

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 a final judgment is  
15          entered apply to that claim; requiring the Department  
16          of Financial Services to adjust the limitations on  
17          tort liability every year after a specified date;  
18          revising the period within which certain claims must  
19          be presented to certain entities; revising exceptions  
20          relating to instituting actions on tort claims against  
21          the state or one of its agencies or subdivisions;  
22          revising the period after which the failure of certain  
23          entities to make final disposition of a claim shall be  
24          deemed a final denial of the claim for certain  
25          purposes; revising the limit on certain attorney fees;

26 | revising the statute of limitations for tort claims  
 27 | against the state or one of its agencies or  
 28 | subdivisions and exceptions thereto; reenacting ss.  
 29 | 45.061, 110.504, 111.071, 125.01015, 163.01, 190.043,  
 30 | 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31,  
 31 | 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395,  
 32 | 375.251, 381.0056, 393.075, 394.9085, 395.1055,  
 33 | 403.706, 409.175, 409.993, 420.504, 420.507, 455.221,  
 34 | 455.32, 456.009, 456.076, 471.038, 472.006, 497.167,  
 35 | 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611,  
 36 | 760.11, 766.1115, 766.112, 768.1355, 768.1382,  
 37 | 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,  
 38 | 1002.333, 1002.34, 1002.351, 1002.37, 1002.55,  
 39 | 1002.83, 1002.88, 1006.24, and 1006.261, F.S., to  
 40 | incorporate the amendments made to s. 768.28, F.S., in  
 41 | references thereto; providing applicability; providing  
 42 | an effective date.

43 |  
 44 | Be It Enacted by the Legislature of the State of Florida:

45 |  
 46 | Section 1. Section 47.011, Florida Statutes, is amended to  
 47 | read:

48 | 47.011 Where actions may be begun.—

49 | (1) Actions shall be brought only in the county where the  
 50 | defendant resides, where the cause of action accrued, or where

51 the property in litigation is located. This section shall not  
 52 apply to actions against nonresidents.

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

57 Section 2. Subsection (5), paragraphs (a) and (d) of  
 58 subsection (6), subsection (8), and subsection (14) of section  
 59 768.28, Florida Statutes, are amended to read:

60 768.28 Waiver of sovereign immunity in tort actions;  
 61 recovery limits; civil liability for damages caused during a  
 62 riot; limitation on attorney fees; statute of limitations;  
 63 exclusions; indemnification; risk management programs.—

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

76 ~~and may be settled~~ and paid pursuant to this act up to \$400,000  
 77 or \$600,000 ~~\$200,000 or \$300,000~~, as the case may be; and that  
 78 portion of the judgment that exceeds these amounts may be  
 79 reported to the Legislature, and ~~but~~ may be paid in part or in  
 80 whole ~~only~~ by further act of the Legislature.

81 (b) Notwithstanding the limited waiver of sovereign  
 82 immunity provided in paragraph (a):

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

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

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

100 (c) The limitations of liability set forth in this

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101 subsection ~~shall~~ apply to the state and its agencies and  
102 subdivisions whether or not the state or its agencies or  
103 subdivisions possessed sovereign immunity before July 1, 1974.

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

116 (e) When determining liability limits for a claim, the  
117 limitations of liability in effect on the date a final judgment  
118 is entered shall apply to the claim.

119 (f) Beginning July 1, 2025, and every July 1 thereafter,  
120 the Department of Financial Services shall adjust the  
121 limitations of liability in this subsection to reflect changes  
122 in the Consumer Price Index for the Southeast or a successor  
123 index as calculated by the United States Department of Labor.

124 (6) (a) An action may not be instituted on a claim against  
125 the state or one of its agencies or subdivisions unless the

126 claimant presents the claim in writing to the appropriate  
127 agency, and also, except as to any claim against a municipality,  
128 county, or the Florida Space Authority, presents such claim in  
129 writing to the Department of Financial Services, within 18  
130 months ~~3 years~~ after such claim accrues and the Department of  
131 Financial Services or the appropriate agency denies the claim in  
132 writing; except that, if:

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

141 2. Such action arises from a violation of s. 794.011  
142 involving a victim who was younger than the age of 16 at the  
143 time of the act, the claimant must present the claim in writing  
144 within 13 years after the victim reaches the age of majority.  
145 This subparagraph applies to any such action other than one  
146 which would have been time barred on or before July 1, 2010,  
147 under s. 95.11(9) is for wrongful death, the claimant must  
148 ~~present the claim in writing to the Department of Financial~~  
149 ~~Services within 2 years after the claim accrues.~~

150 (d) For purposes of this section, complete, accurate, and

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

176 the appropriate agency to make final disposition of a claim  
 177 within 90 days after it is filed shall be deemed a final denial  
 178 of the claim. The statute of limitations for medical malpractice  
 179 actions and wrongful death actions is tolled for the period of  
 180 time taken by the Department of Financial Services or the  
 181 appropriate agency to deny the claim. The provisions of this  
 182 subsection do not apply to such claims as may be asserted by  
 183 counterclaim pursuant to s. 768.14.

184 (8) An ~~Ne~~ attorney may not charge, demand, receive, or  
 185 collect, for services rendered, fees in excess of 15 ~~25~~ percent  
 186 of any judgment or settlement.

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

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

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

195 (c) Within the limitations provided in s. 95.11(4) for an  
 196 action for damages arising from medical malpractice or wrongful  
 197 death.

198 (d) Within 15 years after the victim reaches the age of  
 199 majority for any action arising from acts constituting a  
 200 violation of s. 794.011 involving a victim who was younger than



201 the age of 16 at the time of the act. This paragraph applies to  
 202 any such action other than one which would have been time barred  
 203 on or before July 1, 2010, under s. 95.11(9).

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

210 Section 3. Sections 45.061, 110.504, 111.071, 125.01015,  
 211 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125,  
 212 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395,  
 213 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706,  
 214 409.175, 409.993, 420.504, 420.507, 455.221, 455.32, 456.009,  
 215 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106,  
 216 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355,  
 217 768.1382, 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,  
 218 1002.333, 1002.34, 1002.351, 1002.37, 1002.55, 1002.83, 1002.88,  
 219 1006.24, and 1006.261, Florida Statutes, are reenacted for the  
 220 purpose of incorporating the amendments made by this act to s.  
 221 768.28, Florida Statutes, in references thereto.

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

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