

**By** the Committee on Transportation; and Senator Leek

596-02688-26

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A bill to be entitled

An act relating to sovereign immunity for public transit contractors; amending s. 768.28, F.S.; providing that contractors providing public transit services and their employees or agents are deemed agents of the state for purposes of sovereign immunity; defining the term "public transit"; amending s. 766.1115, F.S.; conforming a cross-reference; providing an effective date.

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

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

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

(9)

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

1. "Employee" includes any volunteer firefighter.

2. "Officer, employee, or agent" includes, but is not limited to, any health care provider when providing services pursuant to s. 766.1115; any nonprofit independent college or university located and chartered in this state which owns or 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.