~tion 768.28 http://www.leg. state.fl. us/ citizen/ documents/ statutes/ 1997 / ch07 6 8/E2 8_.HTM#076 8 .28

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees;
statute of limitations; exclusions; indemnification; risk management programs.--

;ction 768.28 http://www.leg.state.fl.us/citizen/documents/statutes/l997/ch0768/E28 .HTM#0768.28

claim against a municipality or the Spaceport Florida Authority, presents such claim in writing to the
Department of Insurance, within 3 years

ection 768.28 http://www.leg.state.i1.us/citizen/documents/statutes/l997/ch0768/E28_.HTM#0768.28

(11)

(a) Providers or vendors, or any of their employees or agents, that have contractually agreed to act on
behalf ofthe state as agents ofthe Department of Juvenile Justice to provide services to children in need
of services, families in need of services, or juvenile offenders are, solely with respect to such services,
agents of the state for purposes ofthis section while acting within the scope of and pursuant to guidelines
established in the contract or by rule. A contract must provide for the indemnification ofthe state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection does not designate a person who provides contracted services to juvenile offenders as an employee or agent of the state for purposes of chapter 440.

(12) Laws allowing the state or its agencies or subdivisions to buy insurance are still in force and effect and are not restricted in any way by the terms of this act.

(13) Every claim against the state or one ofits agencies or subdivisions for damages for a negligent or wrongful act or omission pursuant to this section shall be forever barred unless the civil action is commenced by filing a complaint in the court of appropriate jurisdiction within 4 years after such claim accrues; except that an action for contribution must be commenced within the limitations provided ins. 768.31(4), and an action for damages arising from medical malpractice must be commenced within the limitations for such an action ins. 95.11(4).

(14) No action may be brought against the state or any of its agencies or subdivisions by anyone who
unlawfully participates in a riot, unlawful assembly, public demonstration, mob violence, or civil
disobedience if the claim arises out of such riot, unlawful assembly, public demonstration, mob violence,
or civil disobedience. Nothing in this act shall abridge traditional immunities pertaining to statements
made in court.

(15)

(a) The state and its agencies and subdivisions are authoriz th.0003 Tc 1 c7 Tm (Th)Tj 00212 Tc 1.142 0 Td1.3 49.9356 324d (i Tm (Th)Tj 8 14 mob

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the State Constitution. Until termination of all litigation and settlement of all claims arising out ofthe
same incident, persons privy to discussions pertinent to the evaluation of a filed claim shall not be subject
to subpoena in any administrative or civil proceeding with regard to the content ofthose discussions.

(d) Minutes of the meetings and proceedings of any risk management program administered by the state,
its agencies, or its subdivisions, which relate solely to the evaluation of claims filed with the risk
management program or which relate solely to offers of compromise of claims filed with the risk management program are exempt from the provisions of s. 119.07(1) ands. 24(a), Art. I of the State Constitution until termination of all litigation and settlement of all claims arising out of the same incident.

(16) This section, as amended by chapter 81-317, Laws ofFlorida, shall apply only to causes of actions which accrue on or after October 1, 1981.

(17) No provision ofthis section, or of any other section of the Florida Statutes, whether read separately or in conjunction with any other provision, shall be construed to waive the immunity ofthe state or any of its agencies from suit in federal court, as such immunity is guaranteed by the Eleventh Amendment to the Constitution of the United States, unless such waiver is explicitly and definitely stated to be a waiver of the immunity of the state and its agencies from suit in federal court. This subsection shall not be construed to mean that the state has at any time previously waived, by implication, its immunity, or that of any of its agencies, from suit in federal court through any statute in existence prior to June 24, 1984.

(18) Neither the state nor any agency or subdivision of the state waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into a contractual relationship with another agency or subdivision ofthe state. Such a contract must not contain any provision that requires one party to indemnify or insure the other party for the other party's negligence or to assume any liability for the other party's negligence. This does not preclude a party from requiring a nongovernmental entity to provide such indemnification or insurance.

(19) Every municipality, and any agency thereof, is authorized to undertake to indemnify those employees that are exposed to personal liability pursuant to the Clean Air Act Amendments of 1990, 42
U.S.C.A. ss. 7401 et seq., and all rules and regulations adopted to implement that act, for acts performed
within the course and scope oftheir employment with the municipality or its agency, including but not
limited to indemnification pertaining to the holding, transfer, or disposition of allowances allocated to the municipality's or its agency's electric generating units, and the monitoring, submission, certification, and
compliance with permits, permit applications, records, compliance plans, and reports for those units,
when such acts are performed within the course and scope oftheir employment with the municipality or units, w