



217858

LEGISLATIVE ACTION

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)**

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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



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10 subsection ~~shall~~ apply to the state and its agencies and  
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



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39 writing to the Department of Financial Services, within 18  
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



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68 knowledge of an adjudicated claim and reasonable inquiry by, or  
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. Upon receiving notice of termination of  
90 negotiations in an extended period, as provided in s.  
91 766.106(4), the claimant has 60 days or the remainder of the  
92 period of the statute of limitations, whichever is greater,  
93 within which to file suit. The provisions of this

94  
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:



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97 Delete lines 189 - 208

98 and insert:

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