A bill to be entitled
An act relating to sovereign immunity; amending s. 768.28, F.S.; providing a short title; providing an exception to certain liability for the state and its agencies and subdivisions; increasing the statutory limits on liability for tort claims against the state and its agencies and subdivisions; conforming provisions to changes made by the act; revising when a state and its agencies and subdivisions may agree to settle a claim or judgment without further action from the Legislature; requiring that the limitations on tort liability be adjusted every year after a specified date; specifying that the limitations in effect on the date a final judgment is entered apply to that judgment; requiring certain final judgment amounts to be paid without further action by the Legislature; providing liability for claims arising as a result of certain acts or omissions by certain persons; prohibiting an insurance policy from conditioning the payment of benefits on the enactment of claims bills; amending ss. 29.0081, 39.8297, 163.01, 252.36, 260.0125, 288.9625, 316.6146, 321.24, 324.022, 381.0056, 403.0862, 456.048, 458.320, 459.0085, 589.19, 616.242, 624.461, 624.462, 627.733, 760.11, 766.1115, 766.118, 768.1315, 768.135, 944.713, 984.09, 985.037, 1002.55, 1002.88, 1004.41, 1004.43, 1004.447, and 1006.261, F.S.; conforming cross-references; reenacting ss. 45.061, 110.504, 111.071, 163.01(15)(k), 190.043, 213.015, 284.31, 284.38,
Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (1) through (20) of section 768.28, Florida Statutes, are redesignated as subsections (2) through (21), respectively, a new subsection (1) is added to that section, and present subsection (5), paragraphs (a) and (b) of present subsection (9), and paragraph (a) of present subsection (16) of that section are amended, to read:

768.28 Florida Fair Claims Act; waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(1) This section may be cited as the “Florida Fair Claims Act.”

(6)(a) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Except as specified in paragraph (b), neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of $200,000 or any claim or judgment, or
portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of $1 million $300,000. However, a judgment or judgments may be claimed and rendered in excess of this amount and may be settled and paid pursuant to this act up to $1 million $200,000 or $300,000, as the case may be; and that portion of the judgment that exceeds this amount may be reported to the Legislature, but may be paid in part or in whole only by further act of the Legislature. Notwithstanding the limited waiver of sovereign immunity provided herein, the state or an agency or subdivision thereof may agree, within the limits of insurance coverage provided, to settle a claim made or a judgment rendered against it in excess of $1 million without further action by the Legislature, but The state or agency or subdivision thereof may shall not be deemed to have waived any defense of sovereign immunity or to have increased the limits of its liability as a result of its obtaining insurance coverage for tortious acts in excess of the $1 million $200,000 or $300,000 waiver provided above. The limitations of liability set forth in this subsection shall apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

Beginning July 1, 2021, and every July 1 thereafter, the limitations of liability in this paragraph shall be adjusted to reflect changes in the Consumer Price Index for the Southeast or a successor index as calculated by the United States Department of Commerce.
of Labor. When determining liability limits for a claim, the
limitations of liability in effect on the date a final judgment
is entered apply to the claim.

(b) The state and its agencies and subdivisions shall be
liable to pay the final judgment amount for compensatory damages
for claims in which an officer, employee, or agent of the state
or its subdivisions, in the scope of her or his employment or
function, committed the act in bad faith or with malicious
purpose or in a manner exhibiting wanton and willful disregard
of human rights, safety, or property. The limits in effect on
the date a final judgment is entered apply to the judgment. The
final judgment amount for compensatory damages for such claims
shall be paid without further action by the Legislature.

(10) (9) (a) No officer, employee, or agent of the state or
of any of its subdivisions shall be held personally liable in
tort or named as a party defendant in any action for any injury
or damage suffered as a result of any act, event, or omission of
action in the scope of her or his employment or function, unless
such officer, employee, or agent acted in bad faith or with
malicious purpose or in a manner exhibiting wanton and willful
disregard of human rights, safety, or property. However, such
officer, employee, or agent shall be considered an adverse
witness in a tort action for any injury or damage suffered as a
result of any act, event, or omission of action in the scope of
her or his employment or function. The exclusive remedy for
injury or damage suffered as a result of an act, event, or
omission of an officer, employee, or agent of the state or any
of its subdivisions or constitutional officers shall be by
action against the governmental entity, or the head of such
entity in her or his official capacity, or the constitutional
officer of which the officer, employee, or agent is an employee,
unless such act or omission was committed in bad faith or with
malicious purpose or in a manner exhibiting wanton and willful
disregard of human rights, safety, or property. The state or its
subdivisions shall not be liable in tort for the acts or
omissions of an officer, employee, or agent committed while
acting outside the course and scope of her or his employment.
However, the state or its subdivision shall be liable for
compensatory damages pursuant to paragraph (6)(b) and the
employee, officer, or agent of the state or its subdivision
shall be liable for all damages for any injury or damage
suffered as a result of any act or omission that the person, in
the scope of her or his employment or function, or committed in
bad faith or with malicious purpose or in a manner exhibiting
wanton and willful disregard of human rights, safety, or
property.

(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
agents, when providing patient services pursuant to paragraph
(11)(f) (10)(f); and any public defender or her or his employee
or agent, including, among others, an assistant public defender
and an investigator.

(a) The state and its agencies and subdivisions are
authorized to be self-insured, to enter into risk management programs, or to purchase liability insurance for whatever coverage they may choose, or to have any combination thereof, in anticipation of any claim, judgment, and claims bill which they may be liable to pay pursuant to this section. Agencies or subdivisions, and sheriffs, that are subject to homogeneous risks may purchase insurance jointly or may join together as self-insurers to provide other means of protection against tort claims, any charter provisions or laws to the contrary notwithstanding. An insurance policy may not condition the payment of benefits, in whole or in part, on the enactment of claims bills.

Section 2. Paragraph (b) of subsection (2) of section 29.0081, Florida Statutes, is amended to read:

29.0081 County funding of additional court personnel.—
(2) The agreement shall, at a minimum, provide that:
(b) The personnel whose employment is funded under the agreement are hired, supervised, managed, and fired by personnel of the judicial circuit. The county shall be considered the employer for purposes of s. 440.10 and chapter 443. Employees funded by the county under this section and other county employees may be aggregated for purposes of a flexible benefits plan pursuant to s. 125 of the Internal Revenue Code of 1986. The judicial circuit shall supervise the personnel whose employment is funded under the agreement; be responsible for compliance with all requirements of federal and state employment laws, including, but not limited to, Title VII of the Civil Rights Act of 1964, Title I of the Americans with Disabilities Act, 42 U.S.C. s. 1983, the Family Medical Leave Act, the Fair
Labor Standards Act, chapters 447 and 760, and ss. 112.3187, 440.105, and 440.205; and fully indemnify the county from any liability under such laws, as authorized by s. 768.28(20) \( \Rightarrow \) 768.28(19), to the extent such liability is the result of the acts or omissions of the judicial circuit or its agents or employees.

Section 3. Paragraph (b) of subsection (2) of section 39.8297, Florida Statutes, is amended to read:

39.8297 County funding for guardian ad litem employees.—

(2) The agreement, at a minimum, must provide that:

(b) The persons who are employed will be hired, supervised, managed, and terminated by the executive director of the Statewide Guardian Ad Litem Office. The statewide office is responsible for compliance with all requirements of federal and state employment laws, and shall fully indemnify the county from any liability under such laws, as authorized by s. 768.28(20) \( \Rightarrow \) 768.28(19), to the extent such liability is the result of the acts or omissions of the Statewide Guardian Ad Litem Office or its agents or employees.

Section 4. Paragraph (h) of subsection (3) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(h) “Local government liability pool” means a reciprocal insurer as defined in s. 629.021 or any self-insurance program created pursuant to s. 768.28(17) \( \Rightarrow \) 768.28(16), formed and controlled by counties or municipalities of this state to provide liability insurance coverage for counties, municipalities, or other public agencies of this state, which
pool may contract with other parties for the purpose of providing claims administration, processing, accounting, and other administrative facilities.

Section 5. Paragraph (l) of subsection (5) of section 252.36, Florida Statutes, is amended to read:

252.36 Emergency management powers of the Governor.—

(5) In addition to any other powers conferred upon the Governor by law, she or he may:

(l) Authorize the use of forces already mobilized as the result of an executive order, rule, or proclamation to assist the private citizens of the state in cleanup and recovery operations during emergencies when proper permission to enter onto or into private property has been obtained from the property owner. The provisions of s. 768.28(10) s. 768.28(9) apply to this paragraph.

Section 6. Subsection (2) of section 260.0125, Florida Statutes, is amended to read:

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

(2) Any private landowner who consents to designation of his or her land as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) without compensation shall be considered a volunteer, as defined in s. 110.501, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(10) s. 768.28(9).

Section 7. Subsection (2) and paragraph (g) of subsection (10) of section 288.9625, Florida Statutes, are amended to read:

288.9625 Institute for Commercialization of Florida
Technology.—

(2) The purpose of the institute is to assist, without any financial support or specific appropriations from the state, in the commercialization of products developed by the research and development activities of an innovation business, including, but not limited to, those defined in s. 288.1089. The institute shall fulfill its purpose in the best interests of the state. The institute:

(a) Is a corporation primarily acting as an instrumentality of the state pursuant to s. 768.28(3) or s. 768.28(2), for the purposes of sovereign immunity;

(b) Is not an agency within the meaning of s. 20.03(11);

(c) Is subject to the open records and meetings requirements of s. 24, Art. I of the State Constitution, chapter 119, and s. 286.011;

(d) Is not subject to chapter 287;

(e) Is governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(f) May create corporate subsidiaries; and

(g) May not receive any financial support or specific appropriations from the state.

(10) The private fund manager:

(g) Is not a corporation primarily acting as an instrumentality of the state pursuant to s. 768.28(3) or s. 768.28(2), for the purposes of sovereign immunity.

Section 8. Section 316.6146, Florida Statutes, is amended to read:

316.6146 Transportation of private school students on public school buses and public school students on private school
buses; agreement.—Private school students may be transported on public school buses and public school students may be transported on private school buses when there is mutual agreement between the local school board and the applicable private school. Any agreement for private school students to be transported on public school buses must be in accordance with ss. 768.28(10)(a) ss. 768.28(9)(a) and 316.6145. Any agreement for public school students to be transported on private school buses must be contingent on the private school bus driver’s having adequate liability insurance through his or her employer.

Section 9. Subsection (5) of section 321.24, Florida Statutes, is amended to read:

321.24 Members of an auxiliary to Florida Highway Patrol.—

(5) Notwithstanding any other law to the contrary, any volunteer highway patrol troop surgeon appointed by the director of the Florida Highway Patrol and any volunteer licensed health professional appointed by the director of the Florida Highway Patrol to work under the medical direction of a highway patrol troop surgeon is considered an employee for purposes of ss. 768.28(10) ss. 768.28(9).

Section 10. Subsection (1) of section 324.022, Florida Statutes, is amended to read:

324.022 Financial responsibility for property damage.—

(1) Every owner or operator of a motor vehicle required to be registered in this state shall establish and maintain the ability to respond in damages for liability on account of accidents arising out of the use of the motor vehicle in the amount of $10,000 because of damage to, or destruction of, property of others in any one crash. The requirements of this
section may be met by one of the methods established in s. 324.031; by self-insuring as authorized by s. 768.28(17) or s. 768.28(16); or by maintaining an insurance policy providing coverage for property damage liability in the amount of at least $10,000 because of damage to, or destruction of, property of others in any one accident arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides coverage in the amount of at least $30,000 for combined property damage liability and bodily injury liability for any one crash arising out of the use of the motor vehicle. The policy, with respect to coverage for property damage liability, must meet the applicable requirements of s. 324.151, subject to the usual policy exclusions that have been approved in policy forms by the Office of Insurance Regulation. No insurer shall have any duty to defend uncovered claims irrespective of their joinder with covered claims.

Section 11. Subsection (9) of section 381.0056, Florida Statutes, is amended to read:

381.0056 School health services program.—

(9) Any health care entity that provides school health services under contract with the department pursuant to a school health services plan developed under this section, and as part of a school nurse services public-private partnership, is deemed to be a corporation acting primarily as an instrumentality of the state solely for the purpose of limiting liability pursuant to s. 768.28(6) or s. 768.28(5). The limitations on tort actions contained in s. 768.28(6) or s. 768.28(5) shall apply to any action against the entity with respect to the provision of school health services, if the entity is acting within the scope of and
pursuant to guidelines established in the contract or by rule of the department. The contract must require the entity, or the partnership on behalf of the entity, to obtain general liability insurance coverage, with any additional endorsement necessary to insure the entity for liability assumed by its contract with the department. The Legislature intends that insurance be purchased by entities, or by partnerships on behalf of the entity, to cover all liability claims, and under no circumstances shall the state or the department be responsible for payment of any claims or defense costs for claims brought against the entity or its subcontractor for services performed under the contract with the department. This subsection does not preclude consideration by the Legislature for payment by the state of any claims bill involving an entity contracting with the department pursuant to this section.

Section 12. Subsection (4) of section 403.0862, Florida Statutes, is amended to read:

> 403.0862 Discharge of waste from state groundwater cleanup operations to publicly owned treatment works.—
> (4) The limitation on damages provided by s. 768.28(6) shall not apply to any obligation or payment which may become due under this section.

Section 13. Paragraph (a) of subsection (2) of section 456.048, Florida Statutes, is amended to read:

> 456.048 Financial responsibility requirements for certain health care practitioners.—
> (2) The board or department may grant exemptions upon application by practitioners meeting any of the following criteria:
(a) Any person licensed under chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or chapter 467 who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(17) or who is a volunteer under s. 110.501(1).

Section 14. Paragraph (a) of subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) do not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(17) or s. 768.28(16).

Section 15. Paragraph (a) of subsection (5) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) do not apply to:

(a) Any person licensed under this chapter who practices
medicine exclusively as an officer, employee, or agent of the
Federal Government or of the state or its agencies or its
subdivisions. For the purposes of this subsection, an agent of
the state, its agencies, or its subdivisions is a person who is
eligible for coverage under any self-insurance or insurance
program authorized by the provisions of s. 768.28(17) or
768.28(16).

Section 16. Paragraph (e) of subsection (4) of section
589.19, Florida Statutes, is amended to read:
589.19 Creation of certain state forests; naming of certain
state forests; Operation Outdoor Freedom Program.—
(4)
(e)1. A private landowner who provides land for designation
and use as an Operation Outdoor Freedom Program hunting site
shall have limited liability pursuant to s. 375.251.
2. A private landowner who consents to the designation and
use of land as part of the Operation Outdoor Freedom Program
without compensation shall be considered a volunteer, as defined
in s. 110.501, and shall be covered by state liability
protection pursuant to s. 768.28, including s. 768.28(10) or
768.28(9).
3. This subsection does not:
a. Relieve any person of liability that would otherwise
exist for deliberate, willful, or malicious injury to persons or
property.
b. Create or increase the liability of any person.

Section 17. Paragraph (c) of subsection (9) of section
616.242, Florida Statutes, is amended to read:
616.242 Safety standards for amusement rides.—
(9) INSURANCE REQUIREMENTS.—

(c) The insurance requirements imposed under this subsection do not apply to a governmental entity that is covered by the provisions of s. 768.28(17) s. 768.28(16).

Section 18. Section 624.461, Florida Statutes, is amended to read:

624.461 Definition.—For the purposes of the Florida Insurance Code, “self-insurance fund” means both commercial self-insurance funds organized under s. 624.462 and group self-insurance funds organized under s. 624.4621. The term “self-insurance fund” does not include a governmental self-insurance pool created under s. 768.28(17) s. 768.28(16).

Section 19. Subsection (6) of section 624.462, Florida Statutes, is amended to read:

624.462 Commercial self-insurance funds.—

(6) A governmental self-insurance pool created pursuant to s. 768.28(17) s. 768.28(16) shall not be considered a commercial self-insurance fund.

Section 20. Paragraph (b) of subsection (3) of section 627.733, Florida Statutes, is amended to read:

627.733 Required security.—

(3) Such security shall be provided:

(b) By any other method authorized by s. 324.031(2) or (3) and approved by the Department of Highway Safety and Motor Vehicles as affording security equivalent to that afforded by a policy of insurance or by self-insuring as authorized by s. 768.28(17) s. 768.28(16). The person filing such security shall have all of the obligations and rights of an insurer under ss. 627.730-627.7405.
Section 21. Subsection (5) of section 760.11, Florida Statutes, is amended to read:

760.11 Administrative and civil remedies; construction.—

(5) In any civil action brought under this section, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the practice, including back pay. The court may also award compensatory damages, including, but not limited to, damages for mental anguish, loss of dignity, and any other intangible injuries, and punitive damages. The provisions of ss. 768.72 and 768.73 do not apply to this section. The judgment for the total amount of punitive damages awarded under this section to an aggrieved person shall not exceed $100,000. In any action or proceeding under this subsection, the court, in its discretion, may allow the prevailing party a reasonable attorney’s fee as part of the costs. It is the intent of the Legislature that this provision for attorney’s fees be interpreted in a manner consistent with federal case law involving a Title VII action. The right to trial by jury is preserved in any such private right of action in which the aggrieved person is seeking compensatory or punitive damages, and any party may demand a trial by jury. The commission’s determination of reasonable cause is not admissible into evidence in any civil proceeding, including any hearing or trial, except to establish for the court the right to maintain the private right of action. A civil action brought under this section shall be commenced no later than 1 year after the date of determination of reasonable cause by the commission. The commencement of such action shall divest the commission of jurisdiction of the complaint, except that the
commission may intervene in the civil action as a matter of right. Notwithstanding the above, the state and its agencies and subdivisions shall not be liable for punitive damages. The total amount of recovery against the state and its agencies and subdivisions shall not exceed the limitation as set forth in s. 768.28(6) s. 768.28(5).

Section 22. Subsection (4) and paragraphs (a) and (b) of subsection (12) of section 766.1115, Florida Statutes, are amended to read:

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

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(10) s. 768.28(9), while acting within the scope of duties under the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. A health care provider shall continue to be an agent for purposes of s. 768.28(10) s. 768.28(9) for 30 days after a determination of ineligibility to allow for treatment until the individual transitions to treatment by another health care provider. A health care provider under contract with the state may not be named as a defendant in any action arising out of medical care or treatment provided on or after April 17, 1992, under contracts entered into under this section. The contract must provide that:

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

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

(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if the incidents and information pertain to a patient treated under the contract. The health care provider shall submit the reports required by s. 395.0197. If an incident involves a professional licensed by the Department of Health or a facility licensed by the Agency for Health Care Administration, the governmental contractor shall submit such incident reports to the appropriate department or agency, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities under this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

(g) As an agent of the governmental contractor for purposes
of s. 768.28(10), while acting within the scope of
duties under the contract, a health care provider licensed under
chapter 466 may allow a patient, or a parent or guardian of the
patient, to voluntarily contribute a monetary amount to cover
costs of dental laboratory work related to the services provided
to the patient. This contribution may not exceed the actual cost
of the dental laboratory charges.

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

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

(a) Apply to any health care contract entered into by the
Department of Corrections which is subject to s. 768.28(11)(a)
and s. 768.28(10)(a).

(b) Apply to any affiliation agreement or other contract
that is subject to s. 768.28(11)(f) and s. 768.28(10)(f).

Section 23. Paragraph (c) of subsection (6) of section
766.118, Florida Statutes, is amended to read:

766.118 Determination of noneconomic damages.—

(6) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF A
PRACTITIONER PROVIDING SERVICES AND CARE TO A MEDICAID
RECIPIENT.—Notwithstanding subsections (2), (3), and (5), with respect to a cause of action for personal injury or wrongful death arising from medical negligence of a practitioner committed in the course of providing medical services and medical care to a Medicaid recipient, regardless of the number of such practitioner defendants providing the services and care, noneconomic damages may not exceed $300,000 per claimant, unless the claimant pleads and proves, by clear and convincing evidence, that the practitioner acted in a wrongful manner. A practitioner providing medical services and medical care to a Medicaid recipient is not liable for more than $200,000 in noneconomic damages, regardless of the number of claimants, unless the claimant pleads and proves, by clear and convincing evidence, that the practitioner acted in a wrongful manner. The fact that a claimant proves that a practitioner acted in a wrongful manner does not preclude the application of the limitation on noneconomic damages prescribed elsewhere in this section. For purposes of this subsection:

(c) The term “wrongful manner” means in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, and shall be construed in conformity with the standard set forth in s. 768.28(10)(a).

Section 24. Paragraph (c) of subsection (2) of section 768.1315, Florida Statutes, is amended to read:

768.1315 Good Samaritan Volunteer Firefighters’ Assistance Act; immunity from civil liability.—

(2) DEFINITIONS.—As used in this section, the term:

(c) “State agency or subdivision” shall have the meaning
provided in s. 768.28(3) s. 768.28(2).

Nothing in this section shall be construed as a waiver of sovereign immunity.

Section 25. Subsection (4) of section 768.135, Florida Statutes, is amended to read:

768.135 Volunteer team physicians; immunity.—
(4) As used in this section, the term “wrongful manner” means in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, and shall be construed in conformity with the standard set forth in s. 768.28(10)(a) s. 768.28(2)(a).

Section 26. Subsection (2) of section 944.713, Florida Statutes, is amended to read:

944.713 Insurance against liability.—
(2) The contract shall provide for indemnification of the state by the private vendor for any liabilities incurred up to the limits provided under s. 768.28(6) s. 768.28(5). The contract shall provide that the private vendor, or the insurer of the private vendor, is liable to pay any claim or judgment for any one person which does not exceed the sum of $100,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments arising out of the same incident or occurrence, does not exceed the sum of $200,000. In addition, the contractor must agree to defend, hold harmless, and indemnify the department against any and all actions, claims, damages and losses, including costs and attorney’s fees.

Section 27. Subsection (3) of section 984.09, Florida Statutes, is amended to read:

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CODING: Words stricken are deletions; words underlined are additions.
Statutes, is amended to read:
984.09 Punishment for contempt of court; alternative sanctions.—
(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).
Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

Section 28. Subsection (3) of section 985.037, Florida Statutes, is amended to read:
985.037 Punishment for contempt of court; alternative sanctions.—
(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(12)

Section 29. Paragraph (l) of subsection (3) of section 1002.55, Florida Statutes, is amended to read:

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:
Notwithstanding paragraph (j), for a private prekindergarten provider that is a state agency or a subdivision thereof, as defined in s. 768.28(3) s. 768.28(2), the provider must agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28.

Section 30. Paragraph (p) of subsection (1) of section 1002.88, Florida Statutes, is amended to read:

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

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

(p) Notwithstanding paragraph (m), for a provider that is a state agency or a subdivision thereof, as defined in s. 768.28(3) s. 768.28(2), agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28.

Section 31. Paragraph (e) of subsection (4) and paragraph (d) of subsection (5) of section 1004.41, Florida Statutes, are amended to read:

1004.41 University of Florida; J. Hillis Miller Health Center.—

(4)

(e) Shands Teaching Hospital and Clinics, Inc., in support of the health affairs mission of the University of Florida Board of Trustees and with the board’s prior approval, may create or
have created either for-profit or not-for-profit subsidiaries and affiliates, or both. The University of Florida Board of Trustees, which may act through the president of the university or his or her designee, may control Shands Teaching Hospital and Clinics, Inc. For purposes of sovereign immunity pursuant to s. 768.28(3) s. 768.28(2), Shands Teaching Hospital and Clinics, Inc., and any not-for-profit subsidiary which directly delivers health care services and whose governing board is chaired by the president of the university or his or her designee and is controlled by the University of Florida Board of Trustees, which may act through the president of the university or his or her designee and whose primary purpose is the support of the University of Florida Board of Trustees’ health affairs mission, shall be conclusively deemed a corporation primarily acting as an instrumentality of the state.

(5)

(d) For purposes of sovereign immunity pursuant to s. 768.28(3) s. 768.28(2), Shands Jacksonville Medical Center, Inc., Shands Jacksonville HealthCare, Inc., and any not-for-profit subsidiary which directly delivers health care services and whose governing board is chaired by the President of the University of Florida or his or her designee and is controlled by the University of Florida Board of Trustees, which may act through the president of the university or his or her designee and whose primary purpose is the support of the University of Florida Board of Trustees’ health affairs mission, shall be conclusively deemed corporations primarily acting as instrumentalities of the state.

Section 32. Subsection (1) of section 1004.43, Florida
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Statutes, is amended to read:

1004.43 H. Lee Moffitt Cancer Center and Research Institute.—There is established the H. Lee Moffitt Cancer Center and Research Institute, a statewide resource for basic and clinical research and multidisciplinary approaches to patient care.

(1) The Board of Trustees of the University of South Florida shall enter into a lease agreement for the utilization of the lands and facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of such facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. The lease agreement with the not-for-profit corporation shall be rent free as long as the not-for-profit corporation and its subsidiaries utilize the lands and facilities primarily for research, education, treatment, prevention, and early detection of cancer or for teaching and research programs conducted by state universities or other accredited medical schools or research institutes. The lease agreement shall provide for review of construction plans and specifications by the University of South Florida for consistency with the university’s campus master plan, impact on the university’s utilities infrastructure, compliance with applicable building codes and general design characteristics, and compatibility with university architecture, as appropriate. The not-for-profit corporation may, with the prior approval of the Board of Governors, create either for-profit or not-for-
profit corporate subsidiaries, or both, to fulfill its mission. The not-for-profit corporation and any approved not-for-profit subsidiary shall be conclusively deemed corporations primarily acting as instrumentalities of the state, pursuant to s. 768.28(3) s. 768.28(2), for purposes of sovereign immunity. For-profit subsidiaries of the not-for-profit corporation may not compete with for-profit health care providers in the delivery of radiation therapy services to patients. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors who shall serve without compensation. The President of the University of South Florida and the chair of the Board of Governors, or his or her designee, shall be directors of the not-for-profit corporation. Each director shall have only one vote, shall serve a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the Board of Governors, directors shall be elected by a majority vote of the board. The chair of the board of directors shall be selected by majority vote of the directors.

Section 33. Paragraph (a) of subsection (2) of section 1004.447, Florida Statutes, is amended to read:

(2) The corporation and any authorized and approved
subsidiary:

(a) Shall be a corporation primarily acting as an instrumentality of the state, pursuant to s. 768.28(3) or 768.28(2), for purposes of sovereign immunity.

Section 34. Paragraph (b) of subsection (2) of section 1006.261, Florida Statutes, is amended to read:

1006.261 Use of school buses for public purposes.—

(2)

(b) For purposes of liability for negligence, state agencies or subdivisions as defined in s. 768.28(3) or 768.28(2) shall be covered by s. 768.28. Every other corporation or organization shall provide liability insurance coverage in the minimum amounts of $100,000 on any claim or judgment and $200,000 on all claims and judgments arising from the same incident or occurrence.

Section 35. Sections 45.061, 110.504, 111.071, 163.01(15)(k), 190.043, 213.015, 284.31, 284.38, 337.19, 341.302, 373.1395, 375.251, 393.075, 403.706, 409.993, 455.221, 455.32, 456.009, 472.006, 497.167, 548.046, 556.106, 768.295, 946.5026, 946.514, 961.06, 1002.33, 1002.333, 1002.34, 1002.77, and 1002.83, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 768.28, Florida Statutes, in references thereto.

Section 36. This act shall take effect October 1, 2020.