

**By** the Committee on Governmental Oversight and Accountability;  
and Senator Brodeur

585-02597A-24

2024472c1

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; prohibiting insurance policies from  
9       placing conditions for payment upon the enactment of a  
10      claim bill; authorizing a subdivision of the state to  
11      settle a claim in excess of the statutory limit  
12      without further action by the Legislature regardless  
13      of insurance coverage limits; prohibiting a party from  
14      lobbying against any agreed upon settlement brought to  
15      the Legislature as a claim bill; specifying that the  
16      limitations in effect on the date a final judgment is  
17      entered apply to that claim; requiring the Department  
18      of Financial Services to adjust the limitations on  
19      tort liability every 5 years after a specified date;  
20      revising the period within which certain claims must  
21      be presented to certain entities; revising exceptions  
22      relating to instituting actions on tort claims against  
23      the state or one of its agencies or subdivisions;  
24      revising the period after which the failure of certain  
25      entities to make final disposition of a claim shall be  
26      deemed a final denial of the claim for certain  
27      purposes; revising the statute of limitations for tort  
28      claims against the state or one of its agencies or  
29      subdivisions and exceptions thereto; providing a

585-02597A-24

2024472c1

30 claimant a specific timeframe to file suit; reenacting  
31 ss. 45.061, 110.504, 111.071, 125.01015, 163.01,  
32 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125,  
33 284.31, 284.38, 322.13, 337.19, 341.302, 351.03,  
34 373.1395, 375.251, 381.0056, 393.075, 394.9085,  
35 395.1055, 403.706, 409.175, 409.993, 420.504, 420.507,  
36 455.221, 455.32, 456.009, 456.076, 471.038, 472.006,  
37 497.167, 513.118, 548.046, 556.106, 589.19, 627.7491,  
38 723.0611, 760.11, 766.1115, 766.112, 768.1355,  
39 768.1382, 768.295, 944.713, 946.5026, 946.514, 961.06,  
40 1002.33, 1002.333, 1002.34, 1002.351, 1002.37,  
41 1002.55, 1002.83, 1002.88, 1006.24, and 1006.261,  
42 F.S., to incorporate the amendments made to s. 768.28,  
43 F.S., in references thereto; providing applicability;  
44 providing an effective date.

45

46 Be It Enacted by the Legislature of the State of Florida:

47

48 Section 1. Section 47.011, Florida Statutes, is amended to  
49 read:

50 47.011 Where actions may be begun.—

51 (1) Actions shall be brought only in the county where the  
52 defendant resides, where the cause of action accrued, or where  
53 the property in litigation is located. This section shall not  
54 apply to actions against nonresidents.

55 (2) The common-law doctrine of home venue privilege is  
56 abolished with respect to civil actions brought against the  
57 state. This subsection does not affect any venue provision  
58 otherwise established in law.

585-02597A-24

2024472c1

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

62 768.28 Waiver of sovereign immunity in tort actions;  
63 recovery limits; civil liability for damages caused during a  
64 riot; limitation on attorney fees; statute of limitations;  
65 exclusions; indemnification; risk management programs.—

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

83 (b) Notwithstanding the limited waiver of sovereign  
84 immunity provided in paragraph (a):

85 1. herein, The state or an agency ~~or subdivision~~ thereof  
86 may agree, within the limits of insurance coverage provided, to  
87 settle a claim made or a judgment rendered against it in excess

585-02597A-24

2024472c1

88 of the waiver provided in paragraph (a) without further action  
89 by the Legislature.

90 2. A subdivision of the state may agree to settle a claim  
91 made or a judgment rendered against it in excess of the waiver  
92 provided in paragraph (a) without further action by the  
93 Legislature.

94  
95 However, but the state or an agency or subdivision thereof shall  
96 not be deemed to have waived any defense of sovereign immunity  
97 or to have increased the limits of its liability as a result of  
98 its obtaining insurance coverage for tortious acts in excess of  
99 the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (a).

100 However, a party may not lobby against any agreed upon  
101 settlement brought to the Legislature as a settled claim bill  
102 above. An insurance policy may not condition the payment of  
103 benefits, in whole or in part, on the enactment of a claim bill.

104 (c) The limitations of liability set forth in this  
105 subsection shall apply to the state and its agencies and  
106 subdivisions whether or not the state or its agencies or  
107 subdivisions possessed sovereign immunity before July 1, 1974.

108 (d) ~~(b)~~ A municipality has a duty to allow the municipal law  
109 enforcement agency to respond appropriately to protect persons  
110 and property during a riot or an unlawful assembly based on the  
111 availability of adequate equipment to its municipal law  
112 enforcement officers and relevant state and federal laws. If the  
113 governing body of a municipality or a person authorized by the  
114 governing body of the municipality breaches that duty, the  
115 municipality is civilly liable for any damages, including  
116 damages arising from personal injury, wrongful death, or

585-02597A-24

2024472c1

117 property damages proximately caused by the municipality's breach  
118 of duty. The sovereign immunity recovery limits in paragraph (a)  
119 do not apply to an action under this paragraph.

120 (e) When determining liability limits for a claim, the  
121 limitations of liability in effect on the date a final judgment  
122 is entered shall apply to the settled claim.

123 (f) Beginning July 1, 2029, and on July 1 every 5 years  
124 thereafter, the Department of Financial Services shall adjust  
125 the limitations of liability in this subsection to reflect  
126 changes in the Consumer Price Index for the Southeast or a  
127 successor index as calculated by the United States Department of  
128 Labor.

129 (6) (a) An action may not be instituted on a claim against  
130 the state or one of its agencies or subdivisions unless the  
131 claimant presents the claim in writing to the appropriate  
132 agency, and also, except as to any claim against a municipality,  
133 county, or the Florida Space Authority, presents such claim in  
134 writing to the Department of Financial Services, within 18  
135 months ~~3 years~~ after such claim accrues and the Department of  
136 Financial Services or the appropriate agency denies the claim in  
137 writing; except that, if:

138 1. Such claim is for contribution pursuant to s. 768.31, it  
139 must be so presented within 6 months after the judgment against  
140 the tortfeasor seeking contribution has become final by lapse of  
141 time for appeal or after appellate review or, if there is no  
142 such judgment, within 6 months after the tortfeasor seeking  
143 contribution has either discharged the common liability by  
144 payment or agreed, while the action is pending against her or  
145 him, to discharge the common liability; or

585-02597A-24

2024472c1

146           2. Such action arises from a violation of s. 794.011  
147 involving a victim who was younger than 16 years of age at the  
148 time of the act, the claimant may present the claim in writing  
149 at any time pursuant to s. 95.11(9) ~~is for wrongful death, the~~  
150 ~~claimant must present the claim in writing to the Department of~~  
151 ~~Financial Services within 2 years after the claim accrues.~~

152       (d) For purposes of this section, complete, accurate, and timely  
153 compliance with the requirements of paragraph (c) shall occur  
154 prior to settlement payment, close of discovery or commencement  
155 of trial, whichever is sooner; provided the ability to plead  
156 setoff is not precluded by the delay. This setoff shall apply  
157 only against that part of the settlement or judgment payable to  
158 the claimant, minus claimant's reasonable attorney's fees and  
159 costs. Incomplete or inaccurate disclosure of unpaid adjudicated  
160 claims due the state, its agency, officer, or subdivision, may  
161 be excused by the court upon a showing by the preponderance of  
162 the evidence of the claimant's lack of knowledge of an  
163 adjudicated claim and reasonable inquiry by, or on behalf of,  
164 the claimant to obtain the information from public records.  
165 Unless the appropriate agency had actual notice of the  
166 information required to be disclosed by paragraph (c) in time to  
167 assert a setoff, an unexcused failure to disclose shall, upon  
168 hearing and order of court, cause the claimant to be liable for  
169 double the original undisclosed judgment and, upon further  
170 motion, the court shall enter judgment for the agency in that  
171 amount. Except as provided otherwise in this subsection, the  
172 failure of the Department of Financial Services or the  
173 appropriate agency to make final disposition of a claim within 4  
174 ~~6~~ months after it is filed shall be deemed a final denial of the

585-02597A-24

2024472c1

175 claim for purposes of this section. For purposes of this  
176 subsection, in medical malpractice actions and in wrongful death  
177 actions, the failure of the Department of Financial Services or  
178 the appropriate agency to make final disposition of a claim  
179 within 90 days after it is filed shall be deemed a final denial  
180 of the claim. The statute of limitations ~~for medical malpractice~~  
181 ~~actions and wrongful death actions~~ is tolled as to all  
182 prospective defendants for the period of time taken by the  
183 Department of Financial Services or the appropriate agency to  
184 deny the claim. The claimant has 60 days from the date of the  
185 Department of Financial Services' or the appropriate agency's  
186 final disposition of a claim or the date at which final denial  
187 of the claim is deemed to have occurred, or the remainder of the  
188 period of the statute of limitations, whichever is greater,  
189 within which to file suit. The provisions of this subsection do  
190 not apply to such claims as may be asserted by counterclaim  
191 pursuant to s. 768.14.

192 (14) Every claim against the state or one of its agencies  
193 or subdivisions for damages for a negligent or wrongful act or  
194 omission pursuant to this section shall be forever barred unless  
195 the civil action is commenced by filing a complaint in the court  
196 of appropriate jurisdiction:

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

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

200 (c) Within the limitations provided in s. 95.11(4) for an  
201 action for damages arising from medical malpractice or wrongful  
202 death.

203 (d) At any time for an action arising from acts

585-02597A-24

2024472c1

204 constituting a violation of s. 794.011 involving a victim who  
205 was younger than 16 years of age pursuant to s. 95.11(9).

206 (e) Within 4 years for any other action not specified in  
207 this subsection after such claim accrues; except that an action  
208 for contribution must be commenced within the limitations  
209 provided in s. 768.31(4), and an action for damages arising from  
210 medical malpractice or wrongful death must be commenced within  
211 the limitations for such actions in s. 95.11(4).

212 Section 3. Sections 45.061, 110.504, 111.071, 125.01015,  
213 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125,  
214 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395,  
215 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706,  
216 409.175, 409.993, 420.504, 420.507, 455.221, 455.32, 456.009,  
217 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106,  
218 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355,  
219 768.1382, 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,  
220 1002.333, 1002.34, 1002.351, 1002.37, 1002.55, 1002.83, 1002.88,  
221 1006.24, and 1006.261, Florida Statutes, are reenacted for the  
222 purpose of incorporating the amendments made by this act to s.  
223 768.28, Florida Statutes, in references thereto.

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

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