



423226

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2020	.	
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	.	

The Committee on Judiciary (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete lines 51 - 130

and insert:

(6)~~(5)~~ 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. 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~~



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12 judgment, or portions thereof, which, when totaled with all
13 other claims or judgments paid by the state or its agencies or
14 subdivisions arising out of the same incident or occurrence,
15 exceeds the sum of \$500,000 ~~\$300,000~~. However, a judgment or
16 judgments may be claimed and rendered in excess of this amount
17 ~~these amounts and may be settled~~ and paid pursuant to this act
18 up to \$500,000 ~~\$200,000 or \$300,000, as the case may be;~~ and
19 that portion of the judgment that exceeds this amount ~~these~~
20 ~~amounts~~ may be reported to the Legislature, but may be paid in
21 part or in whole only by further act of the Legislature.
22 Notwithstanding the limited waiver of sovereign immunity
23 provided herein, the state or an agency or subdivision thereof
24 may agree, ~~within the limits of insurance coverage provided,~~ to
25 settle a claim made or a judgment rendered against it in excess
26 of \$500,000 without further action by the Legislature, ~~but~~ The
27 state or agency or subdivision thereof may ~~shall~~ not be deemed
28 to have waived any defense of sovereign immunity or to have
29 increased the limits of its liability as a result of its
30 obtaining insurance coverage for tortious acts in excess of the
31 \$500,000 ~~\$200,000 or \$300,000~~ waiver provided above. The
32 limitations of liability set forth in this subsection shall
33 apply to the state and its agencies and subdivisions whether or
34 not the state or its agencies or subdivisions possessed
35 sovereign immunity before July 1, 1974.
36
37 Beginning July 1, 2021, and every July 1 thereafter, the
38 limitations of liability in this subsection shall be adjusted to
39 reflect changes in the Consumer Price Index for the Southeast or
40 a successor index as calculated by the United States Department



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41 of Labor. When determining liability limits for a claim, the
42 limitations of liability in effect on the date a final judgment
43 is entered apply to the claim.

44 (10)-(9)(a) No officer, employee, or agent of the state or
45 of any of its subdivisions shall be held personally liable in
46 tort or named as a party defendant in any action for any injury
47 or damage suffered as a result of any act, event, or omission of
48 action in the scope of her or his employment or function, unless
49 such officer, employee, or agent acted in bad faith or with
50 malicious purpose or in a manner exhibiting wanton and willful
51 disregard of human rights, safety, or property. However, such
52 officer, employee, or agent shall be considered an adverse
53 witness in a tort action for any injury or damage suffered as a
54 result of any act, event, or omission of action in the scope of
55 her or his employment or function. The exclusive remedy for
56 injury or damage suffered as a result of an act, event, or
57 omission of an officer, employee, or agent of the state or any
58 of its subdivisions or constitutional officers shall be by
59 action against the governmental entity, or the head of such
60 entity in her or his official capacity, or the constitutional
61 officer of which the officer, employee, or agent is an employee,
62 unless such act or omission was committed in bad faith or with
63 malicious purpose or in a manner exhibiting wanton and willful
64 disregard of human rights, safety, or property. The state or its
65 subdivisions shall not be liable in tort for the acts or
66 omissions of an officer, employee, or agent committed while
67 acting outside the course and scope of her or his employment or
68 committed in

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70 ===== T I T L E A M E N D M E N T =====

71 And the title is amended as follows:

72 Delete lines 3 - 19

73 and insert:

74 768.28, F.S.; providing a short title; increasing the
75 statutory limits on liability for tort claims against
76 the state and its agencies and subdivisions;
77 conforming provisions to changes made by the act;
78 revising when a state and its agencies and
79 subdivisions may agree to settle a claim or judgment
80 without further action from the Legislature; requiring
81 that the limitations on tort liability be adjusted
82 every year after a specified date; specifying that the
83 limitations in effect on the date a final judgment is
84 entered apply to that judgment; prohibiting an
85 insurance policy from