

1                   A bill to be entitled  
2           An act relating to suits against the government;  
3           amending s. 47.011, F.S.; abolishing the common-law  
4           doctrine of home venue privilege with respect to  
5           action against the state; amending s. 768.28, F.S.;  
6           increasing the statutory limits on liability for tort  
7           claims against the state and its agencies and  
8           subdivisions; authorizing a subdivision of the state  
9           to settle a claim in excess of the statutory limit  
10          without further action by the Legislature regardless  
11          of insurance coverage limits; prohibiting an insurance  
12          policy from conditioning payment of benefits on the  
13          enactment of a claim bill; specifying that the  
14          limitations in effect on the date the claim accrues  
15          apply to that claim; revising the period within which  
16          certain claims must be presented to certain entities;  
17          revising exceptions relating to instituting actions on  
18          tort claims against the state or one of its agencies  
19          or subdivisions; revising the period after which the  
20          failure of certain entities to make final disposition  
21          of a claim shall be deemed a final denial of the claim  
22          for certain purposes; revising the statute of  
23          limitations for tort claims against the state or one  
24          of its agencies or subdivisions and exceptions  
25          thereto; reenacting ss. 45.061, 110.504, 111.071,

26 | 125.01015, 163.01, 190.043, 213.015, 252.51, 252.89,  
 27 | 252.944, 260.0125, 284.31, 284.38, 322.13, 337.19,  
 28 | 341.302, 351.03, 373.1395, 375.251, 381.0056, 393.075,  
 29 | 394.9085, 395.1055, 403.706, 409.175, 409.993,  
 30 | 420.504, 420.507, 455.221, 455.32, 456.009, 456.076,  
 31 | 471.038, 472.006, 497.167, 513.118, 548.046, 556.106,  
 32 | 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112,  
 33 | 768.1355, 768.1382, 768.295, 944.713, 946.5026,  
 34 | 946.514, 961.06, 1002.33, 1002.333, 1002.34, 1002.351,  
 35 | 1002.37, 1002.55, 1002.83, 1002.88, 1006.24, and  
 36 | 1006.261, F.S., to incorporate the amendments made to  
 37 | s. 768.28, F.S., in references thereto; providing  
 38 | applicability; providing an effective date.

39 |  
 40 | Be It Enacted by the Legislature of the State of Florida:

41 |  
 42 | Section 1. Section 47.011, Florida Statutes, is amended to  
 43 | read:

44 | 47.011 Where actions may be begun.—

45 | (1) Actions shall be brought only in the county where the  
 46 | defendant resides, where the cause of action accrued, or where  
 47 | the property in litigation is located. This section shall not  
 48 | apply to actions against nonresidents.

49 | (2) The common-law doctrine of home venue privilege is  
 50 | abolished with respect to civil actions brought against the

51 state. This subsection does not affect any venue provision  
 52 otherwise established in law.

53 Section 2. Subsection (5), paragraphs (a) and (d) of  
 54 subsection (6), and subsection (14) of section 768.28, Florida  
 55 Statutes, are amended to read:

56 768.28 Waiver of sovereign immunity in tort actions;  
 57 recovery limits; civil liability for damages caused during a  
 58 riot; limitation on attorney fees; statute of limitations;  
 59 exclusions; indemnification; risk management programs.—

60 (5)(a) The state and its agencies and subdivisions shall  
 61 be liable for tort claims in the same manner and to the same  
 62 extent as a private individual under like circumstances, but  
 63 liability shall not include punitive damages or interest for the  
 64 period before judgment. Neither the state nor its agencies or  
 65 subdivisions shall be liable to pay a claim or a judgment by any  
 66 one person which exceeds the sum of \$400,000 ~~\$200,000~~ or any  
 67 claim or judgment, or portions thereof, which, when totaled with  
 68 all other claims or judgments paid by the state or its agencies  
 69 or subdivisions arising out of the same incident or occurrence,  
 70 exceeds the sum of \$600,000 ~~\$300,000~~. However, a judgment or  
 71 judgments may be claimed and rendered in excess of these amounts  
 72 ~~and may be settled~~ and paid pursuant to this act up to \$400,000  
 73 or \$600,000 ~~\$200,000 or \$300,000~~, as the case may be; and that  
 74 portion of the judgment that exceeds these amounts may be  
 75 reported to the Legislature, and ~~but~~ may be paid in part or in

76 whole ~~only~~ by further act of the Legislature.

77 (b) Notwithstanding the limited waiver of sovereign  
78 immunity provided in paragraph (a):

79 1. ~~herein,~~ The state or an agency ~~or subdivision~~ thereof  
80 may agree, within the limits of insurance coverage provided, to  
81 settle a claim made or a judgment rendered against it in excess  
82 of the waiver provided in paragraph (a) without further action  
83 by the Legislature.

84 2. A subdivision of the state may agree to settle a claim  
85 made or a judgment rendered against it in excess of the waiver  
86 provided in paragraph (a) without further action by the  
87 Legislature.

88  
89 However, ~~but~~ the state or an agency or subdivision thereof shall  
90 not be deemed to have waived any defense of sovereign immunity  
91 or to have increased the limits of its liability as a result of  
92 its obtaining insurance coverage for tortious acts in excess of  
93 the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (a). An  
94 insurance policy may not condition the payment of benefits, in  
95 whole or in part, on the enactment of a claim bill above.

96 (c) The limitations of liability set forth in this  
97 subsection ~~shall~~ apply to the state and its agencies and  
98 subdivisions whether or not the state or its agencies or  
99 subdivisions possessed sovereign immunity before July 1, 1974.

100 (d)-(b) A municipality has a duty to allow the municipal

101 law enforcement agency to respond appropriately to protect  
102 persons and property during a riot or an unlawful assembly based  
103 on the availability of adequate equipment to its municipal law  
104 enforcement officers and relevant state and federal laws. If the  
105 governing body of a municipality or a person authorized by the  
106 governing body of the municipality breaches that duty, the  
107 municipality is civilly liable for any damages, including  
108 damages arising from personal injury, wrongful death, or  
109 property damages proximately caused by the municipality's breach  
110 of duty. The sovereign immunity recovery limits in paragraph (a)  
111 do not apply to an action under this paragraph.

112 (e) When determining liability limits for a claim, the  
113 limitations of liability in effect on the date the claim accrues  
114 shall apply to the claim.

115 (6) (a) An action may not be instituted on a claim against  
116 the state or one of its agencies or subdivisions unless the  
117 claimant presents the claim in writing to the appropriate  
118 agency, and also, except as to any claim against a municipality,  
119 county, or the Florida Space Authority, presents such claim in  
120 writing to the Department of Financial Services, within 18  
121 months ~~3 years~~ after such claim accrues and the Department of  
122 Financial Services or the appropriate agency denies the claim in  
123 writing; except that, if:

124 1. Such claim is for contribution pursuant to s. 768.31,  
125 it must be so presented within 6 months after the judgment

126 against the tortfeasor seeking contribution has become final by  
127 lapse of time for appeal or after appellate review or, if there  
128 is no such judgment, within 6 months after the tortfeasor  
129 seeking contribution has either discharged the common liability  
130 by payment or agreed, while the action is pending against her or  
131 him, to discharge the common liability; or

132 2. Such action arises from a violation of s. 794.011  
133 involving a victim who was younger than the age of 16 at the  
134 time of the act, the claimant must present the claim in writing  
135 within 13 years after the victim reaches the age of majority.  
136 This subparagraph applies to any such action other than one  
137 which would have been time barred on or before July 1, 2010,  
138 under s. 95.11(9) is for wrongful death, the claimant must  
139 ~~present the claim in writing to the Department of Financial~~  
140 ~~Services within 2 years after the claim accrues.~~

141 (d) For purposes of this section, complete, accurate, and  
142 timely compliance with the requirements of paragraph (c) shall  
143 occur prior to settlement payment, close of discovery or  
144 commencement of trial, whichever is sooner; provided the ability  
145 to plead setoff is not precluded by the delay. This setoff shall  
146 apply only against that part of the settlement or judgment  
147 payable to the claimant, minus claimant's reasonable attorney's  
148 fees and costs. Incomplete or inaccurate disclosure of unpaid  
149 adjudicated claims due the state, its agency, officer, or  
150 subdivision, may be excused by the court upon a showing by the

151 | preponderance of the evidence of the claimant's lack of  
 152 | knowledge of an adjudicated claim and reasonable inquiry by, or  
 153 | on behalf of, the claimant to obtain the information from public  
 154 | records. Unless the appropriate agency had actual notice of the  
 155 | information required to be disclosed by paragraph (c) in time to  
 156 | assert a setoff, an unexcused failure to disclose shall, upon  
 157 | hearing and order of court, cause the claimant to be liable for  
 158 | double the original undisclosed judgment and, upon further  
 159 | motion, the court shall enter judgment for the agency in that  
 160 | amount. Except as provided otherwise in this subsection, the  
 161 | failure of the Department of Financial Services or the  
 162 | appropriate agency to make final disposition of a claim within 4  
 163 | ~~6~~ months after it is filed shall be deemed a final denial of the  
 164 | claim for purposes of this section. For purposes of this  
 165 | subsection, in medical malpractice actions and in wrongful death  
 166 | actions, the failure of the Department of Financial Services or  
 167 | the appropriate agency to make final disposition of a claim  
 168 | within 90 days after it is filed shall be deemed a final denial  
 169 | of the claim. The statute of limitations for medical malpractice  
 170 | actions and wrongful death actions is tolled for the period of  
 171 | time taken by the Department of Financial Services or the  
 172 | appropriate agency to deny the claim. The provisions of this  
 173 | subsection do not apply to such claims as may be asserted by  
 174 | counterclaim pursuant to s. 768.14.

175 | (14) Every claim against the state or one of its agencies

176 or subdivisions for damages for a negligent or wrongful act or  
 177 omission pursuant to this section shall be forever barred unless  
 178 the civil action is commenced by filing a complaint in the court  
 179 of appropriate jurisdiction:

180 (a) Within 2 4 years for an action founded on negligence.

181 (b) Within the limitations provided in s. 768.31(4) for an  
 182 action for contribution.

183 (c) Within the limitations provided in s. 95.11(4) for an  
 184 action for damages arising from medical malpractice or wrongful  
 185 death.

186 (d) Within 15 years after the victim reaches the age of  
 187 majority for any action arising from acts constituting a  
 188 violation of s. 794.011 involving a victim who was younger than  
 189 the age of 16 at the time of the act. This paragraph applies to  
 190 any such action other than one which would have been time barred  
 191 on or before July 1, 2010, under s. 95.11(9).

192 (e) Within 4 years for any other action not specified in  
 193 this subsection after such claim accrues; except that an action  
 194 for contribution must be commenced within the limitations  
 195 provided in s. 768.31(4), and an action for damages arising from  
 196 medical malpractice or wrongful death must be commenced within  
 197 the limitations for such actions in s. 95.11(4).

198 Section 3. Sections 45.061, 110.504, 111.071, 125.01015,  
 199 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125,  
 200 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395,



201 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706,  
 202 409.175, 409.993, 420.504, 420.507, 455.221, 455.32, 456.009,  
 203 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106,  
 204 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355,  
 205 768.1382, 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,  
 206 1002.333, 1002.34, 1002.351, 1002.37, 1002.55, 1002.83, 1002.88,  
 207 1006.24, and 1006.261, Florida Statutes, are reenacted for the  
 208 purpose of incorporating the amendments made by this act to s.  
 209 768.28, Florida Statutes, in references thereto.

210 Section 4. This act applies to claims accruing on or after  
 211 October 1, 2024.

212 Section 5. This act shall take effect October 1, 2024.