



City of South Pasadena

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AGENDA

ADMINISTRATIVE WORKSHOP
SOUTH PASADENA, FLORIDA

TUESDAY, MARCH 4, 2025
FOLLOWING THE AGENDA MEETING
(APPROXIMATELY 9:05 A.M.)

CALL TO ORDER
ROLL CALL

DISCUSSION ITEMS

- Hurricane Recovery Update
- House Bill 301 RE: Sovereign Immunity Cap

ADJOURN

Carley Lewis

Carley Lewis, City Clerk

This meeting is open to the public. Ordinances may be inspected by the public in the office of the City Clerk at City Hall from 8:00 a.m. to 4:00 p.m. Monday through Friday with the exception of holidays. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of South Pasadena is committed to providing reasonable accommodation for access for the disabled. In accordance with the Americans with Disabilities Act and F.S. 286.26, anyone needing assistance with regard to this meeting should contact the City Clerk's Office in writing at least 48 hours prior to the meeting. For more information or assistance please contact the City Clerk's office at 727-347-4171.

1 A bill to be entitled
2 An act relating to suits against the government;
3 amending s. 768.28, F.S.; increasing the statutory
4 limits on liability for tort claims against the state
5 and its agencies and subdivisions; authorizing a
6 subdivision of the state to settle a claim in excess
7 of the statutory limit without further action by the
8 Legislature regardless of insurance coverage limits;
9 prohibiting an insurance policy from conditioning
10 payment of benefits on the enactment of a claim bill;
11 specifying that the limitations in effect on the date
12 the claim accrues apply to that claim; revising the
13 period within which certain claims must be presented
14 to certain entities; revising exceptions relating to
15 instituting actions on tort claims against the state
16 or one of its agencies or subdivisions; revising the
17 period after which the failure of certain entities to
18 make final disposition of a claim shall be deemed a
19 final denial of the claim for certain purposes;
20 revising the statute of limitations for tort claims
21 against the state or one of its agencies or
22 subdivisions and exceptions thereto; providing
23 applicability; amending s. 944.713, conforming
24 provisions to changes made by the act; reenacting ss.
25 45.061(5), 110.504(4), 111.071(1)(a), 125.01015(2)(b),

26 163.01(3)(h) and (15)(k), 190.043, 213.015(13),
27 252.51, 252.89, 252.944, 260.0125(2), 284.31, 284.38,
28 322.13(1)(b), 337.19(1), 341.302(17), 351.03(4)(c),
29 373.1395(6), 375.251(3)(a), 381.0056(9), 393.075(3),
30 394.9085(7), 395.1055(10)(g), 403.706(17)(c),
31 409.175(15)(b), s. 409.993(1)(a) and (b), (2)(a), and
32 (3)(a), 420.504(8), 455.221(3), 455.32(5), 456.009(3),
33 456.076(15)(a), 471.038(3), 472.006(11)(b),
34 497.167(7), 513.118(2), 548.046(1), s. 556.106(8),
35 589.19(4)(e), 627.7491(3) and (4), 723.0611(2)(c),
36 760.11(5), 766.1115(4), 766.112(2), 768.1355(3),
37 768.1382(7), 768.295(4), 946.5026, 946.514(3),
38 961.06(5), (6)(a), and (7), 1002.33(12)(h),
39 1002.333(6)(b), 1002.34(17), 1002.351(3)(c),
40 1002.37(2), 1002.55(3)(1), 1002.83(10), 1002.88(1)(p),
41 1006.24(1), and 1006.261(2)(b), F.S., relating to
42 offers of settlement, volunteer benefits, payment of
43 judgments or settlements against certain public
44 officers or employees, office of the sheriff, the
45 Florida Interlocal Cooperation Act of 1969, suits
46 against community development districts, taxpayer
47 rights, liability, tort liability, tort liability,
48 limitation on liability of private landowners whose
49 property is designated as part of the statewide system
50 of greenways and trail, scope and types of coverages,

51 waiver of sovereign immunity, driver license
52 examiners, suits by and against the Department of
53 Transportation, rail program, railroad-highway grade-
54 crossing warning signs and signals, limitation on
55 liability of water management district with respect to
56 areas made available to the public for recreational
57 purposes without charge, limitation on liability of
58 persons making available to public certain areas for
59 recreational purposes without charge, school health
60 services program, general liability coverage,
61 behavioral provider liability, rules and enforcement,
62 local government solid waste responsibilities,
63 licensure of family foster homes, residential child-
64 caring agencies, and child-placing agencies, lead
65 agencies and subcontractor liability, the Florida
66 Housing Finance Corporation, legal and investigative
67 services, the Management Privatization Act, legal and
68 investigative services, impaired practitioner
69 programs, the Florida Engineers Management
70 Corporation, the Department of Agriculture and
71 Consumer Services, administrative matters, conduct on
72 premises; refusal of service, physician's attendance
73 at match, liability of the member operator, excavator,
74 and system, creation of certain state forests; naming
75 of certain state forests; Operation Outdoor Freedom

76 Program, official law enforcement vehicles; motor
77 vehicle insurance requirements, the Florida Mobile
78 Home Relocation Corporation, administrative and civil
79 remedies; construction, health care providers;
80 creation of agency relationship with governmental
81 contractors, comparative fault, the Florida Volunteer
82 Protection Act, streetlights, security lights, and
83 other similar illumination, Strategic Lawsuits Against
84 Public Participation (SLAPP), sovereign immunity in
85 tort actions, inmates not state employees,
86 compensation for wrongful incarceration, charter
87 schools, persistently low-performing schools, charter
88 technical career centers, the Florida School for
89 Competitive Academics, the Florida Virtual School,
90 school-year prekindergarten program delivered by
91 private prekindergarten providers, Early learning
92 coalitions, school readiness program provider
93 standards, tort liability; liability insurance, and
94 use of school buses for public purposes, respectively,
95 to incorporate changes made by the act; providing an
96 effective date.

97
98 Be It Enacted by the Legislature of the State of Florida:

99
100 **Section 1. Subsection (5), paragraphs (a) and (d) of**

subsection (6), and subsection (14) of section 768.28, Florida Statutes, are 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.—

(5)(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. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment that ~~by any one person which~~ exceeds the limits in paragraph (b).

(b)1. If the cause of action accrued before October 1, 2025, the limitations are as follows:

a. For a claim or judgment by any one person, \$200,000.

b. For multiple claims or judgments, or portions thereof, which arise out of the same incident or occurrence, a total of \$300,000.

2. If the cause of action accrued on or after October 1, 2025, but before October 1, 2030, the limitations are as follows:

a. For a claim or judgment by any one person, \$1 million.

b. For multiple claims or judgments, or portions thereof, which arise out of the same incident or occurrence, a total of

126 \$3 million.

127 3. If the cause of action accrued on or after October 1,
128 2030, the limitations are as follows:

129 a. For a claim or judgment by any one person, \$1.1
130 million.

131 b. For multiple claims or judgments, or portions thereof,
132 which arise out of the same incident or occurrence, a total of
133 \$3.2 million ~~sum of \$200,000 or any claim or judgment, or~~
134 ~~portions thereof, which, when totaled with all other claims or~~
135 ~~judgments paid by the state or its agencies or subdivisions~~
136 ~~arising out of the same incident or occurrence, exceeds the sum~~
137 ~~of \$300,000.~~

138 (c) However, a judgment or judgments may be claimed and
139 rendered in excess of these amounts ~~and may be settled~~ and paid
140 pursuant to this act up to the limitations provided under
141 paragraph (b) ~~\$200,000 or \$300,000~~, as the case may be; and that
142 portion of the judgment that exceeds these amounts may be
143 reported to the Legislature, and ~~but~~ may be paid in part or in
144 whole ~~only~~ by further act of the Legislature.

145 (d) Notwithstanding the limited waiver of sovereign
146 immunity provided in paragraphs (a) and (b):

147 1. herein, The state or an agency ~~or subdivision~~ thereof
148 may agree, within the limits of insurance coverage provided, to
149 settle a claim made or a judgment rendered against it in excess
150 of the waiver provided in paragraph (b) without further action

151 by the Legislature.

152 2. A subdivision of the state may agree to settle a claim
153 made or a judgment rendered against it in excess of the waiver
154 provided in paragraph (b) without further action by the
155 Legislature.

156
157 However, but the state or an agency or subdivision thereof shall
158 not be deemed to have waived any defense of sovereign immunity
159 or to have increased the limits of its liability as a result of
160 its obtaining insurance coverage for tortious acts in excess of
161 the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (b).
162 Beginning October 1, 2025, an insurance policy may not be
163 delivered or issued for delivery to the state or any agency or
164 subdivision thereof with a provision that conditions liability
165 coverage or the payment of insurance benefits, in whole or in
166 part, on the enactment of a claim bill. Any such provision is
167 null and void ~~above.~~

168 (e) The limitations of liability set forth in this
169 subsection ~~shall~~ apply to the state and its agencies and
170 subdivisions whether or not the state or its agencies or
171 subdivisions possessed sovereign immunity before July 1, 1974.

172 (f) ~~(b)~~ A municipality has a duty to allow the municipal
173 law enforcement agency to respond appropriately to protect
174 persons and property during a riot or an unlawful assembly based
175 on the availability of adequate equipment to its municipal law

176 enforcement officers and relevant state and federal laws. If the
177 governing body of a municipality or a person authorized by the
178 governing body of the municipality breaches that duty, the
179 municipality is civilly liable for any damages, including
180 damages arising from personal injury, wrongful death, or
181 property damages proximately caused by the municipality's breach
182 of duty. The sovereign immunity recovery limits in paragraph (b)
183 ~~(a)~~ do not apply to an action under this paragraph.

184 (g) When determining liability limits for a claim, the
185 limitations of liability in effect on the date the claim accrues
186 shall apply to the claim.

187 (6) (a) An action may not be instituted on a claim against
188 the state or one of its agencies or subdivisions unless the
189 claimant presents the claim in writing to the appropriate
190 agency, and also, except as to any claim against a municipality,
191 county, or the Florida Space Authority, presents such claim in
192 writing to the Department of Financial Services, within 18
193 months ~~3 years~~ after such claim accrues and the Department of
194 Financial Services or the appropriate agency denies the claim in
195 writing; except that, if:

196 1. Such claim is for contribution pursuant to s. 768.31,
197 it must be so presented within 6 months after the judgment
198 against the tortfeasor seeking contribution has become final by
199 lapse of time for appeal or after appellate review or, if there
200 is no such judgment, within 6 months after the tortfeasor