



702674

LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 47.011, Florida Statutes, is amended to
read:

47.011 Where actions may be begun.—

(1) Actions shall be brought only in the county where the
defendant resides, where the cause of action accrued, or where
the property in litigation is located. This section shall not



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11 apply to actions against nonresidents.

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

16 Section 2. Subsection (5), paragraphs (a) and (d) of
17 subsection (6), and subsection (14) of section 768.28, Florida
18 Statutes, are amended to read:

19 768.28 Waiver of sovereign immunity in tort actions;
20 recovery limits; civil liability for damages caused during a
21 riot; limitation on attorney fees; statute of limitations;
22 exclusions; indemnification; risk management programs.—

23 (5) (a) The state and its agencies and subdivisions shall be
24 liable for tort claims in the same manner and to the same extent
25 as a private individual under like circumstances, but liability
26 shall not include punitive damages or interest for the period
27 before judgment. Neither the state nor its agencies or
28 subdivisions shall be liable to pay a claim or a judgment by any
29 one person which exceeds the sum of \$400,000 ~~\$200,000~~ or any
30 claim or judgment, or portions thereof, which, when totaled with
31 all other claims or judgments paid by the state or its agencies
32 or subdivisions arising out of the same incident or occurrence,
33 exceeds the sum of \$600,000 ~~\$300,000~~. However, a judgment or
34 judgments may be claimed and rendered in excess of these amounts
35 ~~and may be settled~~ and paid pursuant to this act up to \$400,000
36 or \$600,000 ~~\$200,000 or \$300,000~~, as the case may be; and that
37 portion of the judgment that exceeds these amounts may be
38 reported to the Legislature, and ~~but~~ may be paid in part or in
39 whole ~~only~~ by further act of the Legislature.



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40 (b) Notwithstanding the limited waiver of sovereign
41 immunity provided in paragraph (a):

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

47 2. A subdivision of the state may agree to settle a claim
48 made or a judgment rendered against it in excess of the waiver
49 provided in paragraph (a) without further action by the
50 Legislature.

51
52 However, but the state or an agency or subdivision thereof shall
53 not be deemed to have waived any defense of sovereign immunity
54 or to have increased the limits of its liability as a result of
55 its obtaining insurance coverage for tortious acts in excess of
56 the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (a).

57 However, a party may not lobby against any agreed upon
58 settlement brought to the Legislature as a settled claims bill
59 above.

60 (c) The limitations of liability set forth in this
61 subsection ~~shall~~ apply to the state and its agencies and
62 subdivisions whether or not the state or its agencies or
63 subdivisions possessed sovereign immunity before July 1, 1974.

64 (d) (b) A municipality has a duty to allow the municipal law
65 enforcement agency to respond appropriately to protect persons
66 and property during a riot or an unlawful assembly based on the
67 availability of adequate equipment to its municipal law
68 enforcement officers and relevant state and federal laws. If the



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69 governing body of a municipality or a person authorized by the
70 governing body of the municipality breaches that duty, the
71 municipality is civilly liable for any damages, including
72 damages arising from personal injury, wrongful death, or
73 property damages proximately caused by the municipality's breach
74 of duty. The sovereign immunity recovery limits in paragraph (a)
75 do not apply to an action under this paragraph.

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

79 (f) Beginning July 1, 2029, and on July 1 every 5 years
80 thereafter, the Department of Financial Services shall adjust
81 the limitations of liability in this subsection to reflect
82 changes in the Consumer Price Index for the Southeast or a
83 successor index as calculated by the United States Department of
84 Labor.

85 (6) (a) An action may not be instituted on a claim against
86 the state or one of its agencies or subdivisions unless the
87 claimant presents the claim in writing to the appropriate
88 agency, and also, except as to any claim against a municipality,
89 county, or the Florida Space Authority, presents such claim in
90 writing to the Department of Financial Services, within 18
91 months ~~3 years~~ after such claim accrues and the Department of
92 Financial Services or the appropriate agency denies the claim in
93 writing; except that, if:

94 1. Such claim is for contribution pursuant to s. 768.31, it
95 must be so presented within 6 months after the judgment against
96 the tortfeasor seeking contribution has become final by lapse of
97 time for appeal or after appellate review or, if there is no



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98 such judgment, within 6 months after the tortfeasor seeking
99 contribution has either discharged the common liability by
100 payment or agreed, while the action is pending against her or
101 him, to discharge the common liability; or

102 2. Such action arises from a violation of s. 794.011
103 involving a victim who was younger than 16 years of age 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) is for wrongful death, the
106 claimant must present the claim in writing to the Department of
107 Financial Services within 2 years after the claim accrues.

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



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127 amount. Except as provided otherwise in this subsection, the
128 failure of the Department of Financial Services or the
129 appropriate agency to make final disposition of a claim within 4
130 ~~6~~ months after it is filed shall be deemed a final denial of the
131 claim for purposes of this section. For purposes of this
132 subsection, in medical malpractice actions and in wrongful death
133 actions, the failure of the Department of Financial Services or
134 the appropriate agency to make final disposition of a claim
135 within 90 days after it is filed shall be deemed a final denial
136 of the claim. The statute of limitations for medical malpractice
137 actions and wrongful death actions is tolled for the period of
138 time taken by the Department of Financial Services or the
139 appropriate agency to deny the claim. The provisions of this
140 subsection do not apply to such claims as may be asserted by
141 counterclaim pursuant to s. 768.14.

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

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

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

150 (c) Within the limitations provided in s. 95.11(4) for an
151 action for damages arising from medical malpractice or wrongful
152 death.

153 (d) At any time for an action arising from acts
154 constituting a violation of s. 794.011 involving a victim who
155 was younger than 16 years of age pursuant to s. 95.11(9).



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156 (e) Within 4 years for any other action not specified in
157 this subsection after such claim accrues; except that an action
158 for contribution must be commenced within the limitations
159 provided in s. 768.31(4), and an action for damages arising from
160 medical malpractice or wrongful death must be commenced within
161 the limitations for such actions in s. 95.11(4).

162 Section 3. Sections 45.061, 110.504, 111.071, 125.01015,
163 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125,
164 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395,
165 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706,
166 409.175, 409.993, 420.504, 420.507, 455.221, 455.32, 456.009,
167 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106,
168 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355,
169 768.1382, 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,
170 1002.333, 1002.34, 1002.351, 1002.37, 1002.55, 1002.83, 1002.88,
171 1006.24, and 1006.261, Florida Statutes, are reenacted for the
172 purpose of incorporating the amendments made by this act to s.
173 768.28, Florida Statutes, in references thereto.

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

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

177
178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 Delete everything before the enacting clause
181 and insert:

182 A bill to be entitled
183 An act relating to suits against the government;
184 amending s. 47.011, F.S.; abolishing the common-law



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185 doctrine of home venue privilege with respect to
186 action against the state; amending s. 768.28, F.S.;
187 increasing the statutory limits on liability for tort
188 claims against the state and its agencies and
189 subdivisions; authorizing a subdivision of the state
190 to settle a claim in excess of the statutory limit
191 without further action by the Legislature regardless
192 of insurance coverage limits; prohibiting a party from
193 lobbying against any agreed upon settlement brought to
194 the Legislature as a claims bill; specifying that the
195 limitations in effect on the date a final judgment is
196 entered apply to that claim; requiring the Department
197 of Financial Services to adjust the limitations on
198 tort liability every 5 years after a specified date;
199 revising the period within which certain claims must
200 be presented to certain entities; revising exceptions
201 relating to instituting actions on tort claims against
202 the state or one of its agencies or subdivisions;
203 revising the period after which the failure of certain
204 entities to make final disposition of a claim shall be
205 deemed a final denial of the claim for certain
206 purposes; revising the statute of limitations for tort
207 claims against the state or one of its agencies or
208 subdivisions and exceptions thereto; reenacting ss.
209 45.061, 110.504, 111.071, 125.01015, 163.01, 190.043,
210 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31,
211 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395,
212 375.251, 381.0056, 393.075, 394.9085, 395.1055,
213 403.706, 409.175, 409.993, 420.504, 420.507, 455.221,



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214 455.32, 456.009, 456.076, 471.038, 472.006, 497.167,
215 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611,
216 760.11, 766.1115, 766.112, 768.1355, 768.1382,
217 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,
218 1002.333, 1002.34, 1002.351, 1002.37, 1002.55,
219 1002.83, 1002.88, 1006.24, and 1006.261, F.S., to
220 incorporate the amendments made to s. 768.28, F.S., in
221 references thereto; providing applicability; providing
222 an effective date.