

By the Committee on Transportation; and Senator Leek

596-02688-26

2026828c1

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

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Present paragraphs (f) through (l) of subsection  
14           (10) of section 768.28, Florida Statutes, are redesignated as  
15           paragraphs (g) through (m), respectively, a new paragraph (f) is  
16           added to that subsection, and paragraph (b) of subsection (9) of  
17           that section is amended, to read:

18           768.28 Waiver of sovereign immunity in tort actions;  
19           recovery limits; civil liability for damages caused during a  
20           riot; limitation on attorney fees; statute of limitations;  
21           exclusions; indemnification; risk management programs.—

22           (9)

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

24           1. "Employee" includes any volunteer firefighter.

25           2. "Officer, employee, or agent" includes, but is not  
26           limited to, any health care provider when providing services  
27           pursuant to s. 766.1115; any nonprofit independent college or  
28           university located and chartered in this state which owns or  
29           operates an accredited medical school, and its employees or

596-02688-26

2026828c1

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

38 (10)

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

46 Section 2. Paragraph (b) of subsection (12) of section  
 47 766.1115, Florida Statutes, is amended to read:

48 766.1115 Health care providers; creation of agency  
 49 relationship with governmental contractors.-

50 (12) APPLICABILITY.-This section applies to incidents  
 51 occurring on or after April 17, 1992. This section does not:

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

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