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

Section 1. Subsection (5), paragraphs (a) and (d) of subsection (6), and subsection (14) of section 768.28, Florida Statutes, are amended to read:

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

(5)(a) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of \$2,500,000 ~~\$200,000~~ or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of \$5,000,000 ~~\$300,000~~. However, a judgment or judgments may be claimed and rendered in excess of these amounts and may be settled and paid pursuant to this section ~~act~~ up to \$2,500,000 or \$5,000,000, as applicable. The ~~\$200,000 or \$300,000, as the case may be;~~ and that portion of the judgment

51 that exceeds these amounts may be reported to the Legislature
52 ~~and, but~~ may be paid in part or in whole ~~only~~ by further act of
53 the Legislature.

54 (b) Notwithstanding the limited waiver of sovereign
55 immunity provided in paragraph (a), a subdivision of the state
56 may agree herein, ~~the state or an agency or subdivision thereof~~
57 ~~may agree, within the limits of insurance coverage provided,~~ to
58 settle a claim made or a judgment rendered against it in excess
59 of the waiver provided in paragraph (a) without further action
60 by the Legislature. ~~, but~~ The state or an agency or a subdivision
61 thereof may ~~shall~~ not be deemed to have waived any defense of
62 sovereign immunity or to have increased the limits of its
63 liability as a result of its obtaining insurance coverage for
64 tortious acts in excess of the ~~\$200,000 or \$300,000~~ waiver
65 provided in paragraph (a) above.

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

70 (d) ~~(b)~~ A municipality has a duty to allow the municipal
71 law enforcement agency to respond appropriately to protect
72 persons and property during a riot or an unlawful assembly based
73 on the availability of adequate equipment to its municipal law
74 enforcement officers and relevant state and federal laws. If the
75 governing body of a municipality or a person authorized by the

76 governing body of the municipality breaches that duty, the
 77 municipality is civilly liable for any damages, including
 78 damages arising from personal injury, wrongful death, or
 79 property damages proximately caused by the municipality's breach
 80 of duty. The sovereign immunity recovery limits in paragraph (a)
 81 do not apply to an action under this paragraph.

82 (6)(a) An action may not be instituted on a claim against
 83 the state or one of its agencies or subdivisions unless the
 84 claimant presents the claim in writing to the appropriate
 85 agency, and also, except as to any claim against a municipality,
 86 county, or the Florida Space Authority, presents such claim in
 87 writing to the Department of Financial Services, within 4 ~~3~~
 88 years after such claim accrues and the Department of Financial
 89 Services or the appropriate agency denies the claim in writing;
 90 except that, if:

91 1. Such claim is for contribution pursuant to s. 768.31,
 92 it must be so presented within 6 months after the judgment
 93 against the tortfeasor seeking contribution has become final by
 94 lapse of time for appeal or after appellate review or, if there
 95 is no such judgment, within 6 months after the tortfeasor
 96 seeking contribution has either discharged the common liability
 97 by payment or agreed, while the action is pending against her or
 98 him, to discharge the common liability; ~~or~~

99 2. Such action is for wrongful death, the claimant must
 100 present the claim in writing to the Department of Financial

101 Services within 2 years after the claim accrues; or
102 3. Such action arises from a violation of s. 794.011
103 involving a victim who was younger than the age of 16 at the
104 time of the act, the claimant may present the claim in writing
105 at any time pursuant to s. 95.11(9). This subparagraph applies
106 to a claim accruing at any time but shall also be construed in
107 accordance with s. 95.11(9) to apply only to claims which would
108 not have been time barred on or before July 1, 2010.

109 (d) For purposes of this section, complete, accurate, and
110 timely compliance with the requirements of paragraph (c) shall
111 occur prior to settlement payment, close of discovery or
112 commencement of trial, whichever is sooner; provided the ability
113 to plead setoff is not precluded by the delay. This setoff shall
114 apply only against that part of the settlement or judgment
115 payable to the claimant, minus claimant's reasonable attorney's
116 fees and costs. Incomplete or inaccurate disclosure of unpaid
117 adjudicated claims due the state, its agency, officer, or
118 subdivision, may be excused by the court upon a showing by the
119 preponderance of the evidence of the claimant's lack of
120 knowledge of an adjudicated claim and reasonable inquiry by, or
121 on behalf of, the claimant to obtain the information from public
122 records. Unless the appropriate agency had actual notice of the
123 information required to be disclosed by paragraph (c) in time to
124 assert a setoff, an unexcused failure to disclose shall, upon
125 hearing and order of court, cause the claimant to be liable for

126 double the original undisclosed judgment and, upon further
 127 motion, the court shall enter judgment for the agency in that
 128 amount. Except as provided otherwise in this subsection, the
 129 failure of the Department of Financial Services or the
 130 appropriate agency to make final disposition of a claim within 3
 131 ~~6~~ months after it is filed shall be deemed a final denial of the
 132 claim for purposes of this section. For purposes of this
 133 subsection, in medical malpractice actions and in wrongful death
 134 actions, the failure of the Department of Financial Services or
 135 the appropriate agency to make final disposition of a claim
 136 within 90 days after it is filed shall be deemed a final denial
 137 of the claim. The statute of limitations for medical malpractice
 138 actions and wrongful death actions is tolled for the period of
 139 time taken by the Department of Financial Services or the
 140 appropriate agency to deny the claim. The provisions of this
 141 subsection do not apply to such claims as may be asserted by
 142 counterclaim pursuant to s. 768.14.

143 (14) Every claim against the state or one of its agencies
 144 or subdivisions for damages for a negligent or wrongful act or
 145 omission pursuant to this section shall be forever barred unless
 146 the civil action is commenced by filing a complaint in the court
 147 of appropriate jurisdiction within 4 years after such claim
 148 accrues; except that:

149 (a) An action for contribution must be commenced within
 150 the limitations provided in s. 768.31(4) ~~;~~ and

151 (b) An action for damages arising from medical malpractice
 152 or wrongful death must be commenced within the limitations for
 153 such actions in s. 95.11(4); and

154 (c) An action arising from any act constituting a
 155 violation of s. 794.011 involving a victim who was younger than
 156 the age of 16 at the time of the act may be commenced at any
 157 time pursuant to s. 95.11(9). This paragraph applies to a claim
 158 accruing at any time as long as such claim would not have been
 159 time barred on or before July 1, 2010, under s. 95.11(9).

160 Section 2. Sections 45.061, 110.504, 111.071, 163.01,
 161 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31,
 162 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395, 375.251,
 163 381.0056, 393.075, 395.1055, 403.706, 409.993, 455.221, 455.32,
 164 456.009, 456.076, 471.038, 472.006, 497.167, 513.118, 548.046,
 165 556.106, 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112,
 166 768.1355, 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,
 167 1002.333, 1002.34, 1002.55, 1002.83, 1002.88, 1006.24, and
 168 1006.261, Florida Statutes, are reenacted for the purpose of
 169 incorporating the amendments made by this act to s. 768.28,
 170 Florida Statutes, in references thereto.

171 Section 3. Except as otherwise expressly provided herein,
 172 this act applies to claims accruing on or after October 1, 2024.

173 Section 4. This act shall take effect October 1, 2024.