



205246

LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: WD | . | |
| 01/29/2024 | . | |
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The Committee on Governmental Oversight and Accountability
(Brodeur) recommended the following:

1 **Senate Amendment to Amendment (702674) (with title**
2 **amendment)**

3
4 Delete lines 59 - 139
5 and insert:

6 ~~above.~~ An insurance policy may not condition the payment of
7 benefits, in whole or in part, on the enactment of a claims
8 bill.

9 (c) The limitations of liability set forth in this
10 subsection shall apply to the state and its agencies and



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11 subdivisions whether or not the state or its agencies or
12 subdivisions possessed sovereign immunity before July 1, 1974.

13 (d) ~~(b)~~ A municipality has a duty to allow the municipal law
14 enforcement agency to respond appropriately to protect persons
15 and property during a riot or an unlawful assembly based on the
16 availability of adequate equipment to its municipal law
17 enforcement officers and relevant state and federal laws. If the
18 governing body of a municipality or a person authorized by the
19 governing body of the municipality breaches that duty, the
20 municipality is civilly liable for any damages, including
21 damages arising from personal injury, wrongful death, or
22 property damages proximately caused by the municipality's breach
23 of duty. The sovereign immunity recovery limits in paragraph (a)
24 do not apply to an action under this paragraph.

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

28 (f) Beginning July 1, 2029, and on July 1 every 5 years
29 thereafter, the Department of Financial Services shall adjust
30 the limitations of liability in this subsection to reflect
31 changes in the Consumer Price Index for the Southeast or a
32 successor index as calculated by the United States Department of
33 Labor.

34 (6) (a) An action may not be instituted on a claim against
35 the state or one of its agencies or subdivisions unless the
36 claimant presents the claim in writing to the appropriate
37 agency, and also, except as to any claim against a municipality,
38 county, or the Florida Space Authority, presents such claim in
39 writing to the Department of Financial Services, within 18



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40 months ~~3 years~~ after such claim accrues and the Department of
41 Financial Services or the appropriate agency denies the claim in
42 writing; except that, if:

43 1. Such claim is for contribution pursuant to s. 768.31, it
44 must be so presented within 6 months after the judgment against
45 the tortfeasor seeking contribution has become final by lapse of
46 time for appeal or after appellate review or, if there is no
47 such judgment, within 6 months after the tortfeasor seeking
48 contribution has either discharged the common liability by
49 payment or agreed, while the action is pending against her or
50 him, to discharge the common liability; or

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

57 (d) For purposes of this section, complete, accurate, and
58 timely compliance with the requirements of paragraph (c) shall
59 occur prior to settlement payment, close of discovery or
60 commencement of trial, whichever is sooner; provided the ability
61 to plead setoff is not precluded by the delay. This setoff shall
62 apply only against that part of the settlement or judgment
63 payable to the claimant, minus claimant's reasonable attorney's
64 fees and costs. Incomplete or inaccurate disclosure of unpaid
65 adjudicated claims due the state, its agency, officer, or
66 subdivision, may be excused by the court upon a showing by the
67 preponderance of the evidence of the claimant's lack of
68 knowledge of an adjudicated claim and reasonable inquiry by, or



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69 on behalf of, the claimant to obtain the information from public
70 records. Unless the appropriate agency had actual notice of the
71 information required to be disclosed by paragraph (c) in time to
72 assert a setoff, an unexcused failure to disclose shall, upon
73 hearing and order of court, cause the claimant to be liable for
74 double the original undisclosed judgment and, upon further
75 motion, the court shall enter judgment for the agency in that
76 amount. Except as provided otherwise in this subsection, the
77 failure of the Department of Financial Services or the
78 appropriate agency to make final disposition of a claim within 4
79 6 months after it is filed shall be deemed a final denial of the
80 claim for purposes of this section. For purposes of this
81 subsection, in medical malpractice actions and in wrongful death
82 actions, the failure of the Department of Financial Services or
83 the appropriate agency to make final disposition of a claim
84 within 90 days after it is filed shall be deemed a final denial
85 of the claim. The statute of limitations ~~for medical malpractice~~
86 ~~actions and wrongful death actions~~ is tolled as to all
87 prospective defendants for the period of time taken by the
88 Department of Financial Services or the appropriate agency to
89 deny the claim. The claimant has 60 days from the time of the
90 Department of Financial Services' or the appropriate agency's
91 final disposition of a claim or the time at which final denial
92 of the claim is deemed to have occurred, or the remainder of the
93 period of the statute of limitations, whichever is greater,
94 within which to file suit. The provisions of this

95
96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:



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98 Delete lines 189 - 208

99 and insert:

100 subdivisions; prohibiting insurance policies from
101 placing conditions for payment upon the enactment of a
102 claim bill; authorizing a subdivision of the state to
103 settle a claim in excess of the statutory limit
104 without further action by the Legislature regardless
105 of insurance coverage limits; prohibiting a party from
106 lobbying against any agreed upon settlement brought to
107 the Legislature as a claims bill; specifying that the
108 limitations in effect on the date a final judgment is
109 entered apply to that claim; requiring the Department
110 of Financial Services to adjust the limitations on
111 tort liability every 5 years after a specified date;
112 revising the period within which certain claims must
113 be presented to certain entities; revising exceptions
114 relating to instituting actions on tort claims against
115 the state or one of its agencies or subdivisions;
116 revising the period after which the failure of certain
117 entities to make final disposition of a claim shall be
118 deemed a final denial of the claim for certain
119 purposes; revising the statute of limitations for tort
120 claims against the state or one of its agencies or
121 subdivisions and exceptions thereto; providing a
122 claimant a specific timeframe to file suit; reenacting
123 ss.