Florida Senate - 2006

(Corrected Copy)

By Senator Posey

```
24-37A-06
 1
                        A bill to be entitled
 2
           An act relating to sovereign immunity; amending
           s. 768.28, F.S.; providing that a law
 3
 4
           enforcement agency is not liable for injury,
 5
           death, or property damage effected or caused by
 б
           a person fleeing a law enforcement officer
 7
           under certain circumstances; providing for
 8
           severability; providing for application;
 9
           providing an effective date.
10
   Be It Enacted by the Legislature of the State of Florida:
11
12
13
           Section 1. Paragraph (d) is added to subsection (9) of
    section 768.28, Florida Statutes, to read:
14
           768.28 Waiver of sovereign immunity in tort actions;
15
   recovery limits; limitation on attorney fees; statute of
16
17
    limitations; exclusions; indemnification; risk management
18
   programs.--
          (9)
19
20
          (d) The employing agency of a law enforcement officer
21
    as defined in s. 943.10 is not liable for injury, death, or
22
   property damage effected or caused by a person fleeing from a
23
    law enforcement officer in a motor vehicle if:
           1. The pursuit is conducted in a manner that does not
2.4
    involve conduct by the officer which is so reckless or wanting
25
    in care as to constitute disregard of human life, human
26
27
   rights, safety, or the property of another;
2.8
           2. At the time the law enforcement officer initiates
    the pursuit, the officer reasonably believes that the person
29
    fleeing has committed a forcible felony as defined in s.
30
   776.08; and
31
```

1

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

I	
1	3. The pursuit is conducted by the officer pursuant to
2	a written policy governing high-speed pursuit adopted by the
3	employing agency. The policy must contain specific procedures
4	concerning the proper method to initiate and terminate
5	high-speed pursuit. The law enforcement officer must have
б	received instructional training from the employing agency on
7	the written policy governing high-speed pursuit.
8	Section 2. <u>If any provision of this act or its</u>
9	application to any person or circumstance is held invalid, the
10	invalidity does not affect other provisions or applications of
11	this act which can be given effect without the invalid
12	provision or application, and to this end the provisions of
13	this act are severable.
14	Section 3. This act shall take effect upon becoming a
15	law and shall apply to causes of action that accrue on or
16	after the effective date.
17	
18	* * * * * * * * * * * * * * * * * * * *
19	SENATE SUMMARY
20	Specifies circumstances under which the employing agency of a law enforcement officer is not liable for injury,
21	death, or property damage caused by a person fleeing from the officer in a motor vehicle.
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	

CODING: Words stricken are deletions; words <u>underlined</u> are additions.