

1 A bill to be entitled
 2 An act relating to community-based care lead agency
 3 and subcontractor liability; amending s. 409.993,
 4 F.S.; lowering the dollar amount limit of net economic
 5 damages in tort actions brought against lead agencies
 6 and subcontractors; providing that lead agencies and
 7 subcontractors that are direct providers of foster
 8 care and related services are not liable to pay any
 9 claim or judgment that exceeds a specified amount;
 10 removing a limitations on damages provision; providing
 11 that an attorney may not charge, demand, receive, or
 12 collect for services rendered fees that exceed a
 13 specified amount of any judgment or settlement;
 14 providing an effective date.

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

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 18 **Section 1. Paragraph (a) of subsection (2), paragraph (a)**
 19 **of subsection (3), and subsection (4) of section 409.993,**
 20 **Florida Statutes, are amended to read:**

21 409.993 Lead agencies and subcontractor liability.—
 22 (2) LEAD AGENCY LIABILITY.—
 23 (a) Other than an entity to which s. 768.28 applies, an
 24 eligible community-based care lead agency, or its employees or
 25 officers, except as otherwise provided in paragraph (b), shall,

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26 as a part of its contract, obtain a minimum of \$500,000 ~~1~~
27 ~~million~~ per occurrence with a policy period aggregate limit of
28 \$1 million ~~\$3 million~~ in general liability insurance coverage.
29 The lead agency must also require that staff who transport
30 client children and families in their personal automobiles in
31 order to carry out their job responsibilities obtain minimum
32 bodily injury liability insurance in the amount of \$100,000 per
33 person per any one automobile accident, and subject to such
34 limits for each person, \$300,000 for all damages resulting from
35 any one automobile accident, on their personal automobiles. In
36 lieu of personal motor vehicle insurance, the lead agency's
37 casualty, liability, or motor vehicle insurance carrier may
38 provide nonowned automobile liability coverage. This insurance
39 provides liability insurance for an automobile that the lead
40 agency uses in connection with the lead agency's business but
41 does not own, lease, rent, or borrow. This coverage includes an
42 automobile owned by an employee of the lead agency or a member
43 of the employee's household but only while the automobile is
44 used in connection with the lead agency's business. The nonowned
45 automobile coverage for the lead agency applies as excess
46 coverage over any other collectible insurance. The personal
47 automobile policy for the employee of the lead agency shall be
48 primary insurance, and the nonowned automobile coverage of the
49 lead agency acts as excess insurance to the primary insurance.
50 The lead agency shall provide a minimum limit of \$1 million in

51 nonowned automobile coverage. In a tort action brought against
52 such a lead agency or employee, net economic damages shall be
53 limited to \$1 million ~~\$2 million~~ per liability claim and
54 \$200,000 per automobile claim, including, but not limited to,
55 past and future medical expenses, wage loss, and loss of earning
56 capacity, offset by any collateral source payment paid or
57 payable. In any tort action brought against a lead agency,
58 noneconomic damages shall be limited to \$400,000 per claim. A
59 lead agency or any subcontractor of an eligible community-based
60 care lead agency that is a direct provider of foster care and
61 related services to children and families is not liable to pay
62 any claim or judgment, or portions thereof, which, when totaled
63 with all other claims or judgments paid by a lead agency or its
64 subcontractors or their officers or employees arising out of the
65 same incident or occurrence, exceeds the amount of \$1.5 million.
66 A claims bill may be brought on behalf of a claimant pursuant to
67 s. 768.28 for any amount exceeding the limits specified in this
68 paragraph. Any offset of collateral source payments made as of
69 the date of the settlement or judgment shall be in accordance
70 with s. 768.76. The lead agency is not liable in tort for the
71 acts or omissions of its subcontractors or the officers, agents,
72 or employees of its subcontractors.

73 (3) SUBCONTRACTOR LIABILITY.—

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

76 services to children and families, and its employees or
77 officers, except as otherwise provided in paragraph (b), must,
78 as a part of its contract, obtain a minimum of \$500,000 ~~\$1~~
79 ~~million~~ per occurrence with a policy period aggregate limit of
80 \$1 million ~~\$3 million~~ in general liability insurance coverage.
81 The subcontractor of a lead agency must also require that staff
82 who transport client children and families in their personal
83 automobiles in order to carry out their job responsibilities
84 obtain minimum bodily injury liability insurance in the amount
85 of \$100,000 per person in any one automobile accident, and
86 subject to such limits for each person, \$300,000 for all damages
87 resulting from any one automobile accident, on their personal
88 automobiles. In lieu of personal motor vehicle insurance, the
89 subcontractor's casualty, liability, or motor vehicle insurance
90 carrier may provide nonowned automobile liability coverage. This
91 insurance provides liability insurance for automobiles that the
92 subcontractor uses in connection with the subcontractor's
93 business but does not own, lease, rent, or borrow. This coverage
94 includes automobiles owned by the employees of the subcontractor
95 or a member of the employee's household but only while the
96 automobiles are used in connection with the subcontractor's
97 business. The nonowned automobile coverage for the subcontractor
98 applies as excess coverage over any other collectible insurance.
99 The personal automobile policy for the employee of the
100 subcontractor shall be primary insurance, and the nonowned

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101 automobile coverage of the subcontractor acts as excess
102 insurance to the primary insurance. The subcontractor shall
103 provide a minimum limit of \$1 million in nonowned automobile
104 coverage. In a tort action brought against such subcontractor or
105 employee, net economic damages shall be limited to \$1 million ~~\$2~~
106 ~~million~~ per liability claim and \$200,000 per automobile claim,
107 including, but not limited to, past and future medical expenses,
108 wage loss, and loss of earning capacity, offset by any
109 collateral source payment paid or payable. In a tort action
110 brought against such subcontractor, noneconomic damages shall be
111 limited to \$400,000 per claim. A lead agency or any
112 subcontractor of an eligible community-based care lead agency
113 that is a direct provider of foster care and related services to
114 children and families is not liable to pay any claim or
115 judgment, or portions thereof, which, when totaled with all
116 other claims or judgments paid by a lead agency or its
117 subcontractors or their employees arising out of the same
118 incident or occurrence, exceeds the amount of \$1.5 million. A
119 claims bill may be brought on behalf of a claimant pursuant to
120 s. 768.28 for any amount exceeding the limits specified in this
121 paragraph. Any offset of collateral source payments made as of
122 the date of the settlement or judgment shall be in accordance
123 with s. 768.76.

124 (4) ATTORNEY FEES.—An attorney may not charge, demand,
125 receive, or collect, for services rendered, fees in excess of 25

126 | percent of any judgment or settlement ~~LIMITATIONS ON DAMAGES.~~
127 | ~~The Legislature is cognizant of the increasing costs of goods~~
128 | ~~and services each year and recognizes that fixing a set amount~~
129 | ~~of compensation has the effect of a reduction in compensation~~
130 | ~~each year. Accordingly, the conditional limitations on damages~~
131 | ~~in this section shall be increased at the rate of 5 percent each~~
132 | ~~year, prorated from July 1, 2014, to the date at which damages~~
133 | ~~subject to such limitations are awarded by final judgment or~~
134 | ~~settlement.~~

135 | **Section 2.** This act shall take effect July 1, 2025.