

By Senator Hays

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1 A bill to be entitled
2 An act relating to statutes of limitations; amending
3 s. 768.28, F.S.; providing that actions for wrongful
4 death against the state or one of its agencies or
5 subdivisions must be brought within the period
6 applicable to actions brought against other
7 defendants; providing an effective date.

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

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11 Section 1. Subsection (14) of section 768.28, Florida
12 Statutes, is amended to read:

13 768.28 Waiver of sovereign immunity in tort actions;
14 recovery limits; limitation on attorney fees; statute of
15 limitations; exclusions; indemnification; risk management
16 programs.—

17 (14) Every claim against the state or one of its agencies
18 or subdivisions for damages for a negligent or wrongful act or
19 omission pursuant to this section shall be forever barred unless
20 the civil action is commenced by filing a complaint in the court
21 of appropriate jurisdiction within 4 years after such claim
22 accrues; except that an action for contribution must be
23 commenced within the limitations provided in s. 768.31(4), and
24 an action for damages arising from medical malpractice or
25 wrongful death must be commenced within the limitations for such
26 actions ~~an action~~ in s. 95.11(4).

27 Section 2. This act shall take effect July 1, 2011.