interlocal Cooperation Act of 1969.—

446 (3) As used in this section:

447 (h) "Local government liability pool" means a reciprocal  
448 insurer as defined in s. 629.011 or any self-insurance program  
449 created pursuant to s. 768.28(16), formed and controlled by  
450 counties or municipalities of this state to provide liability  
451 insurance coverage for counties, municipalities, or other public  
452 agencies of this state, which pool may contract with other  
453 parties for the purpose of providing claims administration,  
454 processing, accounting, and other administrative facilities.

455 (15) Notwithstanding any other provision of this section or  
456 of any other law except s. 361.14, any public agency of this  
457 state which is an electric utility, or any separate legal entity  
458 created pursuant to the provisions of this section, the  
459 membership of which consists only of electric utilities, and  
460 which exercises or proposes to exercise the powers granted by  
461 part II of chapter 361, the Joint Power Act, may exercise any or  
462 all of the following powers:

463 (k) The limitations on waiver in the provisions of s.  
464 768.28 or any other law to the contrary notwithstanding, the



18-01442C-25

20251570\_\_

465 Legislature, in accordance with s. 13, Art. X of the State  
466 Constitution, hereby declares that any such legal entity or any  
467 public agency of this state that participates in any electric  
468 project waives its sovereign immunity to:

- 469 1. All other persons participating therein; and
- 470 2. Any person in any manner contracting with a legal entity  
471 of which any such public agency is a member, with relation to:
  - 472 a. Ownership, operation, or any other activity set forth in  
473 sub-subparagraph (b)2.d. with relation to any electric project;  
474 or
  - 475 b. The supplying or purchasing of services, output,  
476 capacity, energy, or any combination thereof.

477 Section 8. For the purpose of incorporating the amendment  
478 made by this act to section 768.28, Florida Statutes, in a  
479 reference thereto, section 190.043, Florida Statutes, is  
480 reenacted to read:

481 190.043 Suits against the district.—Any suit or action  
482 brought or maintained against the district for damages arising  
483 out of tort, including, without limitation, any claim arising  
484 upon account of an act causing an injury or loss of property,  
485 personal injury, or death, shall be subject to the limitations  
486 provided in s. 768.28.

487 Section 9. For the purpose of incorporating the amendment  
488 made by this act to section 768.28, Florida Statutes, in a  
489 reference thereto, subsection (13) of section 213.015, Florida  
490 Statutes, is reenacted to read:

491 213.015 Taxpayer rights.—There is created a Florida  
492 Taxpayer's Bill of Rights to guarantee that the rights, privacy,  
493 and property of Florida taxpayers are adequately safeguarded and

18-01442C-25

20251570\_\_

494 protected during tax assessment, collection, and enforcement  
495 processes administered under the revenue laws of this state. The  
496 Taxpayer's Bill of Rights compiles, in one document, brief but  
497 comprehensive statements which explain, in simple, nontechnical  
498 terms, the rights and obligations of the Department of Revenue  
499 and taxpayers. Section 192.0105 provides additional rights  
500 afforded to payors of property taxes and assessments. The rights  
501 afforded taxpayers to ensure that their privacy and property are  
502 safeguarded and protected during tax assessment and collection  
503 are available only insofar as they are implemented in other  
504 parts of the Florida Statutes or rules of the Department of  
505 Revenue. The rights so guaranteed Florida taxpayers in the  
506 Florida Statutes and the departmental rules are:

507 (13) The right to an action at law within the limitations  
508 of s. 768.28, relating to sovereign immunity, to recover damages  
509 against the state or the Department of Revenue for injury caused  
510 by the wrongful or negligent act or omission of a department  
511 officer or employee (see s. 768.28).

512 Section 10. For the purpose of incorporating the amendment  
513 made by this act to section 768.28, Florida Statutes, in a  
514 reference thereto, section 252.51, Florida Statutes, is  
515 reenacted to read:

516 252.51 Liability.—Any person or organization, public or  
517 private, owning or controlling real estate or other premises who  
518 voluntarily and without compensation, other than payment or  
519 reimbursement of costs and expenses, grants a license or  
520 privilege or otherwise permits the designation by the local  
521 emergency management agency or use of the whole or any part of  
522 such real estate or premises for the purpose of sheltering

18-01442C-25

20251570\_\_

523 persons during an actual, impending, mock, or practice  
524 emergency, together with her or his successor in interest, if  
525 any, shall not be liable for the death of, or injury to, any  
526 person on or about such real estate or premises during the  
527 actual, impending, mock, or practice emergency, or for loss of,  
528 or damage to, the property of such person, solely by reason or  
529 as a result of such license, privilege, designation, or use,  
530 unless the gross negligence or the willful and wanton misconduct  
531 of such person owning or controlling such real estate or  
532 premises or her or his successor in interest is the proximate  
533 cause of such death, injury, loss, or damage occurring during  
534 such sheltering period. Any such person or organization who  
535 provides such shelter space for compensation shall be deemed to  
536 be an instrumentality of the state or its applicable agency or  
537 subdivision for the purposes of s. 768.28.

538 Section 11. For the purpose of incorporating the amendment  
539 made by this act to section 768.28, Florida Statutes, in a  
540 reference thereto, section 252.89, Florida Statutes, is  
541 reenacted to read:

542 252.89 Tort liability.—The commission and the committees  
543 shall be state agencies, and the members of the commission and  
544 committees shall be officers, employees, or agents of the state  
545 for the purposes of s. 768.28.

546 Section 12. For the purpose of incorporating the amendment  
547 made by this act to section 768.28, Florida Statutes, in a  
548 reference thereto, section 252.944, Florida Statutes, is  
549 reenacted to read:

550 252.944 Tort liability.—The commission and the committees  
551 are state agencies, and the members of the commission and

18-01442C-25

20251570\_\_

552 committees are officers, employees, or agents of the state for  
553 the purpose of s. 768.28.

554 Section 13. For the purpose of incorporating the amendment  
555 made by this act to section 768.28, Florida Statutes, in a  
556 reference thereto, subsection (2) of section 260.0125, Florida  
557 Statutes, is reenacted to read:

558 260.0125 Limitation on liability of private landowners  
559 whose property is designated as part of the statewide system of  
560 greenways and trails.—

561 (2) Any private landowner who consents to designation of  
562 his or her land as part of the statewide system of greenways and  
563 trails pursuant to s. 260.016(2)(d) without compensation shall  
564 be considered a volunteer, as defined in s. 110.501, and shall  
565 be covered by state liability protection pursuant to s. 768.28,  
566 including s. 768.28(9).

567 Section 14. For the purpose of incorporating the amendment  
568 made by this act to section 768.28, Florida Statutes, in a  
569 reference thereto, section 284.31, Florida Statutes, is  
570 reenacted to read:

571 284.31 Scope and types of coverages; separate accounts.—The  
572 Insurance Risk Management Trust Fund must, unless specifically  
573 excluded by the Department of Financial Services, cover all  
574 departments of the State of Florida and their employees, agents,  
575 and volunteers and must provide separate accounts for workers'  
576 compensation, general liability, fleet automotive liability,  
577 federal civil rights actions under 42 U.S.C. s. 1983 or similar  
578 federal statutes, state agency firefighter cancer benefits  
579 payable under s. 112.1816(2), and court-awarded attorney fees in  
580 other proceedings against the state except for such awards in

18-01442C-25

20251570\_\_

581 eminent domain or for inverse condemnation or for awards by the  
582 Public Employees Relations Commission. Unless specifically  
583 excluded by the Department of Financial Services, the Insurance  
584 Risk Management Trust Fund must provide fleet automotive  
585 liability coverage to motor vehicles titled to the state, or to  
586 any department of the state, when such motor vehicles are used  
587 by community transportation coordinators performing, under  
588 contract to the appropriate department of the state, services  
589 for the transportation disadvantaged under part I of chapter  
590 427. Such fleet automotive liability coverage is primary and is  
591 subject to s. 768.28 and parts II and III of chapter 284, and  
592 applicable rules adopted thereunder, and the terms and  
593 conditions of the certificate of coverage issued by the  
594 Department of Financial Services.

595 Section 15. For the purpose of incorporating the amendment  
596 made by this act to section 768.28, Florida Statutes, in a  
597 reference thereto, section 284.38, Florida Statutes, is  
598 reenacted to read:

599 284.38 Waiver of sovereign immunity; effect.—The insurance  
600 programs developed herein shall provide limits as established by  
601 the provisions of s. 768.28 if a tort claim. The limits provided  
602 in s. 768.28 shall not apply to a civil rights action arising  
603 under 42 U.S.C. s. 1983 or similar federal statute. Payment of a  
604 pending or future claim or judgment arising under any of said  
605 statutes may be made upon this act becoming a law, unless the  
606 officer, employee, or agent has been determined in the final  
607 judgment to have caused the harm intentionally; however, the  
608 fund is authorized to pay all other court-ordered attorney's  
609 fees as provided under s. 284.31.

18-01442C-25

20251570\_\_

610 Section 16. For the purpose of incorporating the amendment  
611 made by this act to section 768.28, Florida Statutes, in a  
612 reference thereto, paragraph (b) of subsection (1) of section  
613 322.13, Florida Statutes, is reenacted to read:

614 322.13 Driver license examiners.—

615 (1)

616 (b) Those persons serving as driver license examiners are  
617 not liable for actions taken within the scope of their  
618 employment or designation, except as provided by s. 768.28.

619 Section 17. For the purpose of incorporating the amendment  
620 made by this act to section 768.28, Florida Statutes, in a  
621 reference thereto, subsection (1) of section 337.19, Florida  
622 Statutes, is reenacted to read:

623 337.19 Suits by and against department; limitation of  
624 actions; forum.—

625 (1) Suits at law and in equity may be brought and  
626 maintained by and against the department on any contract claim  
627 arising from breach of an express provision or an implied  
628 covenant of a written agreement or a written directive issued by  
629 the department pursuant to the written agreement. In any such  
630 suit, the department and the contractor shall have all of the  
631 same rights and obligations as a private person under a like  
632 contract except that no liability may be based on an oral  
633 modification of either the written contract or written  
634 directive. Nothing herein shall be construed to waive the  
635 sovereign immunity of the state and its political subdivisions  
636 from equitable claims and equitable remedies. Notwithstanding  
637 anything to the contrary contained in this section, no employee  
638 or agent of the department may be held personally liable to an

18-01442C-25

20251570\_\_

639 extent greater than that pursuant to s. 768.28 provided that no  
640 suit sounding in tort shall be maintained against the  
641 department.

642 Section 18. For the purpose of incorporating the amendment  
643 made by this act to section 768.28, Florida Statutes, in a  
644 reference thereto, subsection (17) of section 341.302, Florida  
645 Statutes, is reenacted to read:

646 341.302 Rail program; duties and responsibilities of the  
647 department.—The department, in conjunction with other  
648 governmental entities, including the rail enterprise and the  
649 private sector, shall develop and implement a rail program of  
650 statewide application designed to ensure the proper maintenance,  
651 safety, revitalization, and expansion of the rail system to  
652 assure its continued and increased availability to respond to  
653 statewide mobility needs. Within the resources provided pursuant  
654 to chapter 216, and as authorized under federal law, the  
655 department shall:

656 (17) In conjunction with the acquisition, ownership,  
657 construction, operation, maintenance, and management of a rail  
658 corridor, have the authority to:

659 (a) Assume obligations pursuant to the following:

660 1.a. The department may assume the obligation by contract  
661 to forever protect, defend, indemnify, and hold harmless the  
662 freight rail operator, or its successors, from whom the  
663 department has acquired a real property interest in the rail  
664 corridor, and that freight rail operator's officers, agents, and  
665 employees, from and against any liability, cost, and expense,  
666 including, but not limited to, commuter rail passengers and rail  
667 corridor invitees in the rail corridor, regardless of whether

18-01442C-25

20251570\_\_

668 the loss, damage, destruction, injury, or death giving rise to  
669 any such liability, cost, or expense is caused in whole or in  
670 part, and to whatever nature or degree, by the fault, failure,  
671 negligence, misconduct, nonfeasance, or misfeasance of such  
672 freight rail operator, its successors, or its officers, agents,  
673 and employees, or any other person or persons whomsoever; or

674       b. The department may assume the obligation by contract to  
675 forever protect, defend, indemnify, and hold harmless National  
676 Railroad Passenger Corporation, or its successors, and officers,  
677 agents, and employees of National Railroad Passenger  
678 Corporation, from and against any liability, cost, and expense,  
679 including, but not limited to, commuter rail passengers and rail  
680 corridor invitees in the rail corridor, regardless of whether  
681 the loss, damage, destruction, injury, or death giving rise to  
682 any such liability, cost, or expense is caused in whole or in  
683 part, and to whatever nature or degree, by the fault, failure,  
684 negligence, misconduct, nonfeasance, or misfeasance of National  
685 Railroad Passenger Corporation, its successors, or its officers,  
686 agents, and employees, or any other person or persons  
687 whomsoever.

688       2. The assumption of liability of the department by  
689 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph  
690 1.b. may not in any instance exceed the following parameters of  
691 allocation of risk:

692       a. The department may be solely responsible for any loss,  
693 injury, or damage to commuter rail passengers, or rail corridor  
694 invitees, or trespassers, regardless of circumstances or cause,  
695 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and  
696 6.



18-01442C-25

20251570\_\_

697           b.(I) In the event of a limited covered accident, the  
698 authority of the department to protect, defend, and indemnify  
699 the freight operator for all liability, cost, and expense,  
700 including punitive or exemplary damages, in excess of the  
701 deductible or self-insurance retention fund established under  
702 paragraph (b) and actually in force at the time of the limited  
703 covered accident exists only if the freight operator agrees,  
704 with respect to the limited covered accident, to protect,  
705 defend, and indemnify the department for the amount of the  
706 deductible or self-insurance retention fund established under  
707 paragraph (b) and actually in force at the time of the limited  
708 covered accident.

709           (II) In the event of a limited covered accident, the  
710 authority of the department to protect, defend, and indemnify  
711 National Railroad Passenger Corporation for all liability, cost,  
712 and expense, including punitive or exemplary damages, in excess  
713 of the deductible or self-insurance retention fund established  
714 under paragraph (b) and actually in force at the time of the  
715 limited covered accident exists only if National Railroad  
716 Passenger Corporation agrees, with respect to the limited  
717 covered accident, to protect, defend, and indemnify the  
718 department for the amount of the deductible or self-insurance  
719 retention fund established under paragraph (b) and actually in  
720 force at the time of the limited covered accident.

721           3. When only one train is involved in an incident, the  
722 department may be solely responsible for any loss, injury, or  
723 damage if the train is a department train or other train  
724 pursuant to subparagraph 4., but only if:

725           a. When an incident occurs with only a freight train

18-01442C-25

20251570\_\_

726 involved, including incidents with trespassers or at grade  
727 crossings, the freight rail operator is solely responsible for  
728 any loss, injury, or damage, except for commuter rail passengers  
729 and rail corridor invitees; or

730 b. When an incident occurs with only a National Railroad  
731 Passenger Corporation train involved, including incidents with  
732 trespassers or at grade crossings, National Railroad Passenger  
733 Corporation is solely responsible for any loss, injury, or  
734 damage, except for commuter rail passengers and rail corridor  
735 invitees.

736 4. For the purposes of this subsection:

737 a. Any train involved in an incident that is neither the  
738 department's train nor the freight rail operator's train,  
739 hereinafter referred to in this subsection as an "other train,"  
740 may be treated as a department train, solely for purposes of any  
741 allocation of liability between the department and the freight  
742 rail operator only, but only if the department and the freight  
743 rail operator share responsibility equally as to third parties  
744 outside the rail corridor who incur loss, injury, or damage as a  
745 result of any incident involving both a department train and a  
746 freight rail operator train, and the allocation as between the  
747 department and the freight rail operator, regardless of whether  
748 the other train is treated as a department train, shall remain  
749 one-half each as to third parties outside the rail corridor who  
750 incur loss, injury, or damage as a result of the incident. The  
751 involvement of any other train shall not alter the sharing of  
752 equal responsibility as to third parties outside the rail  
753 corridor who incur loss, injury, or damage as a result of the  
754 incident; or

18-01442C-25

20251570\_\_

755           b. Any train involved in an incident that is neither the  
756 department's train nor the National Railroad Passenger  
757 Corporation's train, hereinafter referred to in this subsection  
758 as an "other train," may be treated as a department train,  
759 solely for purposes of any allocation of liability between the  
760 department and National Railroad Passenger Corporation only, but  
761 only if the department and National Railroad Passenger  
762 Corporation share responsibility equally as to third parties  
763 outside the rail corridor who incur loss, injury, or damage as a  
764 result of any incident involving both a department train and a  
765 National Railroad Passenger Corporation train, and the  
766 allocation as between the department and National Railroad  
767 Passenger Corporation, regardless of whether the other train is  
768 treated as a department train, shall remain one-half each as to  
769 third parties outside the rail corridor who incur loss, injury,  
770 or damage as a result of the incident. The involvement of any  
771 other train shall not alter the sharing of equal responsibility  
772 as to third parties outside the rail corridor who incur loss,  
773 injury, or damage as a result of the incident.

774           5. When more than one train is involved in an incident:

775           a.(I) If only a department train and freight rail  
776 operator's train, or only an other train as described in sub-  
777 subparagraph 4.a. and a freight rail operator's train, are  
778 involved in an incident, the department may be responsible for  
779 its property and all of its people, all commuter rail  
780 passengers, and rail corridor invitees, but only if the freight  
781 rail operator is responsible for its property and all of its  
782 people, and the department and the freight rail operator each  
783 share one-half responsibility as to trespassers or third parties

18-01442C-25

20251570\_\_

784 outside the rail corridor who incur loss, injury, or damage as a  
785 result of the incident; or

786 (II) If only a department train and a National Railroad  
787 Passenger Corporation train, or only an other train as described  
788 in sub-subparagraph 4.b. and a National Railroad Passenger  
789 Corporation train, are involved in an incident, the department  
790 may be responsible for its property and all of its people, all  
791 commuter rail passengers, and rail corridor invitees, but only  
792 if National Railroad Passenger Corporation is responsible for  
793 its property and all of its people, all National Railroad  
794 Passenger Corporation's rail passengers, and the department and  
795 National Railroad Passenger Corporation each share one-half  
796 responsibility as to trespassers or third parties outside the  
797 rail corridor who incur loss, injury, or damage as a result of  
798 the incident.

799 b.(I) If a department train, a freight rail operator train,  
800 and any other train are involved in an incident, the allocation  
801 of liability between the department and the freight rail  
802 operator, regardless of whether the other train is treated as a  
803 department train, shall remain one-half each as to third parties  
804 outside the rail corridor who incur loss, injury, or damage as a  
805 result of the incident; the involvement of any other train shall  
806 not alter the sharing of equal responsibility as to third  
807 parties outside the rail corridor who incur loss, injury, or  
808 damage as a result of the incident; and, if the owner, operator,  
809 or insurer of the other train makes any payment to injured third  
810 parties outside the rail corridor who incur loss, injury, or  
811 damage as a result of the incident, the allocation of credit  
812 between the department and the freight rail operator as to such

18-01442C-25

20251570\_\_

813 payment shall not in any case reduce the freight rail operator's  
814 third-party-sharing allocation of one-half under this paragraph  
815 to less than one-third of the total third party liability; or

816 (II) If a department train, a National Railroad Passenger  
817 Corporation train, and any other train are involved in an  
818 incident, the allocation of liability between the department and  
819 National Railroad Passenger Corporation, regardless of whether  
820 the other train is treated as a department train, shall remain  
821 one-half each as to third parties outside the rail corridor who  
822 incur loss, injury, or damage as a result of the incident; the  
823 involvement of any other train shall not alter the sharing of  
824 equal responsibility as to third parties outside the rail  
825 corridor who incur loss, injury, or damage as a result of the  
826 incident; and, if the owner, operator, or insurer of the other  
827 train makes any payment to injured third parties outside the  
828 rail corridor who incur loss, injury, or damage as a result of  
829 the incident, the allocation of credit between the department  
830 and National Railroad Passenger Corporation as to such payment  
831 shall not in any case reduce National Railroad Passenger  
832 Corporation's third-party-sharing allocation of one-half under  
833 this sub-subparagraph to less than one-third of the total third  
834 party liability.

835 6. Any such contractual duty to protect, defend, indemnify,  
836 and hold harmless such a freight rail operator or National  
837 Railroad Passenger Corporation shall expressly include a  
838 specific cap on the amount of the contractual duty, which amount  
839 shall not exceed \$200 million without prior legislative  
840 approval, and the department to purchase liability insurance and  
841 establish a self-insurance retention fund in the amount of the

18-01442C-25

20251570\_\_

842 specific cap established under this subparagraph, provided that:

843 a. No such contractual duty shall in any case be effective  
844 nor otherwise extend the department's liability in scope and  
845 effect beyond the contractual liability insurance and self-  
846 insurance retention fund required pursuant to this paragraph;  
847 and

848 b.(I) The freight rail operator's compensation to the  
849 department for future use of the department's rail corridor  
850 shall include a monetary contribution to the cost of such  
851 liability coverage for the sole benefit of the freight rail  
852 operator.

853 (II) National Railroad Passenger Corporation's compensation  
854 to the department for future use of the department's rail  
855 corridor shall include a monetary contribution to the cost of  
856 such liability coverage for the sole benefit of National  
857 Railroad Passenger Corporation.

858 (b) Purchase liability insurance, which amount shall not  
859 exceed \$200 million, and establish a self-insurance retention  
860 fund for the purpose of paying the deductible limit established  
861 in the insurance policies it may obtain, including coverage for  
862 the department, any freight rail operator as described in  
863 paragraph (a), National Railroad Passenger Corporation, commuter  
864 rail service providers, governmental entities, or any ancillary  
865 development, which self-insurance retention fund or deductible  
866 shall not exceed \$10 million. The insureds shall pay a  
867 reasonable monetary contribution to the cost of such liability  
868 coverage for the sole benefit of the insured. Such insurance and  
869 self-insurance retention fund may provide coverage for all  
870 damages, including, but not limited to, compensatory, special,

18-01442C-25

20251570\_\_

871 and exemplary, and be maintained to provide an adequate fund to  
872 cover claims and liabilities for loss, injury, or damage arising  
873 out of or connected with the ownership, operation, maintenance,  
874 and management of a rail corridor.

875 (c) Incur expenses for the purchase of advertisements,  
876 marketing, and promotional items.

877 (d) Without altering any of the rights granted to the  
878 department under this section, agree to assume the obligations  
879 to indemnify and insure, pursuant to s. 343.545, freight rail  
880 service, intercity passenger rail service, and commuter rail  
881 service on a department-owned rail corridor, whether ownership  
882 is in fee or by easement, or on a rail corridor where the  
883 department has the right to operate.

884  
885 Neither the assumption by contract to protect, defend,  
886 indemnify, and hold harmless; the purchase of insurance; nor the  
887 establishment of a self-insurance retention fund shall be deemed  
888 to be a waiver of any defense of sovereign immunity for torts  
889 nor deemed to increase the limits of the department's or the  
890 governmental entity's liability for torts as provided in s.  
891 768.28. The requirements of s. 287.022(1) shall not apply to the  
892 purchase of any insurance under this subsection. The provisions  
893 of this subsection shall apply and inure fully as to any other  
894 governmental entity providing commuter rail service and  
895 constructing, operating, maintaining, or managing a rail  
896 corridor on publicly owned right-of-way under contract by the  
897 governmental entity with the department or a governmental entity  
898 designated by the department. Notwithstanding any law to the  
899 contrary, procurement for the construction, operation,

18-01442C-25

20251570\_\_

900 maintenance, and management of any rail corridor described in  
901 this subsection, whether by the department, a governmental  
902 entity under contract with the department, or a governmental  
903 entity designated by the department, shall be pursuant to s.  
904 287.057 and shall include, but not be limited to, criteria for  
905 the consideration of qualifications, technical aspects of the  
906 proposal, and price. Further, any such contract for design-build  
907 shall be procured pursuant to the criteria in s. 337.11(7).

908 Section 19. For the purpose of incorporating the amendment  
909 made by this act to section 768.28, Florida Statutes, in a  
910 reference thereto, paragraph (c) of subsection (4) of section  
911 351.03, Florida Statutes, is reenacted to read:

912 351.03 Railroad-highway grade-crossing warning signs and  
913 signals; audible warnings; exercise of reasonable care; blocking  
914 highways, roads, and streets during darkness.—

915 (4)

916 (c) Nothing in this subsection shall be construed to  
917 nullify the liability provisions of s. 768.28.

918 Section 20. For the purpose of incorporating the amendment  
919 made by this act to section 768.28, Florida Statutes, in a  
920 reference thereto, subsection (6) of section 373.1395, Florida  
921 Statutes, is reenacted to read:

922 373.1395 Limitation on liability of water management  
923 district with respect to areas made available to the public for  
924 recreational purposes without charge.—

925 (6) This section does not relieve any water management  
926 district of any liability that would otherwise exist for gross  
927 negligence or a deliberate, willful, or malicious injury to a  
928 person or property. This section does not create or increase the



18-01442C-25

20251570\_\_

929 liability of any water management district or person beyond that  
930 which is authorized by s. 768.28.

931 Section 21. For the purpose of incorporating the amendment  
932 made by this act to section 768.28, Florida Statutes, in a  
933 reference thereto, paragraph (a) of subsection (3) of section  
934 375.251, Florida Statutes, is reenacted to read:

935 375.251 Limitation on liability of persons making available  
936 to public certain areas for recreational purposes without  
937 charge.—

938 (3) (a) An owner of an area who enters into a written  
939 agreement concerning the area with a state agency for outdoor  
940 recreational purposes, where such agreement recognizes that the  
941 state agency is responsible for personal injury, loss, or damage  
942 resulting in whole or in part from the state agency's use of the  
943 area under the terms of the agreement subject to the limitations  
944 and conditions specified in s. 768.28, owes no duty of care to  
945 keep the area safe for entry or use by others, or to give  
946 warning to persons entering or going on the area of any  
947 hazardous conditions, structures, or activities thereon. An  
948 owner who enters into a written agreement concerning the area  
949 with a state agency for outdoor recreational purposes:

950 1. Is not presumed to extend any assurance that the area is  
951 safe for any purpose;

952 2. Does not incur any duty of care toward a person who goes  
953 on the area that is subject to the agreement; or

954 3. Is not liable or responsible for any injury to persons  
955 or property caused by the act or omission of a person who goes  
956 on the area that is subject to the agreement.

957 Section 22. For the purpose of incorporating the amendment

18-01442C-25

20251570\_\_

958 made by this act to section 768.28, Florida Statutes, in a  
959 reference thereto, subsection (9) of section 381.0056, Florida  
960 Statutes, is reenacted to read:

961 381.0056 School health services program.—

962 (9) Any health care entity that provides school health  
963 services under contract with the department pursuant to a school  
964 health services plan developed under this section, and as part  
965 of a school nurse services public-private partnership, is deemed  
966 to be a corporation acting primarily as an instrumentality of  
967 the state solely for the purpose of limiting liability pursuant  
968 to s. 768.28(5). The limitations on tort actions contained in s.  
969 768.28(5) shall apply to any action against the entity with  
970 respect to the provision of school health services, if the  
971 entity is acting within the scope of and pursuant to guidelines  
972 established in the contract or by rule of the department. The  
973 contract must require the entity, or the partnership on behalf  
974 of the entity, to obtain general liability insurance coverage,  
975 with any additional endorsement necessary to insure the entity  
976 for liability assumed by its contract with the department. The  
977 Legislature intends that insurance be purchased by entities, or  
978 by partnerships on behalf of the entity, to cover all liability  
979 claims, and under no circumstances shall the state or the  
980 department be responsible for payment of any claims or defense  
981 costs for claims brought against the entity or its subcontractor  
982 for services performed under the contract with the department.  
983 This subsection does not preclude consideration by the  
984 Legislature for payment by the state of any claims bill  
985 involving an entity contracting with the department pursuant to  
986 this section.

18-01442C-25

20251570\_\_

987 Section 23. For the purpose of incorporating the amendment  
988 made by this act to section 768.28, Florida Statutes, in a  
989 reference thereto, subsection (3) of section 393.075, Florida  
990 Statutes, is reenacted to read:

991 393.075 General liability coverage.—

992 (3) This section shall not be construed as designating or  
993 not designating that a person who owns or operates a foster care  
994 facility or group home facility as described in this section or  
995 any other person is an employee or agent of the state. Nothing  
996 in this section amends, expands, or supersedes the provisions of  
997 s. 768.28.

998 Section 24. For the purpose of incorporating the amendment  
999 made by this act to section 768.28, Florida Statutes, in a  
1000 reference thereto, subsection (7) of section 394.9085, Florida  
1001 Statutes, is reenacted to read:

1002 394.9085 Behavioral provider liability.—

1003 (7) This section shall not be construed to waive sovereign  
1004 immunity for any governmental unit or other entity protected by  
1005 sovereign immunity. Section 768.28 shall continue to apply to  
1006 all governmental units and such entities.

1007 Section 25. For the purpose of incorporating the amendment  
1008 made by this act to section 768.28, Florida Statutes, in a  
1009 reference thereto, paragraph (g) of subsection (10) of section  
1010 395.1055, Florida Statutes, is reenacted to read:

1011 395.1055 Rules and enforcement.—

1012 (10) The agency shall establish a pediatric cardiac  
1013 technical advisory panel, pursuant to s. 20.052, to develop  
1014 procedures and standards for measuring outcomes of pediatric  
1015 cardiac catheterization programs and pediatric cardiovascular

18-01442C-25

20251570\_\_

1016 surgery programs.

1017 (g) Panel members are agents of the state for purposes of  
1018 s. 768.28 throughout the good faith performance of the duties  
1019 assigned to them by the Secretary of Health Care Administration.

1020 Section 26. For the purpose of incorporating the amendment  
1021 made by this act to section 768.28, Florida Statutes, in a  
1022 reference thereto, paragraph (c) of subsection (17) of section  
1023 403.706, Florida Statutes, is reenacted to read:

1024 403.706 Local government solid waste responsibilities.—

1025 (17) To effect the purposes of this part, counties and  
1026 municipalities are authorized, in addition to other powers  
1027 granted pursuant to this part:

1028 (c) To waive sovereign immunity and immunity from suit in  
1029 federal court by vote of the governing body of the county or  
1030 municipality to the extent necessary to carry out the authority  
1031 granted in paragraphs (a) and (b), notwithstanding the  
1032 limitations prescribed in s. 768.28.

1033 Section 27. For the purpose of incorporating the amendment  
1034 made by this act to section 768.28, Florida Statutes, in a  
1035 reference thereto, paragraph (b) of subsection (15) of section  
1036 409.175, Florida Statutes, is reenacted to read:

1037 409.175 Licensure of family foster homes, residential  
1038 child-caring agencies, and child-placing agencies; public  
1039 records exemption.—

1040 (15)

1041 (b) This subsection may not be construed as designating or  
1042 not designating that a person who owns or operates a family  
1043 foster home as described in this subsection or any other person  
1044 is an employee or agent of the state. Nothing in this subsection

18-01442C-25

20251570\_\_

1045 amends, expands, or supersedes the provisions of s. 768.28.

1046 Section 28. For the purpose of incorporating the amendment  
1047 made by this act to section 768.28, Florida Statutes, in  
1048 references thereto, subsection (1), paragraph (a) of subsection  
1049 (2), and paragraph (a) of subsection (3) of section 409.993,  
1050 Florida Statutes, are reenacted to read:

1051 409.993 Lead agencies and subcontractor liability.—

1052 (1) FINDINGS.—

1053 (a) The Legislature finds that the state has traditionally  
1054 provided foster care services to children who are the  
1055 responsibility of the state. As such, foster children have not  
1056 had the right to recover for injuries beyond the limitations  
1057 specified in s. 768.28. The Legislature has determined that  
1058 foster care and related services should be outsourced pursuant  
1059 to this section and that the provision of such services is of  
1060 paramount importance to the state. The purpose of such  
1061 outsourcing is to increase the level of safety, security, and  
1062 stability of children who are or become the responsibility of  
1063 the state. One of the components necessary to secure a safe and  
1064 stable environment for such children is the requirement that  
1065 private providers maintain liability insurance. As such,  
1066 insurance needs to be available and remain available to  
1067 nongovernmental foster care and related services providers  
1068 without the resources of such providers being significantly  
1069 reduced by the cost of maintaining such insurance.

1070 (b) The Legislature further finds that, by requiring the  
1071 following minimum levels of insurance, children in outsourced  
1072 foster care and related services will gain increased protection  
1073 and rights of recovery in the event of injury than currently

18-01442C-25

20251570\_\_

1074 provided in s. 768.28.

1075 (2) LEAD AGENCY LIABILITY.—

1076 (a) Other than an entity to which s. 768.28 applies, an  
1077 eligible community-based care lead agency, or its employees or  
1078 officers, except as otherwise provided in paragraph (b), shall,  
1079 as a part of its contract, obtain a minimum of \$1 million per  
1080 occurrence with a policy period aggregate limit of \$3 million in  
1081 general liability insurance coverage. The lead agency must also  
1082 require that staff who transport client children and families in  
1083 their personal automobiles in order to carry out their job  
1084 responsibilities obtain minimum bodily injury liability  
1085 insurance in the amount of \$100,000 per person per any one  
1086 automobile accident, and subject to such limits for each person,  
1087 \$300,000 for all damages resulting from any one automobile  
1088 accident, on their personal automobiles. In lieu of personal  
1089 motor vehicle insurance, the lead agency's casualty, liability,  
1090 or motor vehicle insurance carrier may provide nonowned  
1091 automobile liability coverage. This insurance provides liability  
1092 insurance for an automobile that the lead agency uses in  
1093 connection with the lead agency's business but does not own,  
1094 lease, rent, or borrow. This coverage includes an automobile  
1095 owned by an employee of the lead agency or a member of the  
1096 employee's household but only while the automobile is used in  
1097 connection with the lead agency's business. The nonowned  
1098 automobile coverage for the lead agency applies as excess  
1099 coverage over any other collectible insurance. The personal  
1100 automobile policy for the employee of the lead agency shall be  
1101 primary insurance, and the nonowned automobile coverage of the  
1102 lead agency acts as excess insurance to the primary insurance.

18-01442C-25

20251570\_\_

1103 The lead agency shall provide a minimum limit of \$1 million in  
1104 nonowned automobile coverage. In a tort action brought against  
1105 such a lead agency or employee, net economic damages shall be  
1106 limited to \$2 million per liability claim and \$200,000 per  
1107 automobile claim, including, but not limited to, past and future  
1108 medical expenses, wage loss, and loss of earning capacity,  
1109 offset by any collateral source payment paid or payable. In any  
1110 tort action brought against a lead agency, noneconomic damages  
1111 shall be limited to \$400,000 per claim. A claims bill may be  
1112 brought on behalf of a claimant pursuant to s. 768.28 for any  
1113 amount exceeding the limits specified in this paragraph. Any  
1114 offset of collateral source payments made as of the date of the  
1115 settlement or judgment shall be in accordance with s. 768.76.  
1116 The lead agency is not liable in tort for the acts or omissions  
1117 of its subcontractors or the officers, agents, or employees of  
1118 its subcontractors.

1119 (3) SUBCONTRACTOR LIABILITY.—

1120 (a) A subcontractor of an eligible community-based care  
1121 lead agency that is a direct provider of foster care and related  
1122 services to children and families, and its employees or  
1123 officers, except as otherwise provided in paragraph (b), must,  
1124 as a part of its contract, obtain a minimum of \$1 million per  
1125 occurrence with a policy period aggregate limit of \$3 million in  
1126 general liability insurance coverage. The subcontractor of a  
1127 lead agency must also require that staff who transport client  
1128 children and families in their personal automobiles in order to  
1129 carry out their job responsibilities obtain minimum bodily  
1130 injury liability insurance in the amount of \$100,000 per person  
1131 in any one automobile accident, and subject to such limits for

18-01442C-25

20251570\_\_

1132 each person, \$300,000 for all damages resulting from any one  
1133 automobile accident, on their personal automobiles. In lieu of  
1134 personal motor vehicle insurance, the subcontractor's casualty,  
1135 liability, or motor vehicle insurance carrier may provide  
1136 nonowned automobile liability coverage. This insurance provides  
1137 liability insurance for automobiles that the subcontractor uses  
1138 in connection with the subcontractor's business but does not  
1139 own, lease, rent, or borrow. This coverage includes automobiles  
1140 owned by the employees of the subcontractor or a member of the  
1141 employee's household but only while the automobiles are used in  
1142 connection with the subcontractor's business. The nonowned  
1143 automobile coverage for the subcontractor applies as excess  
1144 coverage over any other collectible insurance. The personal  
1145 automobile policy for the employee of the subcontractor shall be  
1146 primary insurance, and the nonowned automobile coverage of the  
1147 subcontractor acts as excess insurance to the primary insurance.  
1148 The subcontractor shall provide a minimum limit of \$1 million in  
1149 nonowned automobile coverage. In a tort action brought against  
1150 such subcontractor or employee, net economic damages shall be  
1151 limited to \$2 million per liability claim and \$200,000 per  
1152 automobile claim, including, but not limited to, past and future  
1153 medical expenses, wage loss, and loss of earning capacity,  
1154 offset by any collateral source payment paid or payable. In a  
1155 tort action brought against such subcontractor, noneconomic  
1156 damages shall be limited to \$400,000 per claim. A claims bill  
1157 may be brought on behalf of a claimant pursuant to s. 768.28 for  
1158 any amount exceeding the limits specified in this paragraph. Any  
1159 offset of collateral source payments made as of the date of the  
1160 settlement or judgment shall be in accordance with s. 768.76.



18-01442C-25

20251570\_\_

1161 Section 29. For the purpose of incorporating the amendment  
1162 made by this act to section 768.28, Florida Statutes, in a  
1163 reference thereto, subsection (8) of section 420.504, Florida  
1164 Statutes, is reenacted to read:

1165 420.504 Public corporation; creation, membership, terms,  
1166 expenses.—

1167 (8) The corporation is a corporation primarily acting as an  
1168 instrumentality of the state, within the meaning of s. 768.28.

1169 Section 30. For the purpose of incorporating the amendment  
1170 made by this act to section 768.28, Florida Statutes, in a  
1171 reference thereto, subsection (3) of section 455.221, Florida  
1172 Statutes, is reenacted to read:

1173 455.221 Legal and investigative services.—

1174 (3) Any person retained by the department under contract to  
1175 review materials, make site visits, or provide expert testimony  
1176 regarding any complaint or application filed with the department  
1177 relating to a profession under the jurisdiction of the  
1178 department shall be considered an agent of the department in  
1179 determining the state insurance coverage and sovereign immunity  
1180 protection applicability of ss. 284.31 and 768.28.

1181 Section 31. For the purpose of incorporating the amendment  
1182 made by this act to section 768.28, Florida Statutes, in a  
1183 reference thereto, subsection (5) of section 455.32, Florida  
1184 Statutes, is reenacted to read:

1185 455.32 Management Privatization Act.—

1186 (5) Any such corporation may hire staff as necessary to  
1187 carry out its functions. Such staff are not public employees for  
1188 the purposes of chapter 110 or chapter 112, except that the  
1189 board of directors and the employees of the corporation are

18-01442C-25

20251570\_\_

1190 subject to the provisions of s. 112.061 and part III of chapter  
1191 112. The provisions of s. 768.28 apply to each such corporation,  
1192 which is deemed to be a corporation primarily acting as an  
1193 instrumentality of the state but which is not an agency within  
1194 the meaning of s. 20.03(1).

1195 Section 32. For the purpose of incorporating the amendment  
1196 made by this act to section 768.28, Florida Statutes, in a  
1197 reference thereto, subsection (3) of section 456.009, Florida  
1198 Statutes, is reenacted to read:

1199 456.009 Legal and investigative services.—

1200 (3) Any person retained by the department under contract to  
1201 review materials, make site visits, or provide expert testimony  
1202 regarding any complaint or application filed with the department  
1203 relating to a profession under the jurisdiction of the  
1204 department shall be considered an agent of the department in  
1205 determining the state insurance coverage and sovereign immunity  
1206 protection applicability of ss. 284.31 and 768.28.

1207 Section 33. For the purpose of incorporating the amendment  
1208 made by this act to section 768.28, Florida Statutes, in a  
1209 reference thereto, paragraph (a) of subsection (15) of section  
1210 456.076, Florida Statutes, is reenacted to read:

1211 456.076 Impaired practitioner programs.—

1212 (15) (a) A consultant retained pursuant to this section and  
1213 a consultant's directors, officers, employees, or agents shall  
1214 be considered agents of the department for purposes of s. 768.28  
1215 while acting within the scope of the consultant's duties under  
1216 the contract with the department.

1217 Section 34. For the purpose of incorporating the amendment  
1218 made by this act to section 768.28, Florida Statutes, in a

18-01442C-25

20251570\_\_

1219 reference thereto, subsection (3) of section 471.038, Florida  
1220 Statutes, is reenacted to read:

1221 471.038 Florida Engineers Management Corporation.—

1222 (3) The Florida Engineers Management Corporation is created  
1223 to provide administrative, investigative, and prosecutorial  
1224 services to the board in accordance with the provisions of  
1225 chapter 455 and this chapter. The management corporation may  
1226 hire staff as necessary to carry out its functions. Such staff  
1227 are not public employees for the purposes of chapter 110 or  
1228 chapter 112, except that the board of directors and the staff  
1229 are subject to the provisions of s. 112.061. The provisions of  
1230 s. 768.28 apply to the management corporation, which is deemed  
1231 to be a corporation primarily acting as an instrumentality of  
1232 the state, but which is not an agency within the meaning of s.  
1233 20.03(1). The management corporation shall:

1234 (a) Be a Florida corporation not for profit, incorporated  
1235 under the provisions of chapter 617.

1236 (b) Provide administrative, investigative, and  
1237 prosecutorial services to the board in accordance with the  
1238 provisions of chapter 455, this chapter, and the contract  
1239 required by this section.

1240 (c) Receive, hold, and administer property and make only  
1241 prudent expenditures directly related to the responsibilities of  
1242 the board, and in accordance with the contract required by this  
1243 section.

1244 (d) Be approved by the board, and the department, to  
1245 operate for the benefit of the board and in the best interest of  
1246 the state.

1247 (e) Operate under a fiscal year that begins on July 1 of

18-01442C-25

20251570\_\_

1248 each year and ends on June 30 of the following year.

1249 (f) Have a seven-member board of directors, five of whom  
1250 are to be appointed by the board and must be registrants  
1251 regulated by the board and two of whom are to be appointed by  
1252 the secretary and must be laypersons not regulated by the board.  
1253 All appointments shall be for 4-year terms. No member shall  
1254 serve more than two consecutive terms. Failure to attend three  
1255 consecutive meetings shall be deemed a resignation from the  
1256 board, and the vacancy shall be filled by a new appointment.

1257 (g) Select its officers in accordance with its bylaws. The  
1258 members of the board of directors who were appointed by the  
1259 board may be removed by the board.

1260 (h) Select the president of the management corporation, who  
1261 shall also serve as executive director to the board, subject to  
1262 approval of the board.

1263 (i) Use a portion of the interest derived from the  
1264 management corporation account to offset the costs associated  
1265 with the use of credit cards for payment of fees by applicants  
1266 or licensees.

1267 (j) Operate under a written contract with the department  
1268 which is approved by the board. The contract must provide for,  
1269 but is not limited to:

1270 1. Submission by the management corporation of an annual  
1271 budget that complies with board rules for approval by the board  
1272 and the department.

1273 2. Annual certification by the board and the department  
1274 that the management corporation is complying with the terms of  
1275 the contract in a manner consistent with the goals and purposes  
1276 of the board and in the best interest of the state. This

18-01442C-25

20251570\_\_

1277 certification must be reported in the board's minutes. The  
1278 contract must also provide for methods and mechanisms to resolve  
1279 any situation in which the certification process determines  
1280 noncompliance.

1281 3. Funding of the management corporation through  
1282 appropriations allocated to the regulation of professional  
1283 engineers from the Professional Regulation Trust Fund.

1284 4. The reversion to the board, or the state if the board  
1285 ceases to exist, of moneys, records, data, and property held in  
1286 trust by the management corporation for the benefit of the  
1287 board, if the management corporation is no longer approved to  
1288 operate for the board or the board ceases to exist. All records  
1289 and data in a computerized database shall be returned to the  
1290 department in a form that is compatible with the computerized  
1291 database of the department.

1292 5. The securing and maintaining by the management  
1293 corporation, during the term of the contract and for all acts  
1294 performed during the term of the contract, of all liability  
1295 insurance coverages in an amount to be approved by the board to  
1296 defend, indemnify, and hold harmless the management corporation  
1297 and its officers and employees, the department and its  
1298 employees, and the state against all claims arising from state  
1299 and federal laws. Such insurance coverage must be with insurers  
1300 qualified and doing business in the state. The management  
1301 corporation must provide proof of insurance to the department.  
1302 The department and its employees and the state are exempt from  
1303 and are not liable for any sum of money which represents a  
1304 deductible, which sums shall be the sole responsibility of the  
1305 management corporation. Violation of this subparagraph shall be

18-01442C-25

20251570\_\_

1306 grounds for terminating the contract.

1307         6. Payment by the management corporation, out of its  
1308 allocated budget, to the department of all costs of  
1309 representation by the board counsel, including salary and  
1310 benefits, travel, and any other compensation traditionally paid  
1311 by the department to other board counsel.

1312         7. Payment by the management corporation, out of its  
1313 allocated budget, to the department of all costs incurred by the  
1314 management corporation or the board for the Division of  
1315 Administrative Hearings of the Department of Management Services  
1316 and any other cost for utilization of these state services.

1317         8. Payment by the management corporation, out of its  
1318 allocated budget, to the department of reasonable costs  
1319 associated with the contract monitor.

1320         (k) Provide for an annual financial audit of its financial  
1321 accounts and records by an independent certified public  
1322 accountant. The annual audit report shall include a management  
1323 letter in accordance with s. 11.45 and a detailed supplemental  
1324 schedule of expenditures for each expenditure category. The  
1325 annual audit report must be submitted to the board, the  
1326 department, and the Auditor General for review.

1327         (l) Provide for persons not employed by the corporation who  
1328 are charged with the responsibility of receiving and depositing  
1329 fee and fine revenues to have a faithful performance bond in  
1330 such an amount and according to such terms as shall be  
1331 determined in the contract.

1332         (m) Submit to the secretary, the board, and the  
1333 Legislature, on or before October 1 of each year, a report on  
1334 the status of the corporation which includes, but is not limited

18-01442C-25

20251570\_\_

1335 to, information concerning the programs and funds that have been  
1336 transferred to the corporation. The report must include: the  
1337 number of license applications received; the number approved and  
1338 denied and the number of licenses issued; the number of  
1339 examinations administered and the number of applicants who  
1340 passed or failed the examination; the number of complaints  
1341 received; the number determined to be legally sufficient; the  
1342 number dismissed; the number determined to have probable cause;  
1343 the number of administrative complaints issued and the status of  
1344 the complaints; and the number and nature of disciplinary  
1345 actions taken by the board.

1346 (n) Develop and submit to the department, performance  
1347 standards and measurable outcomes for the board to adopt by rule  
1348 in order to facilitate efficient and cost-effective regulation.

1349 Section 35. For the purpose of incorporating the amendment  
1350 made by this act to section 768.28, Florida Statutes, in a  
1351 reference thereto, paragraph (b) of subsection (11) of section  
1352 472.006, Florida Statutes, is reenacted to read:

1353 472.006 Department; powers and duties.—The department  
1354 shall:

1355 (11) Provide legal counsel for the board by contracting  
1356 with the Department of Legal Affairs, by retaining private  
1357 counsel pursuant to s. 287.059, or by providing department staff  
1358 counsel. The board shall periodically review and evaluate the  
1359 services provided by its board counsel. Fees and costs of such  
1360 counsel shall be paid from the General Inspection Trust Fund,  
1361 subject to ss. 215.37 and 472.011. All contracts for independent  
1362 legal counsel must provide for periodic review and evaluation by  
1363 the board and the department of services provided.

18-01442C-25

20251570\_\_

1364 (b) Any person retained by the department under contract to  
1365 review materials, make site visits, or provide expert testimony  
1366 regarding any complaint or application filed with the department  
1367 relating to the practice of surveying and mapping shall be  
1368 considered an agent of the department in determining the state  
1369 insurance coverage and sovereign immunity protection  
1370 applicability of ss. 284.31 and 768.28.

1371 Section 36. For the purpose of incorporating the amendment  
1372 made by this act to section 768.28, Florida Statutes, in a  
1373 reference thereto, subsection (7) of section 497.167, Florida  
1374 Statutes, is reenacted to read:

1375 497.167 Administrative matters.—

1376 (7) Any person retained by the department under contract to  
1377 review materials, make site visits, or provide expert testimony  
1378 regarding any complaint or application filed with the  
1379 department, relating to regulation under this chapter, shall be  
1380 considered an agent of the department in determining the state  
1381 insurance coverage and sovereign immunity protection  
1382 applicability of ss. 284.31 and 768.28.

1383 Section 37. For the purpose of incorporating the amendment  
1384 made by this act to section 768.28, Florida Statutes, in a  
1385 reference thereto, subsection (2) of section 513.118, Florida  
1386 Statutes, is reenacted to read:

1387 513.118 Conduct on premises; refusal of service.—

1388 (2) The operator of a recreational vehicle park may request  
1389 that a transient guest or visitor who violates subsection (1)  
1390 leave the premises immediately. A person who refuses to leave  
1391 the premises commits the offense of trespass as provided in s.  
1392 810.08, and the operator may call a law enforcement officer to



18-01442C-25

20251570\_\_

1393 have the person and his or her property removed under the  
1394 supervision of the officer. A law enforcement officer is not  
1395 liable for any claim involving the removal of the person or  
1396 property from the recreational vehicle park under this section,  
1397 except as provided in s. 768.28. If conditions do not allow for  
1398 immediate removal of the person's property, he or she may  
1399 arrange a reasonable time, not to exceed 48 hours, with the  
1400 operator to come remove the property, accompanied by a law  
1401 enforcement officer.

1402 Section 38. For the purpose of incorporating the amendment  
1403 made by this act to section 768.28, Florida Statutes, in a  
1404 reference thereto, subsection (1) of section 548.046, Florida  
1405 Statutes, is reenacted to read:

1406 548.046 Physician's attendance at match; examinations;  
1407 cancellation of match.-

1408 (1) The commission, or the commission representative, shall  
1409 assign to each match at least one physician who shall observe  
1410 the physical condition of the participants and advise the  
1411 commissioner or commission representative in charge and the  
1412 referee of the participants' conditions before, during, and  
1413 after the match. The commission shall establish a schedule of  
1414 fees for the physician's services. The physician's fee shall be  
1415 paid by the promoter of the match attended by the physician. The  
1416 physician shall be considered an agent of the commission in  
1417 determining the state insurance coverage and sovereign immunity  
1418 protection applicability of ss. 284.31 and 768.28.

1419 Section 39. For the purpose of incorporating the amendment  
1420 made by this act to section 768.28, Florida Statutes, in a  
1421 reference thereto, subsection (8) of section 556.106, Florida

18-01442C-25

20251570\_\_

1422 Statutes, is reenacted to read:

1423 556.106 Liability of the member operator, excavator, and  
1424 system.—

1425 (8) Any liability of the state, its agencies, or its  
1426 subdivisions which arises out of this chapter is subject to the  
1427 provisions of s. 768.28.

1428 Section 40. For the purpose of incorporating the amendment  
1429 made by this act to section 768.28, Florida Statutes, in a  
1430 reference thereto, paragraph (e) of subsection (4) of section  
1431 589.19, Florida Statutes, is reenacted to read:

1432 589.19 Creation of certain state forests; naming of certain  
1433 state forests; Operation Outdoor Freedom Program.—

1434 (4)

1435 (e)1. A private landowner who provides land for designation  
1436 and use as an Operation Outdoor Freedom Program hunting site  
1437 shall have limited liability pursuant to s. 375.251.

1438 2. A private landowner who consents to the designation and  
1439 use of land as part of the Operation Outdoor Freedom Program  
1440 without compensation shall be considered a volunteer, as defined  
1441 in s. 110.501, and shall be covered by state liability  
1442 protection pursuant to s. 768.28, including s. 768.28(9).

1443 3. This subsection does not:

1444 a. Relieve any person of liability that would otherwise  
1445 exist for deliberate, willful, or malicious injury to persons or  
1446 property.

1447 b. Create or increase the liability of any person.

1448 Section 41. For the purpose of incorporating the amendment  
1449 made by this act to section 768.28, Florida Statutes, in  
1450 references thereto, subsections (3) and (4) of section 627.7491,

18-01442C-25

20251570\_\_

1451 Florida Statutes, are reenacted to read:

1452       627.7491 Official law enforcement vehicles; motor vehicle  
1453 insurance requirements.—

1454       (3) Any suit or action brought or maintained against an  
1455 employing agency for damages arising out of tort pursuant to  
1456 this section, including, without limitation, any claim arising  
1457 upon account of an act causing loss of property, personal  
1458 injury, or death, shall be subject to the limitations provided  
1459 in s. 768.28(5).

1460       (4) The requirements of this section may be met by any  
1461 method authorized by s. 768.28(16).

1462       Section 42. For the purpose of incorporating the amendment  
1463 made by this act to section 768.28, Florida Statutes, in a  
1464 reference thereto, paragraph (c) of subsection (2) of section  
1465 723.0611, Florida Statutes, is reenacted to read:

1466       723.0611 Florida Mobile Home Relocation Corporation.—  
1467       (2)

1468       (c) The corporation shall, for purposes of s. 768.28, be  
1469 considered an agency of the state. Agents or employees of the  
1470 corporation, members of the board of directors of the  
1471 corporation, or representatives of the Division of Florida  
1472 Condominiums, Timeshares, and Mobile Homes shall be considered  
1473 officers, employees, or agents of the state, and actions against  
1474 them and the corporation shall be governed by s. 768.28.

1475       Section 43. For the purpose of incorporating the amendment  
1476 made by this act to section 768.28, Florida Statutes, in a  
1477 reference thereto, subsection (5) of section 760.11, Florida  
1478 Statutes, is reenacted to read:

1479       760.11 Administrative and civil remedies; construction.—

18-01442C-25

20251570\_\_

1480 (5) In any civil action brought under this section, the  
1481 court may issue an order prohibiting the discriminatory practice  
1482 and providing affirmative relief from the effects of the  
1483 practice, including back pay. The court may also award  
1484 compensatory damages, including, but not limited to, damages for  
1485 mental anguish, loss of dignity, and any other intangible  
1486 injuries, and punitive damages. The provisions of ss. 768.72 and  
1487 768.73 do not apply to this section. The judgment for the total  
1488 amount of punitive damages awarded under this section to an  
1489 aggrieved person shall not exceed \$100,000. In any action or  
1490 proceeding under this subsection, the court, in its discretion,  
1491 may allow the prevailing party a reasonable attorney's fee as  
1492 part of the costs. It is the intent of the Legislature that this  
1493 provision for attorney's fees be interpreted in a manner  
1494 consistent with federal case law involving a Title VII action.  
1495 The right to trial by jury is preserved in any such private  
1496 right of action in which the aggrieved person is seeking  
1497 compensatory or punitive damages, and any party may demand a  
1498 trial by jury. The commission's determination of reasonable  
1499 cause is not admissible into evidence in any civil proceeding,  
1500 including any hearing or trial, except to establish for the  
1501 court the right to maintain the private right of action. A civil  
1502 action brought under this section shall be commenced no later  
1503 than 1 year after the date of determination of reasonable cause  
1504 by the commission. The commencement of such action shall divest  
1505 the commission of jurisdiction of the complaint, except that the  
1506 commission may intervene in the civil action as a matter of  
1507 right. Notwithstanding the above, the state and its agencies and  
1508 subdivisions shall not be liable for punitive damages. The total

18-01442C-25

20251570\_\_

1509 amount of recovery against the state and its agencies and  
1510 subdivisions shall not exceed the limitation as set forth in s.  
1511 768.28(5).

1512 Section 44. For the purpose of incorporating the amendment  
1513 made by this act to section 768.28, Florida Statutes, in a  
1514 reference thereto, subsection (4) of section 766.1115, Florida  
1515 Statutes, is reenacted to read:

1516 766.1115 Health care providers; creation of agency  
1517 relationship with governmental contractors.-

1518 (4) CONTRACT REQUIREMENTS.-A health care provider that  
1519 executes a contract with a governmental contractor to deliver  
1520 health care services on or after April 17, 1992, as an agent of  
1521 the governmental contractor is an agent for purposes of s.  
1522 768.28(9), while acting within the scope of duties under the  
1523 contract, if the contract complies with the requirements of this  
1524 section and regardless of whether the individual treated is  
1525 later found to be ineligible. A health care provider shall  
1526 continue to be an agent for purposes of s. 768.28(9) for 30 days  
1527 after a determination of ineligibility to allow for treatment  
1528 until the individual transitions to treatment by another health  
1529 care provider. A health care provider under contract with the  
1530 state may not be named as a defendant in any action arising out  
1531 of medical care or treatment provided on or after April 17,  
1532 1992, under contracts entered into under this section. The  
1533 contract must provide that:

1534 (a) The right of dismissal or termination of any health  
1535 care provider delivering services under the contract is retained  
1536 by the governmental contractor.

1537 (b) The governmental contractor has access to the patient

18-01442C-25

20251570\_\_

1538 records of any health care provider delivering services under  
1539 the contract.

1540 (c) Adverse incidents and information on treatment outcomes  
1541 must be reported by any health care provider to the governmental  
1542 contractor if the incidents and information pertain to a patient  
1543 treated under the contract. The health care provider shall  
1544 submit the reports required by s. 395.0197. If an incident  
1545 involves a professional licensed by the Department of Health or  
1546 a facility licensed by the Agency for Health Care  
1547 Administration, the governmental contractor shall submit such  
1548 incident reports to the appropriate department or agency, which  
1549 shall review each incident and determine whether it involves  
1550 conduct by the licensee that is subject to disciplinary action.  
1551 All patient medical records and any identifying information  
1552 contained in adverse incident reports and treatment outcomes  
1553 which are obtained by governmental entities under this paragraph  
1554 are confidential and exempt from the provisions of s. 119.07(1)  
1555 and s. 24(a), Art. I of the State Constitution.

1556 (d) Patient selection and initial referral must be made by  
1557 the governmental contractor or the provider. Patients may not be  
1558 transferred to the provider based on a violation of the  
1559 antidumping provisions of the Omnibus Budget Reconciliation Act  
1560 of 1989, the Omnibus Budget Reconciliation Act of 1990, or  
1561 chapter 395.

1562 (e) If emergency care is required, the patient need not be  
1563 referred before receiving treatment, but must be referred within  
1564 48 hours after treatment is commenced or within 48 hours after  
1565 the patient has the mental capacity to consent to treatment,  
1566 whichever occurs later.

18-01442C-25

20251570\_\_

1567 (f) The provider is subject to supervision and regular  
1568 inspection by the governmental contractor.

1569 (g) As an agent of the governmental contractor for purposes  
1570 of s. 768.28(9), while acting within the scope of duties under  
1571 the contract, a health care provider licensed under chapter 466  
1572 may allow a patient, or a parent or guardian of the patient, to  
1573 voluntarily contribute a monetary amount to cover costs of  
1574 dental laboratory work related to the services provided to the  
1575 patient. This contribution may not exceed the actual cost of the  
1576 dental laboratory charges.

1577  
1578 A governmental contractor that is also a health care provider is  
1579 not required to enter into a contract under this section with  
1580 respect to the health care services delivered by its employees.

1581 Section 45. For the purpose of incorporating the amendment  
1582 made by this act to section 768.28, Florida Statutes, in a  
1583 reference thereto, subsection (2) of section 766.112, Florida  
1584 Statutes, is reenacted to read:

1585 766.112 Comparative fault.—

1586 (2) In an action for damages for personal injury or  
1587 wrongful death arising out of medical negligence, whether in  
1588 contract or tort, when an apportionment of damages pursuant to  
1589 s. 768.81 is attributed to a board of trustees of a state  
1590 university, the court shall enter judgment against the board of  
1591 trustees on the basis of the board's percentage of fault and not  
1592 on the basis of the doctrine of joint and several liability. The  
1593 sole remedy available to a claimant to collect a judgment or  
1594 settlement against a board of trustees, subject to the  
1595 provisions of this subsection, shall be pursuant to s. 768.28.

18-01442C-25

20251570\_\_

1596 Section 46. For the purpose of incorporating the amendment  
1597 made by this act to section 768.28, Florida Statutes, in a  
1598 reference thereto, subsection (3) of section 768.1355, Florida  
1599 Statutes, is reenacted to read:

1600 768.1355 Florida Volunteer Protection Act.—

1601 (3) Members of elected or appointed boards, councils, and  
1602 commissions of the state, counties, municipalities, authorities,  
1603 and special districts shall incur no civil liability and shall  
1604 have immunity from suit as provided in s. 768.28 for acts or  
1605 omissions by members relating to members' conduct of their  
1606 official duties. It is the intent of the Legislature to  
1607 encourage our best and brightest people to serve on elected and  
1608 appointed boards, councils, and commissions.

1609 Section 47. For the purpose of incorporating the amendment  
1610 made by this act to section 768.28, Florida Statutes, in a  
1611 reference thereto, subsection (7) of section 768.1382, Florida  
1612 Statutes, is reenacted to read:

1613 768.1382 Streetlights, security lights, and other similar  
1614 illumination; limitation on liability.—

1615 (7) In the event that there is any conflict between this  
1616 section and s. 768.81, or any other section of the Florida  
1617 Statutes, this section shall control. Further, nothing in this  
1618 section shall impact or waive any provision of s. 768.28.

1619 Section 48. For the purpose of incorporating the amendment  
1620 made by this act to section 768.28, Florida Statutes, in a  
1621 reference thereto, subsection (4) of section 768.295, Florida  
1622 Statutes, is reenacted to read:

1623 768.295 Strategic Lawsuits Against Public Participation  
1624 (SLAPP) prohibited.—



18-01442C-25

20251570\_\_

1625 (4) A person or entity sued by a governmental entity or  
1626 another person in violation of this section has a right to an  
1627 expeditious resolution of a claim that the suit is in violation  
1628 of this section. A person or entity may move the court for an  
1629 order dismissing the action or granting final judgment in favor  
1630 of that person or entity. The person or entity may file a motion  
1631 for summary judgment, together with supplemental affidavits,  
1632 seeking a determination that the claimant's or governmental  
1633 entity's lawsuit has been brought in violation of this section.  
1634 The claimant or governmental entity shall thereafter file a  
1635 response and any supplemental affidavits. As soon as  
1636 practicable, the court shall set a hearing on the motion, which  
1637 shall be held at the earliest possible time after the filing of  
1638 the claimant's or governmental entity's response. The court may  
1639 award, subject to the limitations in s. 768.28, the party sued  
1640 by a governmental entity actual damages arising from a  
1641 governmental entity's violation of this section. The court shall  
1642 award the prevailing party reasonable attorney fees and costs  
1643 incurred in connection with a claim that an action was filed in  
1644 violation of this section.

1645 Section 49. For the purpose of incorporating the amendment  
1646 made by this act to section 768.28, Florida Statutes, in a  
1647 reference thereto, section 946.5026, Florida Statutes, is  
1648 reenacted to read:

1649 946.5026 Sovereign immunity in tort actions.—The provisions  
1650 of s. 768.28 shall be applicable to the corporation established  
1651 under this part, which is deemed to be a corporation primarily  
1652 acting as an instrumentality of the state.

1653 Section 50. For the purpose of incorporating the amendment

18-01442C-25

20251570\_\_

1654 made by this act to section 768.28, Florida Statutes, in a  
1655 reference thereto, subsection (3) of section 946.514, Florida  
1656 Statutes, is reenacted to read:

1657 946.514 Civil rights of inmates; inmates not state  
1658 employees; liability of corporation for inmate injuries.—

1659 (3) The corporation is liable for inmate injury to the  
1660 extent specified in s. 768.28; however, the members of the board  
1661 of directors are not individually liable to any inmate for any  
1662 injury sustained in any correctional work program operated by  
1663 the corporation.

1664 Section 51. For the purpose of incorporating the amendment  
1665 made by this act to section 768.28, Florida Statutes, in  
1666 references thereto, subsection (5), paragraph (a) of subsection  
1667 (6), and subsection (7) of section 961.06, Florida Statutes, are  
1668 reenacted to read:

1669 961.06 Compensation for wrongful incarceration.—

1670 (5) Before the department approves the application for  
1671 compensation, the wrongfully incarcerated person must sign a  
1672 release and waiver on behalf of the wrongfully incarcerated  
1673 person and his or her heirs, successors, and assigns, forever  
1674 releasing the state or any agency, instrumentality, or any  
1675 political subdivision thereof, or any other entity subject to s.  
1676 768.28, from all present or future claims that the wrongfully  
1677 incarcerated person or his or her heirs, successors, or assigns  
1678 may have against such entities arising out of the facts in  
1679 connection with the wrongful conviction for which compensation  
1680 is being sought under the act.

1681 (6) (a) A wrongfully incarcerated person may not submit an  
1682 application for compensation under this act if the person has a

18-01442C-25

20251570\_\_

1683 lawsuit pending against the state or any agency,  
1684 instrumentality, or any political subdivision thereof, or any  
1685 other entity subject to the provisions of s. 768.28, in state or  
1686 federal court requesting compensation arising out of the facts  
1687 in connection with the claimant's conviction and incarceration.

1688 (7) Any payment made under this act does not constitute a  
1689 waiver of any defense of sovereign immunity or an increase in  
1690 the limits of liability on behalf of the state or any person  
1691 subject to the provisions of s. 768.28 or other law.

1692 Section 52. For the purpose of incorporating the amendment  
1693 made by this act to section 768.28, Florida Statutes, in a  
1694 reference thereto, paragraph (h) of subsection (12) of section  
1695 1002.33, Florida Statutes, is reenacted to read:

1696 1002.33 Charter schools.—

1697 (12) EMPLOYEES OF CHARTER SCHOOLS.—

1698 (h) For the purposes of tort liability, the charter school,  
1699 including its governing body and employees, shall be governed by  
1700 s. 768.28. This paragraph does not include any for-profit entity  
1701 contracted by the charter school or its governing body.

1702 Section 53. For the purpose of incorporating the amendment  
1703 made by this act to section 768.28, Florida Statutes, in a  
1704 reference thereto, paragraph (b) of subsection (6) of section  
1705 1002.333, Florida Statutes, is reenacted to read:

1706 1002.333 Persistently low-performing schools.—

1707 (6) STATUTORY AUTHORITY.—

1708 (b) For the purposes of tort liability, the hope operator,  
1709 the school of hope, and its employees or agents shall be  
1710 governed by s. 768.28. The sponsor shall not be liable for civil  
1711 damages under state law for the employment actions or personal

18-01442C-25

20251570\_\_

1712 injury, property damage, or death resulting from an act or  
1713 omission of a hope operator, the school of hope, or its  
1714 employees or agents. This paragraph does not include any for-  
1715 profit entity contracted by the charter school or its governing  
1716 body.

1717 Section 54. For the purpose of incorporating the amendment  
1718 made by this act to section 768.28, Florida Statutes, in a  
1719 reference thereto, subsection (17) of section 1002.34, Florida  
1720 Statutes, is reenacted to read:

1721 1002.34 Charter technical career centers.—

1722 (17) IMMUNITY.—For the purposes of tort liability, the  
1723 governing body and employees of a center are governed by s.  
1724 768.28.

1725 Section 55. For the purpose of incorporating the amendment  
1726 made by this act to section 768.28, Florida Statutes, in a  
1727 reference thereto, paragraph (c) of subsection (3) of section  
1728 1002.351, Florida Statutes, is reenacted to read:

1729 1002.351 The Florida School for Competitive Academics.—

1730 (3) BOARD OF TRUSTEES.—

1731 (c) The board of trustees is a public agency entitled to  
1732 sovereign immunity pursuant to s. 768.28, and board members are  
1733 public officers who bear fiduciary responsibility for the  
1734 Florida School for Competitive Academics.

1735 Section 56. For the purpose of incorporating the amendment  
1736 made by this act to section 768.28, Florida Statutes, in a  
1737 reference thereto, subsection (2) of section 1002.37, Florida  
1738 Statutes, is reenacted to read:

1739 1002.37 The Florida Virtual School.—

1740 (2) The Florida Virtual School shall be governed by a board

18-01442C-25

20251570\_\_

1741 of trustees comprised of seven members appointed by the Governor  
1742 to 4-year staggered terms. The board of trustees shall be a  
1743 public agency entitled to sovereign immunity pursuant to s.  
1744 768.28, and board members shall be public officers who shall  
1745 bear fiduciary responsibility for the Florida Virtual School.  
1746 The board of trustees shall have the following powers and  
1747 duties:

1748 (a)1. The board of trustees shall meet at least 4 times  
1749 each year, upon the call of the chair, or at the request of a  
1750 majority of the membership.

1751 2. The fiscal year for the Florida Virtual School shall be  
1752 the state fiscal year as provided in s. 216.011(1)(q).

1753 (b) The board of trustees shall be responsible for the  
1754 Florida Virtual School's development of a state-of-the-art  
1755 technology-based education delivery system that is cost-  
1756 effective, educationally sound, marketable, and capable of  
1757 sustaining a self-sufficient delivery system through the Florida  
1758 Education Finance Program.

1759 (c) The board of trustees shall aggressively seek avenues  
1760 to generate revenue to support its future endeavors, and shall  
1761 enter into agreements with distance learning providers. The  
1762 board of trustees may acquire, enjoy, use, and dispose of  
1763 patents, copyrights, and trademarks and any licenses and other  
1764 rights or interests thereunder or therein. Ownership of all such  
1765 patents, copyrights, trademarks, licenses, and rights or  
1766 interests thereunder or therein shall vest in the state, with  
1767 the board of trustees having full right of use and full right to  
1768 retain the revenues derived therefrom. Any funds realized from  
1769 patents, copyrights, trademarks, or licenses shall be considered

18-01442C-25

20251570\_\_

1770 internal funds as provided in s. 1011.07. Such funds shall be  
1771 used to support the school's marketing and research and  
1772 development activities in order to improve courseware and  
1773 services to its students.

1774 (d) The board of trustees shall be responsible for the  
1775 administration and control of all local school funds derived  
1776 from all activities or sources and shall prescribe the  
1777 principles and procedures to be followed in administering these  
1778 funds.

1779 (e) The Florida Virtual School may accrue supplemental  
1780 revenue from supplemental support organizations, which include,  
1781 but are not limited to, alumni associations, foundations,  
1782 parent-teacher associations, and booster associations. The  
1783 governing body of each supplemental support organization shall  
1784 recommend the expenditure of moneys collected by the  
1785 organization for the benefit of the school. Such expenditures  
1786 shall be contingent upon the review of the executive director.  
1787 The executive director may override any proposed expenditure of  
1788 the organization that would violate Florida law or breach sound  
1789 educational management.

1790 (f) In accordance with law and rules of the State Board of  
1791 Education, the board of trustees shall administer and maintain  
1792 personnel programs for all employees of the board of trustees  
1793 and the Florida Virtual School. The board of trustees may adopt  
1794 rules, policies, and procedures related to the appointment,  
1795 employment, and removal of personnel.

1796 1. The board of trustees shall determine the compensation,  
1797 including salaries and fringe benefits, and other conditions of  
1798 employment for such personnel.

18-01442C-25

20251570\_\_

1799           2. The board of trustees may establish and maintain a  
1800 personnel loan or exchange program by which persons employed by  
1801 the board of trustees for the Florida Virtual School as academic  
1802 administrative and instructional staff may be loaned to, or  
1803 exchanged with persons employed in like capacities by, public  
1804 agencies either within or without this state, or by private  
1805 industry. With respect to public agency employees, the program  
1806 authorized by this subparagraph shall be consistent with the  
1807 requirements of part II of chapter 112. The salary and benefits  
1808 of board of trustees personnel participating in the loan or  
1809 exchange program shall be continued during the period of time  
1810 they participate in a loan or exchange program, and such  
1811 personnel shall be deemed to have no break in creditable or  
1812 continuous service or employment during such time. The salary  
1813 and benefits of persons participating in the personnel loan or  
1814 exchange program who are employed by public agencies or private  
1815 industry shall be paid by the originating employers of those  
1816 participants, and such personnel shall be deemed to have no  
1817 break in creditable or continuous service or employment during  
1818 such time.

1819           3. The employment of all Florida Virtual School academic  
1820 administrative and instructional personnel shall be subject to  
1821 rejection for cause by the board of trustees, and shall be  
1822 subject to policies of the board of trustees relative to  
1823 certification, tenure, leaves of absence, sabbaticals,  
1824 remuneration, and such other conditions of employment as the  
1825 board of trustees deems necessary and proper, not inconsistent  
1826 with law.

1827           4. Each person employed by the board of trustees in an

18-01442C-25

20251570\_\_

1828 academic administrative or instructional capacity with the  
1829 Florida Virtual School shall be entitled to a contract as  
1830 provided by rules of the board of trustees.

1831 5. All employees except temporary, seasonal, and student  
1832 employees may be state employees for the purpose of being  
1833 eligible to participate in the Florida Retirement System and  
1834 receive benefits. The classification and pay plan, including  
1835 terminal leave and other benefits, and any amendments thereto,  
1836 shall be subject to review and approval by the Department of  
1837 Management Services and the Executive Office of the Governor  
1838 prior to adoption.

1839 (g) The board of trustees shall establish priorities for  
1840 admission of students in accordance with paragraph (1)(b).

1841 (h) The board of trustees shall establish and distribute to  
1842 all school districts and high schools in the state procedures  
1843 for enrollment of students in courses offered by the Florida  
1844 Virtual School.

1845 (i) The board of trustees shall establish criteria defining  
1846 the elements of an approved franchise. The board of trustees may  
1847 enter into franchise agreements with Florida district school  
1848 boards and may establish the terms and conditions governing such  
1849 agreements. The board of trustees shall establish the  
1850 performance and accountability measures and report the  
1851 performance of each school district franchise to the  
1852 Commissioner of Education.

1853 (j) The board of trustees shall submit to the State Board  
1854 of Education both forecasted and actual enrollments and credit  
1855 completions for the Florida Virtual School, according to  
1856 procedures established by the State Board of Education. At a



18-01442C-25

20251570\_\_

1857 minimum, such procedures must include the number of public,  
1858 private, and home education students served by program and by  
1859 county of residence.

1860 (k) The board of trustees shall provide for the content and  
1861 custody of student and employee personnel records. Student  
1862 records shall be subject to the provisions of s. 1002.22.  
1863 Employee records shall be subject to the provisions of s.  
1864 1012.31.

1865 (l) The financial records and accounts of the Florida  
1866 Virtual School shall be maintained under the direction of the  
1867 board of trustees and under rules adopted by the State Board of  
1868 Education for the uniform system of financial records and  
1869 accounts for the schools of the state.

1870  
1871 The Governor shall designate the initial chair of the board of  
1872 trustees to serve a term of 4 years. Members of the board of  
1873 trustees shall serve without compensation, but may be reimbursed  
1874 for per diem and travel expenses pursuant to s. 112.061. The  
1875 board of trustees shall be a body corporate with all the powers  
1876 of a body corporate and such authority as is needed for the  
1877 proper operation and improvement of the Florida Virtual School.  
1878 The board of trustees is specifically authorized to adopt rules,  
1879 policies, and procedures, consistent with law and rules of the  
1880 State Board of Education related to governance, personnel,  
1881 budget and finance, administration, programs, curriculum and  
1882 instruction, travel and purchasing, technology, students,  
1883 contracts and grants, and property as necessary for optimal,  
1884 efficient operation of the Florida Virtual School. Tangible  
1885 personal property owned by the board of trustees shall be

18-01442C-25

20251570\_\_

1886 subject to the provisions of chapter 273.

1887 Section 57. For the purpose of incorporating the amendment  
1888 made by this act to section 768.28, Florida Statutes, in a  
1889 reference thereto, paragraph (1) of subsection (3) of section  
1890 1002.55, Florida Statutes, is reenacted to read:

1891 1002.55 School-year prekindergarten program delivered by  
1892 private prekindergarten providers.—

1893 (3) To be eligible to deliver the prekindergarten program,  
1894 a private prekindergarten provider must meet each of the  
1895 following requirements:

1896 (1) Notwithstanding paragraph (j), for a private  
1897 prekindergarten provider that is a state agency or a subdivision  
1898 thereof, as defined in s. 768.28(2), the provider must agree to  
1899 notify the coalition of any additional liability coverage  
1900 maintained by the provider in addition to that otherwise  
1901 established under s. 768.28. The provider shall indemnify the  
1902 coalition to the extent permitted by s. 768.28. Notwithstanding  
1903 paragraph (j), for a child development program that is  
1904 accredited by a national accrediting body and operates on a  
1905 military installation that is certified by the United States  
1906 Department of Defense, the provider may demonstrate liability  
1907 coverage by affirming that it is subject to the Federal Tort  
1908 Claims Act, 28 U.S.C. ss. 2671 et seq.

1909 Section 58. For the purpose of incorporating the amendment  
1910 made by this act to section 768.28, Florida Statutes, in a  
1911 reference thereto, subsection (10) of section 1002.83, Florida  
1912 Statutes, is reenacted to read:

1913 1002.83 Early learning coalitions.—

1914 (10) For purposes of tort liability, each member or

18-01442C-25

20251570\_\_

1915 employee of an early learning coalition shall be governed by s.  
1916 768.28.

1917 Section 59. For the purpose of incorporating the amendment  
1918 made by this act to section 768.28, Florida Statutes, in a  
1919 reference thereto, paragraph (p) of subsection (1) of section  
1920 1002.88, Florida Statutes, is reenacted to read:

1921 1002.88 School readiness program provider standards;  
1922 eligibility to deliver the school readiness program.—

1923 (1) To be eligible to deliver the school readiness program,  
1924 a school readiness program provider must:

1925 (p) Notwithstanding paragraph (m), for a provider that is a  
1926 state agency or a subdivision thereof, as defined in s.

1927 768.28(2), agree to notify the coalition of any additional  
1928 liability coverage maintained by the provider in addition to  
1929 that otherwise established under s. 768.28. The provider shall  
1930 indemnify the coalition to the extent permitted by s. 768.28.

1931 Notwithstanding paragraph (m), for a child development program  
1932 that is accredited by a national accrediting body and operates  
1933 on a military installation that is certified by the United  
1934 States Department of Defense, the provider may demonstrate  
1935 liability coverage by affirming that it is subject to the  
1936 Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

1937 Section 60. For the purpose of incorporating the amendment  
1938 made by this act to section 768.28, Florida Statutes, in a  
1939 reference thereto, subsection (1) of section 1006.24, Florida  
1940 Statutes, is reenacted to read:

1941 1006.24 Tort liability; liability insurance.—

1942 (1) Each district school board shall be liable for tort  
1943 claims arising out of any incident or occurrence involving a

18-01442C-25

20251570\_\_

1944 school bus or other motor vehicle owned, maintained, operated,  
1945 or used by the district school board to transport persons, to  
1946 the same extent and in the same manner as the state or any of  
1947 its agencies or subdivisions is liable for tort claims under s.  
1948 768.28, except that the total liability to persons being  
1949 transported for all claims or judgments of such persons arising  
1950 out of the same incident or occurrence shall not exceed an  
1951 amount equal to \$5,000 multiplied by the rated seating capacity  
1952 of the school bus or other vehicle, as determined by rules of  
1953 the State Board of Education, or \$100,000, whichever is greater.  
1954 The provisions of s. 768.28 apply to all claims or actions  
1955 brought against district school boards, as authorized in this  
1956 subsection.

1957 Section 61. For the purpose of incorporating the amendment  
1958 made by this act to section 768.28, Florida Statutes, in a  
1959 reference thereto, paragraph (b) of subsection (2) of section  
1960 1006.261, Florida Statutes, is reenacted to read:

1961 1006.261 Use of school buses for public purposes.—

1962 (2)

1963 (b) For purposes of liability for negligence, state  
1964 agencies or subdivisions as defined in s. 768.28(2) shall be  
1965 covered by s. 768.28. Every other corporation or organization  
1966 shall provide liability insurance coverage in the minimum  
1967 amounts of \$100,000 on any claim or judgment and \$200,000 on all  
1968 claims and judgments arising from the same incident or  
1969 occurrence.

1970 Section 62. This act shall take effect October 1, 2025.