

By Senator Leek

7-00908-26

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1                   A bill to be entitled  
2           An act related to sovereign immunity for public  
3           transit contractors; amending s. 768.28, F.S.;  
4           providing that contractors operating public transit  
5           services and their employees, agents, or  
6           subcontractors are deemed agents of the state, agency,  
7           or subdivision for which they provide public transit  
8           services for purposes of sovereign immunity; defining  
9           the term "public transit"; amending s. 766.1115, F.S.;  
10          conforming a cross-reference; providing an effective  
11          date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Present paragraphs (f) through (l) of subsection  
16           (10) of section 768.28, Florida Statutes, are redesignated as  
17           paragraphs (g) through (m), respectively, a new paragraph (f) is  
18           added to that subsection, and paragraph (b) of subsection (9) of  
19           that section is amended, to read:

20           768.28 Waiver of sovereign immunity in tort actions;  
21           recovery limits; civil liability for damages caused during a  
22           riot; limitation on attorney fees; statute of limitations;  
23           exclusions; indemnification; risk management programs.—

24           (9)

25           (b) As used in this subsection, the term:

26           1. "Employee" includes any volunteer firefighter.

27           2. "Officer, employee, or agent" includes, but is not  
28           limited to, any health care provider when providing services  
29           pursuant to s. 766.1115; any nonprofit independent college or

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30 university located and chartered in this state which owns or  
 31 operates an accredited medical school, and its employees or  
 32 agents, when providing patient services pursuant to paragraph  
 33 (10) (g) ~~(10) (f)~~; any public defender or her or his employee or  
 34 agent, including an assistant public defender or an  
 35 investigator; and any member of a Child Protection Team, as  
 36 defined in s. 39.01, or any member of a threat management team,  
 37 as described in s. 1006.07(7), when carrying out her or his  
 38 duties as a team member under the control, direction, and  
 39 supervision of the state or any of its agencies or subdivisions.

40 (10)

41 (f) For purposes of this section, a contractor operating  
 42 public transit services under a contract with the state or any  
 43 of its agencies or subdivisions, or any employee, agent, or  
 44 subcontractor of a contractor providing such services, is deemed  
 45 an agent of the state, agency, or subdivision while acting  
 46 within the scope of and pursuant to guidelines established in  
 47 such contract or by rule. For purposes of this paragraph, the  
 48 term "public transit" has the same meaning as in s. 341.031(6).

49 Section 2. Paragraph (b) of subsection (12) of section  
 50 766.1115, Florida Statutes, is amended to read:

51 766.1115 Health care providers; creation of agency  
 52 relationship with governmental contractors.—

53 (12) APPLICABILITY.—This section applies to incidents  
 54 occurring on or after April 17, 1992. This section does not:

55 (b) Apply to any affiliation agreement or other contract  
 56 that is subject to s. 768.28(10) (g) ~~s. 768.28(10) (f)~~.

57 Section 3. This act shall take effect July 1, 2026.