

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, 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),  
 30 | 394.9085(7), 395.1055(10)(g), 403.706(17)(c),  
 31 | 409.175(15)(b), s. 409.993(1)(a) and (b), (2)(a), and  
 32 | (3)(a), 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), s. 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  
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, residential child-  
64 caring agencies, and child-placing agencies, lead  
65 agencies and subcontractor liability, the Florida  
66 Housing Finance Corporation, legal and investigative  
67 services, the Management Privatization Act, legal and  
68 investigative services, impaired practitioner  
69 programs, the Florida Engineers Management  
70 Corporation, the Department of Agriculture and  
71 Consumer Services, administrative matters, conduct on  
72 premises; refusal of service, physician's attendance  
73 at match, liability of the member operator, excavator,  
74 and system, creation of certain state forests; naming  
75 of certain state forests; Operation Outdoor Freedom

76 Program, official law enforcement vehicles; motor  
 77 vehicle insurance requirements, the Florida Mobile  
 78 Home Relocation Corporation, administrative and civil  
 79 remedies; construction, health care providers;  
 80 creation of agency relationship with governmental  
 81 contractors, comparative fault, the Florida Volunteer  
 82 Protection Act, streetlights, security lights, and  
 83 other similar illumination, Strategic Lawsuits Against  
 84 Public Participation (SLAPP), sovereign immunity in  
 85 tort actions, inmates not state employees,  
 86 compensation for wrongful incarceration, charter  
 87 schools, persistently low-performing schools, charter  
 88 technical career centers, the Florida School for  
 89 Competitive Academics, the Florida Virtual School,  
 90 school-year prekindergarten program delivered by  
 91 private prekindergarten providers, Early learning  
 92 coalitions, school readiness program provider  
 93 standards, tort liability; liability insurance, and  
 94 use of school buses for public purposes, respectively,  
 95 to incorporate changes made by the act; providing an  
 96 effective date.

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

99  
 100 **Section 1. Subsection (5), paragraphs (a) and (d) of**

101 **subsection (6), and subsection (14) of section 768.28, Florida**  
 102 **Statutes, are amended to read:**

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

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

114 (b)1. If the cause of action accrued before October 1,  
 115 2025, the limitations are as follows:

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

117 b. For multiple claims or judgments, or portions thereof,  
 118 which arise out of the same incident or occurrence, a total of  
 119 \$300,000.

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

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

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

126 \$3 million.

127 3. If the cause of action accrued on or after October 1,  
128 2030, the limitations are as follows:

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

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

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

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

147 1. ~~herein,~~ The state or an agency ~~or subdivision~~ thereof  
148 may agree, within the limits of insurance coverage provided, to  
149 settle a claim made or a judgment rendered against it in excess  
150 of the waiver provided in paragraph (b) without further action

151 by the Legislature.

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

156  
157 However, but the state or an agency or subdivision thereof shall  
158 not be deemed to have waived any defense of sovereign immunity  
159 or to have increased the limits of its liability as a result of  
160 its obtaining insurance coverage for tortious acts in excess of  
161 the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (b).

162 Beginning October 1, 2025, an insurance policy may not be  
163 delivered or issued for delivery to the state or any agency or  
164 subdivision thereof with a provision that conditions liability  
165 coverage or the payment of insurance benefits, in whole or in  
166 part, on the enactment of a claim bill. Any such provision is  
167 null and void ~~above.~~

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

172 (f) ~~(b)~~ A municipality has a duty to allow the municipal  
173 law enforcement agency to respond appropriately to protect  
174 persons and property during a riot or an unlawful assembly based  
175 on the availability of adequate equipment to its municipal law

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

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

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

196 1. Such claim is for contribution pursuant to s. 768.31,  
 197 it must be so presented within 6 months after the judgment  
 198 against the tortfeasor seeking contribution has become final by  
 199 lapse of time for appeal or after appellate review or, if there  
 200 is no such judgment, within 6 months after the tortfeasor



201 seeking contribution has either discharged the common liability  
 202 by payment or agreed, while the action is pending against her or  
 203 him, to discharge the common liability; or

204 2. Such action arises from a violation of s. 794.011  
 205 involving a victim who was under the age of 16 years at the time  
 206 of the act, the claimant may present the claim in writing at any  
 207 time. This subparagraph applies to any such action other than an  
 208 action that would have been time barred on or before October 1,  
 209 ~~2025 is for wrongful death, the claimant must present the claim~~  
 210 ~~in writing to the Department of Financial Services within 2~~  
 211 ~~years after the claim accrues.~~

212 (d) For purposes of this section, complete, accurate, and  
 213 timely compliance with the requirements of paragraph (c) shall  
 214 occur prior to settlement payment, close of discovery or  
 215 commencement of trial, whichever is sooner; provided the ability  
 216 to plead setoff is not precluded by the delay. This setoff shall  
 217 apply only against that part of the settlement or judgment  
 218 payable to the claimant, minus claimant's reasonable attorney  
 219 ~~attorney's~~ fees and costs. Incomplete or inaccurate disclosure  
 220 of unpaid adjudicated claims due the state, its agency, officer,  
 221 or subdivision, may be excused by the court upon a showing by  
 222 the preponderance of the evidence of the claimant's lack of  
 223 knowledge of an adjudicated claim and reasonable inquiry by, or  
 224 on behalf of, the claimant to obtain the information from public  
 225 records. Unless the appropriate agency had actual notice of the

226 information required to be disclosed by paragraph (c) in time to  
227 assert a setoff, an unexcused failure to disclose shall, upon  
228 hearing and order of court, cause the claimant to be liable for  
229 double the original undisclosed judgment and, upon further  
230 motion, the court shall enter judgment for the agency in that  
231 amount. Except as provided otherwise in this subsection, the  
232 failure of the Department of Financial Services or the  
233 appropriate agency to make final disposition of a claim within 4  
234 ~~6~~ months after it is filed shall be deemed a final denial of the  
235 claim for purposes of this section. For purposes of this  
236 subsection, in medical malpractice actions and in wrongful death  
237 actions, the failure of the Department of Financial Services or  
238 the appropriate agency to make final disposition of a claim  
239 within 90 days after it is filed shall be deemed a final denial  
240 of the claim. The statute of limitations ~~for medical malpractice~~  
241 ~~actions and wrongful death actions~~ is tolled as to all  
242 prospective defendants for the period of time taken by the  
243 Department of Financial Services or the appropriate agency to  
244 deny the claim. The provisions of this subsection do not apply  
245 to such claims as may be asserted by counterclaim pursuant to s.  
246 768.14.

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

251 of appropriate jurisdiction:

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

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

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

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

263 (e) Within 4 years for any other action not specified in  
264 this subsection after such claim accrues; except that an action  
265 for contribution must be commenced within the limitations  
266 provided in s. 768.31(4), and an action for damages arising from  
267 medical malpractice or wrongful death must be commenced within  
268 the limitations for such actions in s. 95.11(5).

269 **Section 2. Subsection (2) of section 944.713, Florida**  
270 **Statutes, is amended to read:**

271 944.713 Insurance against liability.—

272 (2) The contract shall provide for indemnification of the  
273 state by the private vendor for any liabilities incurred up to  
274 the limits provided under s. 768.28(5). The contract shall  
275 provide that the private vendor, or the insurer of the private

276 vendor, is liable to pay any claim or judgment for any one  
277 person which does not exceed the applicable maximum amount  
278 provided in s. 768.28(5) ~~the sum of \$100,000 or any claim or~~  
279 ~~judgment, or portions thereof, which, when totaled with all~~  
280 ~~other claims or judgments arising out of the same incident or~~  
281 ~~occurrence, does not exceed the sum of \$200,000.~~ In addition,  
282 the contractor must agree to defend, hold harmless, and  
283 indemnify the department against any and all actions, claims,  
284 damages and losses, including costs and attorney ~~attorney's~~  
285 fees.

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

290 45.061 Offers of settlement.—

291 (5) Sanctions authorized under this section may be imposed  
292 notwithstanding any limitation on recovery of costs or expenses  
293 which may be provided by contract or in other provisions of  
294 Florida law. This section shall not be construed to waive the  
295 limits of sovereign immunity set forth in s. 768.28.

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

300 110.504 Volunteer benefits.—

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

304 **Section 5. For the purpose of incorporating the amendment**  
305 **made by this act to section 768.28, Florida Statutes, in a**  
306 **reference thereto, paragraph (a) of subsection (1) of section**  
307 **111.071, Florida Statutes, is reenacted to read:**

308 111.071 Payment of judgments or settlements against  
309 certain public officers or employees.—

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

314 (a) Any final judgment, including damages, costs, and  
315 attorney's fees, arising from a complaint for damages or injury  
316 suffered as a result of any act or omission of action of any  
317 officer, employee, or agent in a civil or civil rights lawsuit  
318 described in s. 111.07. If the civil action arises under s.  
319 768.28 as a tort claim, the limitations and provisions of s.  
320 768.28 governing payment shall apply. If the action is a civil  
321 rights action arising under 42 U.S.C. s. 1983, or similar  
322 federal statutes, payments for the full amount of the judgment  
323 may be made unless the officer, employee, or agent has been  
324 determined in the final judgment to have caused the harm  
325 intentionally.

326           **Section 6. For the purpose of incorporating the amendment**  
 327 **made by this act to section 768.28, Florida Statutes, in a**  
 328 **reference thereto, paragraph (b) of subsection (2) of section**  
 329 **125.01015, Florida Statutes, is reenacted to read:**

330           125.01015 Office of the sheriff.—

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

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

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

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

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

350           4. Unless otherwise transferable based on existing surety

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

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

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

367 a. As used in this subparagraph, the term "support  
368 services" includes:

369 (I) Property and facilities, and the management and  
370 maintenance for such property and facilities.

371 (II) Communications infrastructure, including telephone  
372 and Internet connectivity.

373 (III) Risk management, including processing, adjusting,  
374 and payment of all claims and demands, including those made  
375 under s. 768.28. The county shall provide the sheriff with all

376 required general liability, property, and other insurance  
377 coverage through its self-insurance program, a self-insurance  
378 risk pool, or commercial insurance. If the county provides  
379 insurance through a self-insurance program, the county must also  
380 provide the sheriff with commercial stop-loss coverage in an  
381 amount and with a self-insured retention agreed upon by the  
382 sheriff and the county.

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

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

395 (VI) Budget and fiscal software and budget development  
396 services.

397 (VII) Human resource services, including, but not limited  
398 to, facilitation of the hiring process, including employee  
399 applicant screening and employee applicant background checks,  
400 and employee benefit administration. The county may provide



401 human resource services to the sheriff. However, the sheriff is  
402 the employer of his or her employees, and the sheriff retains  
403 full and complete control and authority over the hiring of his  
404 or her employees and the terms and conditions of employment,  
405 including employee discipline and termination of employment. The  
406 provision of human resource services by the county to the  
407 sheriff does not create a joint-employer relationship. The  
408 sheriff's employees shall remain members of the county's health  
409 insurance and workers' compensation plans for at least the term  
410 set forth in this subparagraph.

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

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

416 (I) All hardware, including computers.

417 (II) Budget and fiscal software, including payroll and  
418 purchasing software.

419 (III) Computer-aided dispatch.

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

426 | sheriff's budget.

427 |       d. To satisfy compliance with this subsection and to  
 428 | establish the office of the sheriff in a manner that minimizes  
 429 | unnecessary financial expenditures, the county and the sheriff  
 430 | shall execute an interlocal agreement addressing the  
 431 | requirements of this subsection and other expenditures,  
 432 | including an appropriate phase-in period for identification of  
 433 | the sheriff's assets with the sheriff's markings to minimize the  
 434 | cost to taxpayers. The interlocal agreement shall have a term  
 435 | that ends no earlier than September 30, 2028, and may be  
 436 | amended, renewed, extended, or newly adopted at any time  
 437 | following the expiration or termination of the agreement. After  
 438 | the initial period ending no earlier than September 30, 2028, an  
 439 | interlocal agreement may be entered into between the county and  
 440 | the sheriff which provides for the same or different  
 441 | requirements as set forth in this subsection.

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

447 |       163.01 Florida Interlocal Cooperation Act of 1969.—

448 |       (3) As used in this section:

449 |       (h) "Local government liability pool" means a reciprocal  
 450 | insurer as defined in s. 629.011 or any self-insurance program

451 created pursuant to s. 768.28(16), formed and controlled by  
452 counties or municipalities of this state to provide liability  
453 insurance coverage for counties, municipalities, or other public  
454 agencies of this state, which pool may contract with other  
455 parties for the purpose of providing claims administration,  
456 processing, accounting, and other administrative facilities.

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

465 (k) The limitations on waiver in the provisions of s.  
466 768.28 or any other law to the contrary notwithstanding, the  
467 Legislature, in accordance with s. 13, Art. X of the State  
468 Constitution, hereby declares that any such legal entity or any  
469 public agency of this state that participates in any electric  
470 project waives its sovereign immunity to:

- 471 1. All other persons participating therein; and
- 472 2. Any person in any manner contracting with a legal  
473 entity of which any such public agency is a member, with  
474 relation to:
  - 475 a. Ownership, operation, or any other activity set forth

476 in sub-subparagraph (b)2.d. with relation to any electric  
477 project; or

478 b. The supplying or purchasing of services, output,  
479 capacity, energy, or any combination thereof.

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

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

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

494 213.015 Taxpayer rights.—There is created a Florida  
495 Taxpayer's Bill of Rights to guarantee that the rights, privacy,  
496 and property of Florida taxpayers are adequately safeguarded and  
497 protected during tax assessment, collection, and enforcement  
498 processes administered under the revenue laws of this state. The  
499 Taxpayer's Bill of Rights compiles, in one document, brief but  
500 comprehensive statements which explain, in simple, nontechnical

501 terms, the rights and obligations of the Department of Revenue  
 502 and taxpayers. Section 192.0105 provides additional rights  
 503 afforded to payors of property taxes and assessments. The rights  
 504 afforded taxpayers to ensure that their privacy and property are  
 505 safeguarded and protected during tax assessment and collection  
 506 are available only insofar as they are implemented in other  
 507 parts of the Florida Statutes or rules of the Department of  
 508 Revenue. The rights so guaranteed Florida taxpayers in the  
 509 Florida Statutes and the departmental rules are:

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

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

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

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

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

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

549 **Section 12. For the purpose of incorporating the amendment**  
550 **made by this act to section 768.28, Florida Statutes, in a**

551 **reference thereto, section 252.944, Florida Statutes, is**  
552 **reenacted to read:**

553 252.944 Tort liability.—The commission and the committees  
554 are state agencies, and the members of the commission and  
555 committees are officers, employees, or agents of the state for  
556 the purpose of s. 768.28.

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

561 260.0125 Limitation on liability of private landowners  
562 whose property is designated as part of the statewide system of  
563 greenways and trails.—

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

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

574 284.31 Scope and types of coverages; separate accounts.—  
575 The Insurance Risk Management Trust Fund must, unless

576 specifically excluded by the Department of Financial Services,  
577 cover all departments of the State of Florida and their  
578 employees, agents, and volunteers and must provide separate  
579 accounts for workers' compensation, general liability, fleet  
580 automotive liability, federal civil rights actions under 42  
581 U.S.C. s. 1983 or similar federal statutes, state agency  
582 firefighter cancer benefits payable under s. 112.1816(2), and  
583 court-awarded attorney fees in other proceedings against the  
584 state except for such awards in eminent domain or for inverse  
585 condemnation or for awards by the Public Employees Relations  
586 Commission. Unless specifically excluded by the Department of  
587 Financial Services, the Insurance Risk Management Trust Fund  
588 must provide fleet automotive liability coverage to motor  
589 vehicles titled to the state, or to any department of the state,  
590 when such motor vehicles are used by community transportation  
591 coordinators performing, under contract to the appropriate  
592 department of the state, services for the transportation  
593 disadvantaged under part I of chapter 427. Such fleet automotive  
594 liability coverage is primary and is subject to s. 768.28 and  
595 parts II and III of chapter 284, and applicable rules adopted  
596 thereunder, and the terms and conditions of the certificate of  
597 coverage issued by the Department of Financial Services.

598 **Section 15. For the purpose of incorporating the amendment**  
599 **made by this act to section 768.28, Florida Statutes, in a**  
600 **reference thereto, section 284.38, Florida Statutes, is**



601 **reenacted to read:**

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

613       **Section 16. For the purpose of incorporating the amendment**  
614 **made by this act to section 768.28, Florida Statutes, in a**  
615 **reference thereto, paragraph (b) of subsection (1) of section**  
616 **322.13, Florida Statutes, is reenacted to read:**

617       322.13 Driver license examiners.—

618       (1)

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

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

626 337.19 Suits by and against department; limitation of  
 627 actions; forum.—

628 (1) Suits at law and in equity may be brought and  
 629 maintained by and against the department on any contract claim  
 630 arising from breach of an express provision or an implied  
 631 covenant of a written agreement or a written directive issued by  
 632 the department pursuant to the written agreement. In any such  
 633 suit, the department and the contractor shall have all of the  
 634 same rights and obligations as a private person under a like  
 635 contract except that no liability may be based on an oral  
 636 modification of either the written contract or written  
 637 directive. Nothing herein shall be construed to waive the  
 638 sovereign immunity of the state and its political subdivisions  
 639 from equitable claims and equitable remedies. Notwithstanding  
 640 anything to the contrary contained in this section, no employee  
 641 or agent of the department may be held personally liable to an  
 642 extent greater than that pursuant to s. 768.28 provided that no  
 643 suit sounding in tort shall be maintained against the  
 644 department.

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

649 341.302 Rail program; duties and responsibilities of the  
 650 department.—The department, in conjunction with other

651 governmental entities, including the rail enterprise and the  
652 private sector, shall develop and implement a rail program of  
653 statewide application designed to ensure the proper maintenance,  
654 safety, revitalization, and expansion of the rail system to  
655 assure its continued and increased availability to respond to  
656 statewide mobility needs. Within the resources provided pursuant  
657 to chapter 216, and as authorized under federal law, the  
658 department shall:

659 (17) In conjunction with the acquisition, ownership,  
660 construction, operation, maintenance, and management of a rail  
661 corridor, have the authority to:

662 (a) Assume obligations pursuant to the following:

663 1.a. The department may assume the obligation by contract  
664 to forever protect, defend, indemnify, and hold harmless the  
665 freight rail operator, or its successors, from whom the  
666 department has acquired a real property interest in the rail  
667 corridor, and that freight rail operator's officers, agents, and  
668 employees, from and against any liability, cost, and expense,  
669 including, but not limited to, commuter rail passengers and rail  
670 corridor invitees in the rail corridor, regardless of whether  
671 the loss, damage, destruction, injury, or death giving rise to  
672 any such liability, cost, or expense is caused in whole or in  
673 part, and to whatever nature or degree, by the fault, failure,  
674 negligence, misconduct, nonfeasance, or misfeasance of such  
675 freight rail operator, its successors, or its officers, agents,

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

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

695       a. The department may be solely responsible for any loss,  
696 injury, or damage to commuter rail passengers, or rail corridor  
697 invitees, or trespassers, regardless of circumstances or cause,  
698 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and  
699 6.

700       b.(I) In the event of a limited covered accident, the

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

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

724 3. When only one train is involved in an incident, the  
725 department may be solely responsible for any loss, injury, or

726 damage if the train is a department train or other train  
727 pursuant to subparagraph 4., but only if:

728 a. When an incident occurs with only a freight train  
729 involved, including incidents with trespassers or at grade  
730 crossings, the freight rail operator is solely responsible for  
731 any loss, injury, or damage, except for commuter rail passengers  
732 and rail corridor invitees; or

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

739 4. For the purposes of this subsection:

740 a. Any train involved in an incident that is neither the  
741 department's train nor the freight rail operator's train,  
742 hereinafter referred to in this subsection as an "other train,"  
743 may be treated as a department train, solely for purposes of any  
744 allocation of liability between the department and the freight  
745 rail operator only, but only if the department and the freight  
746 rail operator share responsibility equally as to third parties  
747 outside the rail corridor who incur loss, injury, or damage as a  
748 result of any incident involving both a department train and a  
749 freight rail operator train, and the allocation as between the  
750 department and the freight rail operator, regardless of whether

751 | the other train is treated as a department train, shall remain  
752 | one-half each as to third parties outside the rail corridor who  
753 | incur loss, injury, or damage as a result of the incident. The  
754 | involvement of any other train shall not alter the sharing of  
755 | equal responsibility as to third parties outside the rail  
756 | corridor who incur loss, injury, or damage as a result of the  
757 | incident; or

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

776 injury, or damage as a result of the incident.

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

778 a.(I) If only a department train and freight rail  
779 operator's train, or only an other train as described in sub-  
780 subparagraph 4.a. and a freight rail operator's train, are  
781 involved in an incident, the department may be responsible for  
782 its property and all of its people, all commuter rail  
783 passengers, and rail corridor invitees, but only if the freight  
784 rail operator is responsible for its property and all of its  
785 people, and the department and the freight rail operator each  
786 share one-half responsibility as to trespassers or third parties  
787 outside the rail corridor who incur loss, injury, or damage as a  
788 result of the incident; or

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



801 the incident.

802       b.(I) If a department train, a freight rail operator  
803 train, and any other train are involved in an incident, the  
804 allocation of liability between the department and the freight  
805 rail operator, regardless of whether the other train is treated  
806 as a department train, shall remain one-half each as to third  
807 parties outside the rail corridor who incur loss, injury, or  
808 damage as a result of the incident; the involvement of any other  
809 train shall not alter the sharing of equal responsibility as to  
810 third parties outside the rail corridor who incur loss, injury,  
811 or damage as a result of the incident; and, if the owner,  
812 operator, or insurer of the other train makes any payment to  
813 injured third parties outside the rail corridor who incur loss,  
814 injury, or damage as a result of the incident, the allocation of  
815 credit between the department and the freight rail operator as  
816 to such payment shall not in any case reduce the freight rail  
817 operator's third-party-sharing allocation of one-half under this  
818 paragraph to less than one-third of the total third party  
819 liability; or

820       (II) If a department train, a National Railroad Passenger  
821 Corporation train, and any other train are involved in an  
822 incident, the allocation of liability between the department and  
823 National Railroad Passenger Corporation, regardless of whether  
824 the other train is treated as a department train, shall remain  
825 one-half each as to third parties outside the rail corridor who

826 incur loss, injury, or damage as a result of the incident; the  
827 involvement of any other train shall not alter the sharing of  
828 equal responsibility as to third parties outside the rail  
829 corridor who incur loss, injury, or damage as a result of the  
830 incident; and, if the owner, operator, or insurer of the other  
831 train makes any payment to injured third parties outside the  
832 rail corridor who incur loss, injury, or damage as a result of  
833 the incident, the allocation of credit between the department  
834 and National Railroad Passenger Corporation as to such payment  
835 shall not in any case reduce National Railroad Passenger  
836 Corporation's third-party-sharing allocation of one-half under  
837 this sub-subparagraph to less than one-third of the total third  
838 party liability.

839         6. Any such contractual duty to protect, defend,  
840 indemnify, and hold harmless such a freight rail operator or  
841 National Railroad Passenger Corporation shall expressly include  
842 a specific cap on the amount of the contractual duty, which  
843 amount shall not exceed \$200 million without prior legislative  
844 approval, and the department to purchase liability insurance and  
845 establish a self-insurance retention fund in the amount of the  
846 specific cap established under this subparagraph, provided that:

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

851 and

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

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

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

876 cover claims and liabilities for loss, injury, or damage arising  
877 out of or connected with the ownership, operation, maintenance,  
878 and management of a rail corridor.

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

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

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

901 governmental entity with the department or a governmental entity  
 902 designated by the department. Notwithstanding any law to the  
 903 contrary, procurement for the construction, operation,  
 904 maintenance, and management of any rail corridor described in  
 905 this subsection, whether by the department, a governmental  
 906 entity under contract with the department, or a governmental  
 907 entity designated by the department, shall be pursuant to s.  
 908 287.057 and shall include, but not be limited to, criteria for  
 909 the consideration of qualifications, technical aspects of the  
 910 proposal, and price. Further, any such contract for design-build  
 911 shall be procured pursuant to the criteria in s. 337.11(7).

912 **Section 19. For the purpose of incorporating the amendment**  
 913 **made by this act to section 768.28, Florida Statutes, in a**  
 914 **reference thereto, paragraph (c) of subsection (4) of section**  
 915 **351.03, Florida Statutes, is reenacted to read:**

916 351.03 Railroad-highway grade-crossing warning signs and  
 917 signals; audible warnings; exercise of reasonable care; blocking  
 918 highways, roads, and streets during darkness.—

919 (4)

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

922 **Section 20. For the purpose of incorporating the amendment**  
 923 **made by this act to section 768.28, Florida Statutes, in a**  
 924 **reference thereto, subsection (6) of section 373.1395, Florida**  
 925 **Statutes, is reenacted to read:**

926           373.1395 Limitation on liability of water management  
 927 district with respect to areas made available to the public for  
 928 recreational purposes without charge.—

929           (6) This section does not relieve any water management  
 930 district of any liability that would otherwise exist for gross  
 931 negligence or a deliberate, willful, or malicious injury to a  
 932 person or property. This section does not create or increase the  
 933 liability of any water management district or person beyond that  
 934 which is authorized by s. 768.28.

935           **Section 21. For the purpose of incorporating the amendment**  
 936 **made by this act to section 768.28, Florida Statutes, in a**  
 937 **reference thereto, paragraph (a) of subsection (3) of section**  
 938 **375.251, Florida Statutes, is reenacted to read:**

939           375.251 Limitation on liability of persons making  
 940 available to public certain areas for recreational purposes  
 941 without charge.—

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

951 hazardous conditions, structures, or activities thereon. An  
 952 owner who enters into a written agreement concerning the area  
 953 with a state agency for outdoor recreational purposes:

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

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

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

961 **Section 22. For the purpose of incorporating the amendment**  
 962 **made by this act to section 768.28, Florida Statutes, in a**  
 963 **reference thereto, subsection (9) of section 381.0056, Florida**  
 964 **Statutes, is reenacted to read:**

965 381.0056 School health services program.—

966 (9) Any health care entity that provides school health  
 967 services under contract with the department pursuant to a school  
 968 health services plan developed under this section, and as part  
 969 of a school nurse services public-private partnership, is deemed  
 970 to be a corporation acting primarily as an instrumentality of  
 971 the state solely for the purpose of limiting liability pursuant  
 972 to s. 768.28(5). The limitations on tort actions contained in s.  
 973 768.28(5) shall apply to any action against the entity with  
 974 respect to the provision of school health services, if the  
 975 entity is acting within the scope of and pursuant to guidelines

976 established in the contract or by rule of the department. The  
977 contract must require the entity, or the partnership on behalf  
978 of the entity, to obtain general liability insurance coverage,  
979 with any additional endorsement necessary to insure the entity  
980 for liability assumed by its contract with the department. The  
981 Legislature intends that insurance be purchased by entities, or  
982 by partnerships on behalf of the entity, to cover all liability  
983 claims, and under no circumstances shall the state or the  
984 department be responsible for payment of any claims or defense  
985 costs for claims brought against the entity or its subcontractor  
986 for services performed under the contract with the department.  
987 This subsection does not preclude consideration by the  
988 Legislature for payment by the state of any claims bill  
989 involving an entity contracting with the department pursuant to  
990 this section.

991 **Section 23. For the purpose of incorporating the amendment**  
992 **made by this act to section 768.28, Florida Statutes, in a**  
993 **reference thereto, subsection (3) of section 393.075, Florida**  
994 **Statutes, is reenacted to read:**

995 393.075 General liability coverage.—

996 (3) This section shall not be construed as designating or  
997 not designating that a person who owns or operates a foster care  
998 facility or group home facility as described in this section or  
999 any other person is an employee or agent of the state. Nothing  
1000 in this section amends, expands, or supersedes the provisions of



1001 s. 768.28.

1002 **Section 24. For the purpose of incorporating the amendment**  
 1003 **made by this act to section 768.28, Florida Statutes, in a**  
 1004 **reference thereto, subsection (7) of section 394.9085, Florida**  
 1005 **Statutes, is reenacted to read:**

1006 394.9085 Behavioral provider liability.—

1007 (7) This section shall not be construed to waive sovereign  
 1008 immunity for any governmental unit or other entity protected by  
 1009 sovereign immunity. Section 768.28 shall continue to apply to  
 1010 all governmental units and such entities.

1011 **Section 25. For the purpose of incorporating the amendment**  
 1012 **made by this act to section 768.28, Florida Statutes, in a**  
 1013 **reference thereto, paragraph (g) of subsection (10) of section**  
 1014 **395.1055, Florida Statutes, is reenacted to read:**

1015 395.1055 Rules and enforcement.—

1016 (10) The agency shall establish a pediatric cardiac  
 1017 technical advisory panel, pursuant to s. 20.052, to develop  
 1018 procedures and standards for measuring outcomes of pediatric  
 1019 cardiac catheterization programs and pediatric cardiovascular  
 1020 surgery programs.

1021 (g) Panel members are agents of the state for purposes of  
 1022 s. 768.28 throughout the good faith performance of the duties  
 1023 assigned to them by the Secretary of Health Care Administration.

1024 **Section 26. For the purpose of incorporating the amendment**  
 1025 **made by this act to section 768.28, Florida Statutes, in a**

1026 **reference thereto, paragraph (c) of subsection (17) of section**  
 1027 **403.706, Florida Statutes, is reenacted to read:**

1028 403.706 Local government solid waste responsibilities.—

1029 (17) To effect the purposes of this part, counties and  
 1030 municipalities are authorized, in addition to other powers  
 1031 granted pursuant to this part:

1032 (c) To waive sovereign immunity and immunity from suit in  
 1033 federal court by vote of the governing body of the county or  
 1034 municipality to the extent necessary to carry out the authority  
 1035 granted in paragraphs (a) and (b), notwithstanding the  
 1036 limitations prescribed in s. 768.28.

1037 **Section 27. For the purpose of incorporating the amendment**  
 1038 **made by this act to section 768.28, Florida Statutes, in a**  
 1039 **reference thereto, paragraph (b) of subsection (15) of section**  
 1040 **409.175, Florida Statutes, is reenacted to read:**

1041 409.175 Licensure of family foster homes, residential  
 1042 child-caring agencies, and child-placing agencies; public  
 1043 records exemption.—

1044 (15)

1045 (b) This subsection may not be construed as designating or  
 1046 not designating that a person who owns or operates a family  
 1047 foster home as described in this subsection or any other person  
 1048 is an employee or agent of the state. Nothing in this subsection  
 1049 amends, expands, or supersedes the provisions of s. 768.28.

1050 **Section 28. For the purpose of incorporating the amendment**

1051 **made by this act to section 768.28, Florida Statutes, in a**  
1052 **reference thereto, subsection (1), paragraph (a) of subsection**  
1053 **(2), and paragraph (a) of subsection (3) of section 409.993,**  
1054 **Florida Statutes, are reenacted to read:**

1055 409.993 Lead agencies and subcontractor liability.—

1056 (1) FINDINGS.—

1057 (a) The Legislature finds that the state has traditionally  
1058 provided foster care services to children who are the  
1059 responsibility of the state. As such, foster children have not  
1060 had the right to recover for injuries beyond the limitations  
1061 specified in s. 768.28. The Legislature has determined that  
1062 foster care and related services should be outsourced pursuant  
1063 to this section and that the provision of such services is of  
1064 paramount importance to the state. The purpose of such  
1065 outsourcing is to increase the level of safety, security, and  
1066 stability of children who are or become the responsibility of  
1067 the state. One of the components necessary to secure a safe and  
1068 stable environment for such children is the requirement that  
1069 private providers maintain liability insurance. As such,  
1070 insurance needs to be available and remain available to  
1071 nongovernmental foster care and related services providers  
1072 without the resources of such providers being significantly  
1073 reduced by the cost of maintaining such insurance.

1074 (b) The Legislature further finds that, by requiring the  
1075 following minimum levels of insurance, children in outsourced

1076 foster care and related services will gain increased protection  
1077 and rights of recovery in the event of injury than currently  
1078 provided in s. 768.28.

1079 (2) LEAD AGENCY LIABILITY.—

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

1101 connection with the lead agency's business. The nonowned  
1102 automobile coverage for the lead agency applies as excess  
1103 coverage over any other collectible insurance. The personal  
1104 automobile policy for the employee of the lead agency shall be  
1105 primary insurance, and the nonowned automobile coverage of the  
1106 lead agency acts as excess insurance to the primary insurance.  
1107 The lead agency shall provide a minimum limit of \$1 million in  
1108 nonowned automobile coverage. In a tort action brought against  
1109 such a lead agency or employee, net economic damages shall be  
1110 limited to \$2 million per liability claim and \$200,000 per  
1111 automobile claim, including, but not limited to, past and future  
1112 medical expenses, wage loss, and loss of earning capacity,  
1113 offset by any collateral source payment paid or payable. In any  
1114 tort action brought against a lead agency, noneconomic damages  
1115 shall be limited to \$400,000 per claim. A claims bill may be  
1116 brought on behalf of a claimant pursuant to s. 768.28 for any  
1117 amount exceeding the limits specified in this paragraph. Any  
1118 offset of collateral source payments made as of the date of the  
1119 settlement or judgment shall be in accordance with s. 768.76.  
1120 The lead agency is not liable in tort for the acts or omissions  
1121 of its subcontractors or the officers, agents, or employees of  
1122 its subcontractors.

1123 (3) SUBCONTRACTOR LIABILITY.—

1124 (a) A subcontractor of an eligible community-based care  
1125 lead agency that is a direct provider of foster care and related

1126 services to children and families, and its employees or  
1127 officers, except as otherwise provided in paragraph (b), must,  
1128 as a part of its contract, obtain a minimum of \$1 million per  
1129 occurrence with a policy period aggregate limit of \$3 million in  
1130 general liability insurance coverage. The subcontractor of a  
1131 lead agency must also require that staff who transport client  
1132 children and families in their personal automobiles in order to  
1133 carry out their job responsibilities obtain minimum bodily  
1134 injury liability insurance in the amount of \$100,000 per person  
1135 in any one automobile accident, and subject to such limits for  
1136 each person, \$300,000 for all damages resulting from any one  
1137 automobile accident, on their personal automobiles. In lieu of  
1138 personal motor vehicle insurance, the subcontractor's casualty,  
1139 liability, or motor vehicle insurance carrier may provide  
1140 nonowned automobile liability coverage. This insurance provides  
1141 liability insurance for automobiles that the subcontractor uses  
1142 in connection with the subcontractor's business but does not  
1143 own, lease, rent, or borrow. This coverage includes automobiles  
1144 owned by the employees of the subcontractor or a member of the  
1145 employee's household but only while the automobiles are used in  
1146 connection with the subcontractor's business. The nonowned  
1147 automobile coverage for the subcontractor applies as excess  
1148 coverage over any other collectible insurance. The personal  
1149 automobile policy for the employee of the subcontractor shall be  
1150 primary insurance, and the nonowned automobile coverage of the

1151 subcontractor acts as excess insurance to the primary insurance.  
 1152 The subcontractor shall provide a minimum limit of \$1 million in  
 1153 nonowned automobile coverage. In a tort action brought against  
 1154 such subcontractor or employee, net economic damages shall be  
 1155 limited to \$2 million per liability claim and \$200,000 per  
 1156 automobile claim, including, but not limited to, past and future  
 1157 medical expenses, wage loss, and loss of earning capacity,  
 1158 offset by any collateral source payment paid or payable. In a  
 1159 tort action brought against such subcontractor, noneconomic  
 1160 damages shall be limited to \$400,000 per claim. A claims bill  
 1161 may be brought on behalf of a claimant pursuant to s. 768.28 for  
 1162 any amount exceeding the limits specified in this paragraph. Any  
 1163 offset of collateral source payments made as of the date of the  
 1164 settlement or judgment shall be in accordance with s. 768.76.

1165 **Section 29. For the purpose of incorporating the amendment**  
 1166 **made by this act to section 768.28, Florida Statutes, in a**  
 1167 **reference thereto, subsection (8) of section 420.504, Florida**  
 1168 **Statutes, is reenacted to read:**

1169 420.504 Public corporation; creation, membership, terms,  
 1170 expenses.—

1171 (8) The corporation is a corporation primarily acting as  
 1172 an instrumentality of the state, within the meaning of s.  
 1173 768.28.

1174 **Section 30. For the purpose of incorporating the amendment**  
 1175 **made by this act to section 768.28, Florida Statutes, in a**

1176 **reference thereto, subsection (3) of section 455.221, Florida**  
 1177 **Statutes, is reenacted to read:**

1178 455.221 Legal and investigative services.—

1179 (3) Any person retained by the department under contract  
 1180 to review materials, make site visits, or provide expert  
 1181 testimony regarding any complaint or application filed with the  
 1182 department relating to a profession under the jurisdiction of  
 1183 the department shall be considered an agent of the department in  
 1184 determining the state insurance coverage and sovereign immunity  
 1185 protection applicability of ss. 284.31 and 768.28.

1186 **Section 31. For the purpose of incorporating the amendment**  
 1187 **made by this act to section 768.28, Florida Statutes, in a**  
 1188 **reference thereto, subsection (5) of section 455.32, Florida**  
 1189 **Statutes, is reenacted to read:**

1190 455.32 Management Privatization Act.—

1191 (5) Any such corporation may hire staff as necessary to  
 1192 carry out its functions. Such staff are not public employees for  
 1193 the purposes of chapter 110 or chapter 112, except that the  
 1194 board of directors and the employees of the corporation are  
 1195 subject to the provisions of s. 112.061 and part III of chapter  
 1196 112. The provisions of s. 768.28 apply to each such corporation,  
 1197 which is deemed to be a corporation primarily acting as an  
 1198 instrumentality of the state but which is not an agency within  
 1199 the meaning of s. 20.03(1).

1200 **Section 32. For the purpose of incorporating the amendment**



1201 **made by this act to section 768.28, Florida Statutes, in a**  
 1202 **reference thereto, subsection (3) of section 456.009, Florida**  
 1203 **Statutes, is reenacted to read:**

1204 456.009 Legal and investigative services.—

1205 (3) Any person retained by the department under contract  
 1206 to review materials, make site visits, or provide expert  
 1207 testimony regarding any complaint or application filed with the  
 1208 department relating to a profession under the jurisdiction of  
 1209 the department shall be considered an agent of the department in  
 1210 determining the state insurance coverage and sovereign immunity  
 1211 protection applicability of ss. 284.31 and 768.28.

1212 **Section 33. For the purpose of incorporating the amendment**  
 1213 **made by this act to section 768.28, Florida Statutes, in a**  
 1214 **reference thereto, paragraph (a) of subsection (15) of section**  
 1215 **456.076, Florida Statutes, is reenacted to read:**

1216 456.076 Impaired practitioner programs.—

1217 (15) (a) A consultant retained pursuant to this section and  
 1218 a consultant's directors, officers, employees, or agents shall  
 1219 be considered agents of the department for purposes of s. 768.28  
 1220 while acting within the scope of the consultant's duties under  
 1221 the contract with the department.

1222 **Section 34. For the purpose of incorporating the amendment**  
 1223 **made by this act to section 768.28, Florida Statutes, in a**  
 1224 **reference thereto, subsection (3) of section 471.038, Florida**  
 1225 **Statutes, is reenacted to read:**

1226           471.038 Florida Engineers Management Corporation.—  
 1227           (3) The Florida Engineers Management Corporation is  
 1228 created to provide administrative, investigative, and  
 1229 prosecutorial services to the board in accordance with the  
 1230 provisions of chapter 455 and this chapter. The management  
 1231 corporation may hire staff as necessary to carry out its  
 1232 functions. Such staff are not public employees for the purposes  
 1233 of chapter 110 or chapter 112, except that the board of  
 1234 directors and the staff are subject to the provisions of s.  
 1235 112.061. The provisions of s. 768.28 apply to the management  
 1236 corporation, which is deemed to be a corporation primarily  
 1237 acting as an instrumentality of the state, but which is not an  
 1238 agency within the meaning of s. 20.03(1). The management  
 1239 corporation shall:  
 1240           (a) Be a Florida corporation not for profit, incorporated  
 1241 under the provisions of chapter 617.  
 1242           (b) Provide administrative, investigative, and  
 1243 prosecutorial services to the board in accordance with the  
 1244 provisions of chapter 455, this chapter, and the contract  
 1245 required by this section.  
 1246           (c) Receive, hold, and administer property and make only  
 1247 prudent expenditures directly related to the responsibilities of  
 1248 the board, and in accordance with the contract required by this  
 1249 section.  
 1250           (d) Be approved by the board, and the department, to

1251 operate for the benefit of the board and in the best interest of  
1252 the state.

1253 (e) Operate under a fiscal year that begins on July 1 of  
1254 each year and ends on June 30 of the following year.

1255 (f) Have a seven-member board of directors, five of whom  
1256 are to be appointed by the board and must be registrants  
1257 regulated by the board and two of whom are to be appointed by  
1258 the secretary and must be laypersons not regulated by the board.  
1259 All appointments shall be for 4-year terms. No member shall  
1260 serve more than two consecutive terms. Failure to attend three  
1261 consecutive meetings shall be deemed a resignation from the  
1262 board, and the vacancy shall be filled by a new appointment.

1263 (g) Select its officers in accordance with its bylaws. The  
1264 members of the board of directors who were appointed by the  
1265 board may be removed by the board.

1266 (h) Select the president of the management corporation,  
1267 who shall also serve as executive director to the board, subject  
1268 to approval of the board.

1269 (i) Use a portion of the interest derived from the  
1270 management corporation account to offset the costs associated  
1271 with the use of credit cards for payment of fees by applicants  
1272 or licensees.

1273 (j) Operate under a written contract with the department  
1274 which is approved by the board. The contract must provide for,  
1275 but is not limited to:

1276           1. Submission by the management corporation of an annual  
1277 budget that complies with board rules for approval by the board  
1278 and the department.

1279           2. Annual certification by the board and the department  
1280 that the management corporation is complying with the terms of  
1281 the contract in a manner consistent with the goals and purposes  
1282 of the board and in the best interest of the state. This  
1283 certification must be reported in the board's minutes. The  
1284 contract must also provide for methods and mechanisms to resolve  
1285 any situation in which the certification process determines  
1286 noncompliance.

1287           3. Funding of the management corporation through  
1288 appropriations allocated to the regulation of professional  
1289 engineers from the Professional Regulation Trust Fund.

1290           4. The reversion to the board, or the state if the board  
1291 ceases to exist, of moneys, records, data, and property held in  
1292 trust by the management corporation for the benefit of the  
1293 board, if the management corporation is no longer approved to  
1294 operate for the board or the board ceases to exist. All records  
1295 and data in a computerized database shall be returned to the  
1296 department in a form that is compatible with the computerized  
1297 database of the department.

1298           5. The securing and maintaining by the management  
1299 corporation, during the term of the contract and for all acts  
1300 performed during the term of the contract, of all liability

1301 insurance coverages in an amount to be approved by the board to  
1302 defend, indemnify, and hold harmless the management corporation  
1303 and its officers and employees, the department and its  
1304 employees, and the state against all claims arising from state  
1305 and federal laws. Such insurance coverage must be with insurers  
1306 qualified and doing business in the state. The management  
1307 corporation must provide proof of insurance to the department.  
1308 The department and its employees and the state are exempt from  
1309 and are not liable for any sum of money which represents a  
1310 deductible, which sums shall be the sole responsibility of the  
1311 management corporation. Violation of this subparagraph shall be  
1312 grounds for terminating the contract.

1313 6. Payment by the management corporation, out of its  
1314 allocated budget, to the department of all costs of  
1315 representation by the board counsel, including salary and  
1316 benefits, travel, and any other compensation traditionally paid  
1317 by the department to other board counsel.

1318 7. Payment by the management corporation, out of its  
1319 allocated budget, to the department of all costs incurred by the  
1320 management corporation or the board for the Division of  
1321 Administrative Hearings of the Department of Management Services  
1322 and any other cost for utilization of these state services.

1323 8. Payment by the management corporation, out of its  
1324 allocated budget, to the department of reasonable costs  
1325 associated with the contract monitor.

1326 (k) Provide for an annual financial audit of its financial  
1327 accounts and records by an independent certified public  
1328 accountant. The annual audit report shall include a management  
1329 letter in accordance with s. 11.45 and a detailed supplemental  
1330 schedule of expenditures for each expenditure category. The  
1331 annual audit report must be submitted to the board, the  
1332 department, and the Auditor General for review.

1333 (l) Provide for persons not employed by the corporation  
1334 who are charged with the responsibility of receiving and  
1335 depositing fee and fine revenues to have a faithful performance  
1336 bond in such an amount and according to such terms as shall be  
1337 determined in the contract.

1338 (m) Submit to the secretary, the board, and the  
1339 Legislature, on or before October 1 of each year, a report on  
1340 the status of the corporation which includes, but is not limited  
1341 to, information concerning the programs and funds that have been  
1342 transferred to the corporation. The report must include: the  
1343 number of license applications received; the number approved and  
1344 denied and the number of licenses issued; the number of  
1345 examinations administered and the number of applicants who  
1346 passed or failed the examination; the number of complaints  
1347 received; the number determined to be legally sufficient; the  
1348 number dismissed; the number determined to have probable cause;  
1349 the number of administrative complaints issued and the status of  
1350 the complaints; and the number and nature of disciplinary

1351 actions taken by the board.

1352 (n) Develop and submit to the department, performance  
1353 standards and measurable outcomes for the board to adopt by rule  
1354 in order to facilitate efficient and cost-effective regulation.

1355 **Section 35. For the purpose of incorporating the amendment**  
1356 **made by this act to section 768.28, Florida Statutes, in a**  
1357 **reference thereto, paragraph (b) of subsection (11) of section**  
1358 **472.006, Florida Statutes, is reenacted to read:**

1359 472.006 Department; powers and duties.—The department  
1360 shall:

1361 (11) Provide legal counsel for the board by contracting  
1362 with the Department of Legal Affairs, by retaining private  
1363 counsel pursuant to s. 287.059, or by providing department staff  
1364 counsel. The board shall periodically review and evaluate the  
1365 services provided by its board counsel. Fees and costs of such  
1366 counsel shall be paid from the General Inspection Trust Fund,  
1367 subject to ss. 215.37 and 472.011. All contracts for independent  
1368 legal counsel must provide for periodic review and evaluation by  
1369 the board and the department of services provided.

1370 (b) Any person retained by the department under contract  
1371 to review materials, make site visits, or provide expert  
1372 testimony regarding any complaint or application filed with the  
1373 department relating to the practice of surveying and mapping  
1374 shall be considered an agent of the department in determining  
1375 the state insurance coverage and sovereign immunity protection

1376 applicability of ss. 284.31 and 768.28.

1377 **Section 36. For the purpose of incorporating the amendment**  
 1378 **made by this act to section 768.28, Florida Statutes, in a**  
 1379 **reference thereto, subsection (7) of section 497.167, Florida**  
 1380 **Statutes, is reenacted to read:**

1381 497.167 Administrative matters.—

1382 (7) Any person retained by the department under contract  
 1383 to review materials, make site visits, or provide expert  
 1384 testimony regarding any complaint or application filed with the  
 1385 department, relating to regulation under this chapter, shall be  
 1386 considered an agent of the department in determining the state  
 1387 insurance coverage and sovereign immunity protection  
 1388 applicability of ss. 284.31 and 768.28.

1389 **Section 37. For the purpose of incorporating the amendment**  
 1390 **made by this act to section 768.28, Florida Statutes, in a**  
 1391 **reference thereto, subsection (2) of section 513.118, Florida**  
 1392 **Statutes, is reenacted to read:**

1393 513.118 Conduct on premises; refusal of service.—

1394 (2) The operator of a recreational vehicle park may  
 1395 request that a transient guest or visitor who violates  
 1396 subsection (1) leave the premises immediately. A person who  
 1397 refuses to leave the premises commits the offense of trespass as  
 1398 provided in s. 810.08, and the operator may call a law  
 1399 enforcement officer to have the person and his or her property  
 1400 removed under the supervision of the officer. A law enforcement



1401 officer is not liable for any claim involving the removal of the  
1402 person or property from the recreational vehicle park under this  
1403 section, except as provided in s. 768.28. If conditions do not  
1404 allow for immediate removal of the person's property, he or she  
1405 may arrange a reasonable time, not to exceed 48 hours, with the  
1406 operator to come remove the property, accompanied by a law  
1407 enforcement officer.

1408 **Section 38. For the purpose of incorporating the amendment**  
1409 **made by this act to section 768.28, Florida Statutes, in a**  
1410 **reference thereto, subsection (1) of section 548.046, Florida**  
1411 **Statutes, is reenacted to read:**

1412 548.046 Physician's attendance at match; examinations;  
1413 cancellation of match.-

1414 (1) The commission, or the commission representative,  
1415 shall assign to each match at least one physician who shall  
1416 observe the physical condition of the participants and advise  
1417 the commissioner or commission representative in charge and the  
1418 referee of the participants' conditions before, during, and  
1419 after the match. The commission shall establish a schedule of  
1420 fees for the physician's services. The physician's fee shall be  
1421 paid by the promoter of the match attended by the physician. The  
1422 physician shall be considered an agent of the commission in  
1423 determining the state insurance coverage and sovereign immunity  
1424 protection applicability of ss. 284.31 and 768.28.

1425 **Section 39. For the purpose of incorporating the amendment**

1426 **made by this act to section 768.28, Florida Statutes, in a**  
1427 **reference thereto, subsection (8) of section 556.106, Florida**  
1428 **Statutes, is reenacted to read:**

1429 556.106 Liability of the member operator, excavator, and  
1430 system.—

1431 (8) Any liability of the state, its agencies, or its  
1432 subdivisions which arises out of this chapter is subject to the  
1433 provisions of s. 768.28.

1434 **Section 40. For the purpose of incorporating the amendment**  
1435 **made by this act to section 768.28, Florida Statutes, in a**  
1436 **reference thereto, paragraph (e) of subsection (4) of section**  
1437 **589.19, Florida Statutes, is reenacted to read:**

1438 589.19 Creation of certain state forests; naming of  
1439 certain state forests; Operation Outdoor Freedom Program.—

1440 (4)

1441 (e)1. A private landowner who provides land for  
1442 designation and use as an Operation Outdoor Freedom Program  
1443 hunting site shall have limited liability pursuant to s.  
1444 375.251.

1445 2. A private landowner who consents to the designation and  
1446 use of land as part of the Operation Outdoor Freedom Program  
1447 without compensation shall be considered a volunteer, as defined  
1448 in s. 110.501, and shall be covered by state liability  
1449 protection pursuant to s. 768.28, including s. 768.28(9).

1450 3. This subsection does not:

1451 a. Relieve any person of liability that would otherwise  
 1452 exist for deliberate, willful, or malicious injury to persons or  
 1453 property.

1454 b. Create or increase the liability of any person.

1455 **Section 41. For the purpose of incorporating the amendment**  
 1456 **made by this act to section 768.28, Florida Statutes, in a**  
 1457 **reference thereto, subsections (3) and (4) of section 627.7491,**  
 1458 **Florida Statutes, are reenacted to read:**

1459 627.7491 Official law enforcement vehicles; motor vehicle  
 1460 insurance requirements.—

1461 (3) Any suit or action brought or maintained against an  
 1462 employing agency for damages arising out of tort pursuant to  
 1463 this section, including, without limitation, any claim arising  
 1464 upon account of an act causing loss of property, personal  
 1465 injury, or death, shall be subject to the limitations provided  
 1466 in s. 768.28(5).

1467 (4) The requirements of this section may be met by any  
 1468 method authorized by s. 768.28(16).

1469 **Section 42. For the purpose of incorporating the amendment**  
 1470 **made by this act to section 768.28, Florida Statutes, in a**  
 1471 **reference thereto, paragraph (c) of subsection (2) of section**  
 1472 **723.0611, Florida Statutes, is reenacted to read:**

1473 723.0611 Florida Mobile Home Relocation Corporation.—

1474 (2)

1475 (c) The corporation shall, for purposes of s. 768.28, be

1476 considered an agency of the state. Agents or employees of the  
 1477 corporation, members of the board of directors of the  
 1478 corporation, or representatives of the Division of Florida  
 1479 Condominiums, Timeshares, and Mobile Homes shall be considered  
 1480 officers, employees, or agents of the state, and actions against  
 1481 them and the corporation shall be governed by s. 768.28.

1482 **Section 43. For the purpose of incorporating the amendment**  
 1483 **made by this act to section 768.28, Florida Statutes, in a**  
 1484 **reference thereto, subsection (5) of section 760.11, Florida**  
 1485 **Statutes, is reenacted to read:**

1486 760.11 Administrative and civil remedies; construction.—

1487 (5) In any civil action brought under this section, the  
 1488 court may issue an order prohibiting the discriminatory practice  
 1489 and providing affirmative relief from the effects of the  
 1490 practice, including back pay. The court may also award  
 1491 compensatory damages, including, but not limited to, damages for  
 1492 mental anguish, loss of dignity, and any other intangible  
 1493 injuries, and punitive damages. The provisions of ss. 768.72 and  
 1494 768.73 do not apply to this section. The judgment for the total  
 1495 amount of punitive damages awarded under this section to an  
 1496 aggrieved person shall not exceed \$100,000. In any action or  
 1497 proceeding under this subsection, the court, in its discretion,  
 1498 may allow the prevailing party a reasonable attorney's fee as  
 1499 part of the costs. It is the intent of the Legislature that this  
 1500 provision for attorney's fees be interpreted in a manner

1501 consistent with federal case law involving a Title VII action.  
 1502 The right to trial by jury is preserved in any such private  
 1503 right of action in which the aggrieved person is seeking  
 1504 compensatory or punitive damages, and any party may demand a  
 1505 trial by jury. The commission's determination of reasonable  
 1506 cause is not admissible into evidence in any civil proceeding,  
 1507 including any hearing or trial, except to establish for the  
 1508 court the right to maintain the private right of action. A civil  
 1509 action brought under this section shall be commenced no later  
 1510 than 1 year after the date of determination of reasonable cause  
 1511 by the commission. The commencement of such action shall divest  
 1512 the commission of jurisdiction of the complaint, except that the  
 1513 commission may intervene in the civil action as a matter of  
 1514 right. Notwithstanding the above, the state and its agencies and  
 1515 subdivisions shall not be liable for punitive damages. The total  
 1516 amount of recovery against the state and its agencies and  
 1517 subdivisions shall not exceed the limitation as set forth in s.  
 1518 768.28(5).

1519 **Section 44. For the purpose of incorporating the amendment**  
 1520 **made by this act to section 768.28, Florida Statutes, in a**  
 1521 **reference thereto, subsection (4) of section 766.1115, Florida**  
 1522 **Statutes, is reenacted to read:**

1523 766.1115 Health care providers; creation of agency  
 1524 relationship with governmental contractors.—

1525 (4) CONTRACT REQUIREMENTS.—A health care provider that

1526 executes a contract with a governmental contractor to deliver  
1527 health care services on or after April 17, 1992, as an agent of  
1528 the governmental contractor is an agent for purposes of s.  
1529 768.28(9), while acting within the scope of duties under the  
1530 contract, if the contract complies with the requirements of this  
1531 section and regardless of whether the individual treated is  
1532 later found to be ineligible. A health care provider shall  
1533 continue to be an agent for purposes of s. 768.28(9) for 30 days  
1534 after a determination of ineligibility to allow for treatment  
1535 until the individual transitions to treatment by another health  
1536 care provider. A health care provider under contract with the  
1537 state may not be named as a defendant in any action arising out  
1538 of medical care or treatment provided on or after April 17,  
1539 1992, under contracts entered into under this section. The  
1540 contract must provide that:

1541 (a) The right of dismissal or termination of any health  
1542 care provider delivering services under the contract is retained  
1543 by the governmental contractor.

1544 (b) The governmental contractor has access to the patient  
1545 records of any health care provider delivering services under  
1546 the contract.

1547 (c) Adverse incidents and information on treatment  
1548 outcomes must be reported by any health care provider to the  
1549 governmental contractor if the incidents and information pertain  
1550 to a patient treated under the contract. The health care

1551 provider shall submit the reports required by s. 395.0197. If an  
1552 incident involves a professional licensed by the Department of  
1553 Health or a facility licensed by the Agency for Health Care  
1554 Administration, the governmental contractor shall submit such  
1555 incident reports to the appropriate department or agency, which  
1556 shall review each incident and determine whether it involves  
1557 conduct by the licensee that is subject to disciplinary action.  
1558 All patient medical records and any identifying information  
1559 contained in adverse incident reports and treatment outcomes  
1560 which are obtained by governmental entities under this paragraph  
1561 are confidential and exempt from the provisions of s. 119.07(1)  
1562 and s. 24(a), Art. I of the State Constitution.

1563 (d) Patient selection and initial referral must be made by  
1564 the governmental contractor or the provider. Patients may not be  
1565 transferred to the provider based on a violation of the  
1566 antidumping provisions of the Omnibus Budget Reconciliation Act  
1567 of 1989, the Omnibus Budget Reconciliation Act of 1990, or  
1568 chapter 395.

1569 (e) If emergency care is required, the patient need not be  
1570 referred before receiving treatment, but must be referred within  
1571 48 hours after treatment is commenced or within 48 hours after  
1572 the patient has the mental capacity to consent to treatment,  
1573 whichever occurs later.

1574 (f) The provider is subject to supervision and regular  
1575 inspection by the governmental contractor.

1576 (g) As an agent of the governmental contractor for  
 1577 purposes of s. 768.28(9), while acting within the scope of  
 1578 duties under the contract, a health care provider licensed under  
 1579 chapter 466 may allow a patient, or a parent or guardian of the  
 1580 patient, to voluntarily contribute a monetary amount to cover  
 1581 costs of dental laboratory work related to the services provided  
 1582 to the patient. This contribution may not exceed the actual cost  
 1583 of the dental laboratory charges.

1584  
 1585 A governmental contractor that is also a health care provider is  
 1586 not required to enter into a contract under this section with  
 1587 respect to the health care services delivered by its employees.

1588 **Section 45. For the purpose of incorporating the amendment**  
 1589 **made by this act to section 768.28, Florida Statutes, in a**  
 1590 **reference thereto, subsection (2) of section 766.112, Florida**  
 1591 **Statutes, is reenacted to read:**

1592 766.112 Comparative fault.—

1593 (2) In an action for damages for personal injury or  
 1594 wrongful death arising out of medical negligence, whether in  
 1595 contract or tort, when an apportionment of damages pursuant to  
 1596 s. 768.81 is attributed to a board of trustees of a state  
 1597 university, the court shall enter judgment against the board of  
 1598 trustees on the basis of the board's percentage of fault and not  
 1599 on the basis of the doctrine of joint and several liability. The  
 1600 sole remedy available to a claimant to collect a judgment or



1601 settlement against a board of trustees, subject to the  
 1602 provisions of this subsection, shall be pursuant to s. 768.28.

1603 **Section 46. For the purpose of incorporating the amendment**  
 1604 **made by this act to section 768.28, Florida Statutes, in a**  
 1605 **reference thereto, subsection (3) of section 768.1355, Florida**  
 1606 **Statutes, is reenacted to read:**

1607 768.1355 Florida Volunteer Protection Act.—

1608 (3) Members of elected or appointed boards, councils, and  
 1609 commissions of the state, counties, municipalities, authorities,  
 1610 and special districts shall incur no civil liability and shall  
 1611 have immunity from suit as provided in s. 768.28 for acts or  
 1612 omissions by members relating to members' conduct of their  
 1613 official duties. It is the intent of the Legislature to  
 1614 encourage our best and brightest people to serve on elected and  
 1615 appointed boards, councils, and commissions.

1616 **Section 47. For the purpose of incorporating the amendment**  
 1617 **made by this act to section 768.28, Florida Statutes, in a**  
 1618 **reference thereto, subsection (7) of section 768.1382, Florida**  
 1619 **Statutes, is reenacted to read:**

1620 768.1382 Streetlights, security lights, and other similar  
 1621 illumination; limitation on liability.—

1622 (7) In the event that there is any conflict between this  
 1623 section and s. 768.81, or any other section of the Florida  
 1624 Statutes, this section shall control. Further, nothing in this  
 1625 section shall impact or waive any provision of s. 768.28.

1626           **Section 48. For the purpose of incorporating the amendment**  
 1627 **made by this act to section 768.28, Florida Statutes, in a**  
 1628 **reference thereto, subsection (4) of section 768.295, Florida**  
 1629 **Statutes, is reenacted to read:**

1630           768.295 Strategic Lawsuits Against Public Participation  
 1631 (SLAPP) prohibited.—

1632           (4) A person or entity sued by a governmental entity or  
 1633 another person in violation of this section has a right to an  
 1634 expeditious resolution of a claim that the suit is in violation  
 1635 of this section. A person or entity may move the court for an  
 1636 order dismissing the action or granting final judgment in favor  
 1637 of that person or entity. The person or entity may file a motion  
 1638 for summary judgment, together with supplemental affidavits,  
 1639 seeking a determination that the claimant's or governmental  
 1640 entity's lawsuit has been brought in violation of this section.  
 1641 The claimant or governmental entity shall thereafter file a  
 1642 response and any supplemental affidavits. As soon as  
 1643 practicable, the court shall set a hearing on the motion, which  
 1644 shall be held at the earliest possible time after the filing of  
 1645 the claimant's or governmental entity's response. The court may  
 1646 award, subject to the limitations in s. 768.28, the party sued  
 1647 by a governmental entity actual damages arising from a  
 1648 governmental entity's violation of this section. The court shall  
 1649 award the prevailing party reasonable attorney fees and costs  
 1650 incurred in connection with a claim that an action was filed in

1651 violation of this section.

1652 **Section 49. For the purpose of incorporating the amendment**  
 1653 **made by this act to section 768.28, Florida Statutes, in a**  
 1654 **reference thereto, section 946.5026, Florida Statutes, is**  
 1655 **reenacted to read:**

1656 946.5026 Sovereign immunity in tort actions.—The  
 1657 provisions of s. 768.28 shall be applicable to the corporation  
 1658 established under this part, which is deemed to be a corporation  
 1659 primarily acting as an instrumentality of the state.

1660 **Section 50. For the purpose of incorporating the amendment**  
 1661 **made by this act to section 768.28, Florida Statutes, in a**  
 1662 **reference thereto, Subsection (3) of section 946.514, Florida**  
 1663 **Statutes, is reenacted to read:**

1664 946.514 Civil rights of inmates; inmates not state  
 1665 employees; liability of corporation for inmate injuries.—

1666 (3) The corporation is liable for inmate injury to the  
 1667 extent specified in s. 768.28; however, the members of the board  
 1668 of directors are not individually liable to any inmate for any  
 1669 injury sustained in any correctional work program operated by  
 1670 the corporation.

1671 **Section 51. For the purpose of incorporating the amendment**  
 1672 **made by this act to section 768.28, Florida Statutes, in a**  
 1673 **reference thereto, subsection (5), paragraph (a) of subsection**  
 1674 **(6), and subsection (7) of section 961.06, Florida Statutes, are**  
 1675 **reenacted to read:**

1676           961.06 Compensation for wrongful incarceration.—  
 1677           (5) Before the department approves the application for  
 1678 compensation, the wrongfully incarcerated person must sign a  
 1679 release and waiver on behalf of the wrongfully incarcerated  
 1680 person and his or her heirs, successors, and assigns, forever  
 1681 releasing the state or any agency, instrumentality, or any  
 1682 political subdivision thereof, or any other entity subject to s.  
 1683 768.28, from all present or future claims that the wrongfully  
 1684 incarcerated person or his or her heirs, successors, or assigns  
 1685 may have against such entities arising out of the facts in  
 1686 connection with the wrongful conviction for which compensation  
 1687 is being sought under the act.

1688           (6) (a) A wrongfully incarcerated person may not submit an  
 1689 application for compensation under this act if the person has a  
 1690 lawsuit pending against the state or any agency,  
 1691 instrumentality, or any political subdivision thereof, or any  
 1692 other entity subject to the provisions of s. 768.28, in state or  
 1693 federal court requesting compensation arising out of the facts  
 1694 in connection with the claimant's conviction and incarceration.

1695           (7) Any payment made under this act does not constitute a  
 1696 waiver of any defense of sovereign immunity or an increase in  
 1697 the limits of liability on behalf of the state or any person  
 1698 subject to the provisions of s. 768.28 or other law.

1699           **Section 52. For the purpose of incorporating the amendment**  
 1700 **made by this act to section 768.28, Florida Statutes, in a**

1701 **reference thereto, paragraph (h) of subsection (12) of section**  
 1702 **1002.33, Florida Statutes, is reenacted to read:**

1703 1002.33 Charter schools.—

1704 (12) EMPLOYEES OF CHARTER SCHOOLS.—

1705 (h) For the purposes of tort liability, the charter  
 1706 school, including its governing body and employees, shall be  
 1707 governed by s. 768.28. This paragraph does not include any for-  
 1708 profit entity contracted by the charter school or its governing  
 1709 body.

1710 **Section 53. For the purpose of incorporating the amendment**  
 1711 **made by this act to section 768.28, Florida Statutes, in a**  
 1712 **reference thereto, paragraph (b) of subsection (6) of section**  
 1713 **1002.333, Florida Statutes, is reenacted to read:**

1714 1002.333 Persistently low-performing schools.—

1715 (6) STATUTORY AUTHORITY.—

1716 (b) For the purposes of tort liability, the hope operator,  
 1717 the school of hope, and its employees or agents shall be  
 1718 governed by s. 768.28. The sponsor shall not be liable for civil  
 1719 damages under state law for the employment actions or personal  
 1720 injury, property damage, or death resulting from an act or  
 1721 omission of a hope operator, the school of hope, or its  
 1722 employees or agents. This paragraph does not include any for-  
 1723 profit entity contracted by the charter school or its governing  
 1724 body.

1725 **Section 54. For the purpose of incorporating the amendment**

1726 **made by this act to section 768.28, Florida Statutes, in a**  
 1727 **reference thereto, subsection (17) of section 1002.34, Florida**  
 1728 **Statutes, is reenacted to read:**

1729 1002.34 Charter technical career centers.—

1730 (17) IMMUNITY.—For the purposes of tort liability, the  
 1731 governing body and employees of a center are governed by s.  
 1732 768.28.

1733 **Section 55. For the purpose of incorporating the amendment**  
 1734 **made by this act to section 768.28, Florida Statutes, in a**  
 1735 **reference thereto, paragraph (c) of subsection (3) of section**  
 1736 **1002.351, Florida Statutes, is reenacted to read:**

1737 1002.351 The Florida School for Competitive Academics.—

1738 (3) BOARD OF TRUSTEES.—

1739 (c) The board of trustees is a public agency entitled to  
 1740 sovereign immunity pursuant to s. 768.28, and board members are  
 1741 public officers who bear fiduciary responsibility for the  
 1742 Florida School for Competitive Academics.

1743 **Section 56. For the purpose of incorporating the amendment**  
 1744 **made by this act to section 768.28, Florida Statutes, in a**  
 1745 **reference thereto, subsection (2) of section 1002.37, Florida**  
 1746 **Statutes, is reenacted to read:**

1747 1002.37 The Florida Virtual School.—

1748 (2) The Florida Virtual School shall be governed by a  
 1749 board of trustees comprised of seven members appointed by the  
 1750 Governor to 4-year staggered terms. The board of trustees shall

1751 be a public agency entitled to sovereign immunity pursuant to s.  
 1752 768.28, and board members shall be public officers who shall  
 1753 bear fiduciary responsibility for the Florida Virtual School.  
 1754 The board of trustees shall have the following powers and  
 1755 duties:

1756 (a)1. The board of trustees shall meet at least 4 times  
 1757 each year, upon the call of the chair, or at the request of a  
 1758 majority of the membership.

1759 2. The fiscal year for the Florida Virtual School shall be  
 1760 the state fiscal year as provided in s. 216.011(1)(q).

1761 (b) The board of trustees shall be responsible for the  
 1762 Florida Virtual School's development of a state-of-the-art  
 1763 technology-based education delivery system that is cost-  
 1764 effective, educationally sound, marketable, and capable of  
 1765 sustaining a self-sufficient delivery system through the Florida  
 1766 Education Finance Program.

1767 (c) The board of trustees shall aggressively seek avenues  
 1768 to generate revenue to support its future endeavors, and shall  
 1769 enter into agreements with distance learning providers. The  
 1770 board of trustees may acquire, enjoy, use, and dispose of  
 1771 patents, copyrights, and trademarks and any licenses and other  
 1772 rights or interests thereunder or therein. Ownership of all such  
 1773 patents, copyrights, trademarks, licenses, and rights or  
 1774 interests thereunder or therein shall vest in the state, with  
 1775 the board of trustees having full right of use and full right to

1776 retain the revenues derived therefrom. Any funds realized from  
1777 patents, copyrights, trademarks, or licenses shall be considered  
1778 internal funds as provided in s. 1011.07. Such funds shall be  
1779 used to support the school's marketing and research and  
1780 development activities in order to improve courseware and  
1781 services to its students.

1782 (d) The board of trustees shall be responsible for the  
1783 administration and control of all local school funds derived  
1784 from all activities or sources and shall prescribe the  
1785 principles and procedures to be followed in administering these  
1786 funds.

1787 (e) The Florida Virtual School may accrue supplemental  
1788 revenue from supplemental support organizations, which include,  
1789 but are not limited to, alumni associations, foundations,  
1790 parent-teacher associations, and booster associations. The  
1791 governing body of each supplemental support organization shall  
1792 recommend the expenditure of moneys collected by the  
1793 organization for the benefit of the school. Such expenditures  
1794 shall be contingent upon the review of the executive director.  
1795 The executive director may override any proposed expenditure of  
1796 the organization that would violate Florida law or breach sound  
1797 educational management.

1798 (f) In accordance with law and rules of the State Board of  
1799 Education, the board of trustees shall administer and maintain  
1800 personnel programs for all employees of the board of trustees



1801 and the Florida Virtual School. The board of trustees may adopt  
1802 rules, policies, and procedures related to the appointment,  
1803 employment, and removal of personnel.

1804 1. The board of trustees shall determine the compensation,  
1805 including salaries and fringe benefits, and other conditions of  
1806 employment for such personnel.

1807 2. The board of trustees may establish and maintain a  
1808 personnel loan or exchange program by which persons employed by  
1809 the board of trustees for the Florida Virtual School as academic  
1810 administrative and instructional staff may be loaned to, or  
1811 exchanged with persons employed in like capacities by, public  
1812 agencies either within or without this state, or by private  
1813 industry. With respect to public agency employees, the program  
1814 authorized by this subparagraph shall be consistent with the  
1815 requirements of part II of chapter 112. The salary and benefits  
1816 of board of trustees personnel participating in the loan or  
1817 exchange program shall be continued during the period of time  
1818 they participate in a loan or exchange program, and such  
1819 personnel shall be deemed to have no break in creditable or  
1820 continuous service or employment during such time. The salary  
1821 and benefits of persons participating in the personnel loan or  
1822 exchange program who are employed by public agencies or private  
1823 industry shall be paid by the originating employers of those  
1824 participants, and such personnel shall be deemed to have no  
1825 break in creditable or continuous service or employment during

1826 such time.

1827         3. The employment of all Florida Virtual School academic  
1828 administrative and instructional personnel shall be subject to  
1829 rejection for cause by the board of trustees, and shall be  
1830 subject to policies of the board of trustees relative to  
1831 certification, tenure, leaves of absence, sabbaticals,  
1832 remuneration, and such other conditions of employment as the  
1833 board of trustees deems necessary and proper, not inconsistent  
1834 with law.

1835         4. Each person employed by the board of trustees in an  
1836 academic administrative or instructional capacity with the  
1837 Florida Virtual School shall be entitled to a contract as  
1838 provided by rules of the board of trustees.

1839         5. All employees except temporary, seasonal, and student  
1840 employees may be state employees for the purpose of being  
1841 eligible to participate in the Florida Retirement System and  
1842 receive benefits. The classification and pay plan, including  
1843 terminal leave and other benefits, and any amendments thereto,  
1844 shall be subject to review and approval by the Department of  
1845 Management Services and the Executive Office of the Governor  
1846 prior to adoption.

1847         (g) The board of trustees shall establish priorities for  
1848 admission of students in accordance with paragraph (1)(b).

1849         (h) The board of trustees shall establish and distribute  
1850 to all school districts and high schools in the state procedures

1851 for enrollment of students in courses offered by the Florida  
1852 Virtual School.

1853 (i) The board of trustees shall establish criteria  
1854 defining the elements of an approved franchise. The board of  
1855 trustees may enter into franchise agreements with Florida  
1856 district school boards and may establish the terms and  
1857 conditions governing such agreements. The board of trustees  
1858 shall establish the performance and accountability measures and  
1859 report the performance of each school district franchise to the  
1860 Commissioner of Education.

1861 (j) The board of trustees shall submit to the State Board  
1862 of Education both forecasted and actual enrollments and credit  
1863 completions for the Florida Virtual School, according to  
1864 procedures established by the State Board of Education. At a  
1865 minimum, such procedures must include the number of public,  
1866 private, and home education students served by program and by  
1867 county of residence.

1868 (k) The board of trustees shall provide for the content  
1869 and custody of student and employee personnel records. Student  
1870 records shall be subject to the provisions of s. 1002.22.  
1871 Employee records shall be subject to the provisions of s.  
1872 1012.31.

1873 (l) The financial records and accounts of the Florida  
1874 Virtual School shall be maintained under the direction of the  
1875 board of trustees and under rules adopted by the State Board of

1876 Education for the uniform system of financial records and  
 1877 accounts for the schools of the state.

1878  
 1879 The Governor shall designate the initial chair of the board of  
 1880 trustees to serve a term of 4 years. Members of the board of  
 1881 trustees shall serve without compensation, but may be reimbursed  
 1882 for per diem and travel expenses pursuant to s. 112.061. The  
 1883 board of trustees shall be a body corporate with all the powers  
 1884 of a body corporate and such authority as is needed for the  
 1885 proper operation and improvement of the Florida Virtual School.  
 1886 The board of trustees is specifically authorized to adopt rules,  
 1887 policies, and procedures, consistent with law and rules of the  
 1888 State Board of Education related to governance, personnel,  
 1889 budget and finance, administration, programs, curriculum and  
 1890 instruction, travel and purchasing, technology, students,  
 1891 contracts and grants, and property as necessary for optimal,  
 1892 efficient operation of the Florida Virtual School. Tangible  
 1893 personal property owned by the board of trustees shall be  
 1894 subject to the provisions of chapter 273.

1895 **Section 57. For the purpose of incorporating the amendment**  
 1896 **made by this act to section 768.28, Florida Statutes, in a**  
 1897 **reference thereto, paragraph (1) of subsection (3) of section**  
 1898 **1002.55, Florida Statutes, is reenacted to read:**

1899 1002.55 School-year prekindergarten program delivered by  
 1900 private prekindergarten providers.—

1901 (3) To be eligible to deliver the prekindergarten program,  
 1902 a private prekindergarten provider must meet each of the  
 1903 following requirements:

1904 (1) Notwithstanding paragraph (j), for a private  
 1905 prekindergarten provider that is a state agency or a subdivision  
 1906 thereof, as defined in s. 768.28(2), the provider must agree to  
 1907 notify the coalition of any additional liability coverage  
 1908 maintained by the provider in addition to that otherwise  
 1909 established under s. 768.28. The provider shall indemnify the  
 1910 coalition to the extent permitted by s. 768.28. Notwithstanding  
 1911 paragraph (j), for a child development program that is  
 1912 accredited by a national accrediting body and operates on a  
 1913 military installation that is certified by the United States  
 1914 Department of Defense, the provider may demonstrate liability  
 1915 coverage by affirming that it is subject to the Federal Tort  
 1916 Claims Act, 28 U.S.C. ss. 2671 et seq.

1917 **Section 58. For the purpose of incorporating the amendment**  
 1918 **made by this act to section 768.28, Florida Statutes, in a**  
 1919 **reference thereto, subsection (10) of section 1002.83, Florida**  
 1920 **Statutes, is reenacted to read:**

1921 1002.83 Early learning coalitions.—

1922 (10) For purposes of tort liability, each member or  
 1923 employee of an early learning coalition shall be governed by s.  
 1924 768.28.

1925 **Section 59. For the purpose of incorporating the amendment**

1926 **made by this act to section 768.28, Florida Statutes, in a**  
 1927 **reference thereto, paragraph (p) of subsection (1) of section**  
 1928 **1002.88, Florida Statutes, is reenacted to read:**

1929       1002.88 School readiness program provider standards;  
 1930 eligibility to deliver the school readiness program.—

1931       (1) To be eligible to deliver the school readiness  
 1932 program, a school readiness program provider must:

1933       (p) Notwithstanding paragraph (m), for a provider that is  
 1934 a state agency or a subdivision thereof, as defined in s.  
 1935 768.28(2), agree to notify the coalition of any additional  
 1936 liability coverage maintained by the provider in addition to  
 1937 that otherwise established under s. 768.28. The provider shall  
 1938 indemnify the coalition to the extent permitted by s. 768.28.  
 1939 Notwithstanding paragraph (m), for a child development program  
 1940 that is accredited by a national accrediting body and operates  
 1941 on a military installation that is certified by the United  
 1942 States Department of Defense, the provider may demonstrate  
 1943 liability coverage by affirming that it is subject to the  
 1944 Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

1945       **Section 60. For the purpose of incorporating the amendment**  
 1946 **made by this act to section 768.28, Florida Statutes, in a**  
 1947 **reference thereto, subsection (1) of section 1006.24, Florida**  
 1948 **Statutes, is reenacted to read:**

1949       1006.24 Tort liability; liability insurance.—

1950       (1) Each district school board shall be liable for tort

1951 claims arising out of any incident or occurrence involving a  
 1952 school bus or other motor vehicle owned, maintained, operated,  
 1953 or used by the district school board to transport persons, to  
 1954 the same extent and in the same manner as the state or any of  
 1955 its agencies or subdivisions is liable for tort claims under s.  
 1956 768.28, except that the total liability to persons being  
 1957 transported for all claims or judgments of such persons arising  
 1958 out of the same incident or occurrence shall not exceed an  
 1959 amount equal to \$5,000 multiplied by the rated seating capacity  
 1960 of the school bus or other vehicle, as determined by rules of  
 1961 the State Board of Education, or \$100,000, whichever is greater.  
 1962 The provisions of s. 768.28 apply to all claims or actions  
 1963 brought against district school boards, as authorized in this  
 1964 subsection.

1965 **Section 61. For the purpose of incorporating the amendment**  
 1966 **made by this act to section 768.28, Florida Statutes, in a**  
 1967 **reference thereto, paragraph (b) of subsection (2) of section**  
 1968 **1006.261, Florida Statutes, is reenacted to read:**

1969 1006.261 Use of school buses for public purposes.—

1970 (2)

1971 (b) For purposes of liability for negligence, state  
 1972 agencies or subdivisions as defined in s. 768.28(2) shall be  
 1973 covered by s. 768.28. Every other corporation or organization  
 1974 shall provide liability insurance coverage in the minimum  
 1975 amounts of \$100,000 on any claim or judgment and \$200,000 on all

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1976 | claims and judgments arising from the same incident or  
1977 | occurrence.

1978 |       **Section 62.** This act shall take effect October 1, 2025.