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30 1002.37, 1002.451, 1002.55, 1002.83, 1002.88, 1004.41,
31 1004.43, 1004.447, 1006.23, 1006.24, and 1006.261,
32 F.S., to incorporate the amendments made to s. 768.28,
33 F.S., in references thereto; providing applicability;
34 making technical changes; providing an effective date.

35

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

37

38 Section 1. Subsection (5), paragraph (a) of subsection (6),
39 and subsection (14) of section 768.28, Florida Statutes, are
40 amended to read:

41 768.28 Waiver of sovereign immunity in tort actions;
42 recovery limits; civil liability for damages caused during a
43 riot; limitation on attorney fees; statute of limitations;
44 exclusions; indemnification; risk management programs.—

45 (5) (a) The state and its agencies and subdivisions are
46 ~~shall be~~ liable for tort claims in the same manner and to the
47 same extent as a private individual under like circumstances,
48 but liability may ~~shall~~ not include punitive damages or interest
49 for the period before judgment. Neither the state nor its
50 agencies or subdivisions are ~~shall be~~ liable to pay a claim or a
51 judgment by any one person which exceeds the sum of \$400,000
52 ~~\$200,000~~ or any claim or judgment, or portions thereof, which,
53 when totaled with all other claims or judgments paid by the
54 state or its agencies or subdivisions arising out of the same
55 incident or occurrence, exceeds the sum of \$600,000 ~~\$300,000~~.
56 However, a judgment or judgments may be claimed and rendered in
57 excess of these amounts ~~and may be settled~~ and paid pursuant to
58 this act up to \$400,000 or \$600,000 ~~\$200,000 or \$300,000~~, as the

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59 case may be; and that portion of the judgment that exceeds these
60 amounts may be reported to the Legislature, and ~~but~~ may be paid
61 in part or in whole ~~only~~ by further act of the Legislature.

62 (b) Notwithstanding the limited waiver of sovereign
63 immunity provided in paragraph (a) herein, the state or an
64 agency or subdivision thereof may agree, ~~within the limits of~~
65 ~~insurance coverage provided~~, to settle a claim made or a
66 judgment rendered against it in excess of the waiver provided in
67 paragraph (a) without further action by the Legislature, but the
68 state or agency or subdivision thereof may ~~shall~~ not be deemed
69 to have waived any defense of sovereign immunity or to have
70 increased the limits of its liability as a result of its
71 obtaining insurance coverage for tortious acts in excess of the
72 ~~\$200,000 or \$300,000~~ waiver provided in paragraph (a). An
73 insurance policy may not condition the payment of benefits, in
74 whole or in part, on the enactment of a claim bill ~~above~~.

75 (c) The limitations of liability set forth in this
76 subsection ~~shall~~ apply to the state and its agencies and
77 subdivisions regardless of whether ~~or not~~ the state or its
78 agencies or subdivisions possessed sovereign immunity before
79 July 1, 1974.

80 (d) ~~(b)~~ A municipality has a duty to allow the municipal law
81 enforcement agency to respond appropriately to protect persons
82 and property during a riot or an unlawful assembly based on the
83 availability of adequate equipment to its municipal law
84 enforcement officers and relevant state and federal laws. If the
85 governing body of a municipality or a person authorized by the
86 governing body of the municipality breaches that duty, the
87 municipality is civilly liable for any damages, including

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88 damages arising from personal injury, wrongful death, or
89 property damages proximately caused by the municipality's breach
90 of duty. The sovereign immunity recovery limits in paragraph (a)
91 do not apply to an action under this paragraph.

92 (e) When determining liability limits for a claim, the
93 limitations of liability in effect on the date a final judgment
94 is entered apply to the claim.

95 (f) Beginning July 1, 2025, and every July 1 thereafter,
96 the Department of Financial Services shall adjust the
97 limitations of liability in this subsection to reflect changes
98 in the Consumer Price Index for the Southeast or a successor
99 index as calculated by the United States Department of Labor.

100 (6) (a) An action may not be instituted on a claim against
101 the state or one of its agencies or subdivisions unless the
102 claimant presents the claim in writing to the appropriate
103 agency, and also, except as to any claim against a municipality,
104 county, or the Florida Space Authority, presents such claim in
105 writing to the Department of Financial Services, within 3 years
106 after such claim accrues and the Department of Financial
107 Services or the appropriate agency denies the claim in writing;
108 except that, if:

109 1. Such claim is for contribution pursuant to s. 768.31, it
110 must be so presented within 6 months after the judgment against
111 the tortfeasor seeking contribution has become final by lapse of
112 time for appeal or after appellate review or, if there is no
113 such judgment, within 6 months after the tortfeasor seeking
114 contribution has either discharged the common liability by
115 payment or agreed, while the action is pending against her or
116 him, to discharge the common liability; ~~or~~

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117 2. Such action is for wrongful death, the claimant must
118 present the claim in writing to the Department of Financial
119 Services within 2 years after the claim accrues; or

120 3. Such action arises from a violation of s. 794.011
121 involving a victim who was younger than 16 years of age at the
122 time of the act, the claimant may present the claim in writing
123 at any time pursuant to s. 95.11(9).

124 (14) Every claim against the state or one of its agencies
125 or subdivisions for damages for a negligent or wrongful act or
126 omission pursuant to this section is ~~shall be~~ forever barred
127 unless the civil action is commenced by filing a complaint in
128 the court of appropriate jurisdiction within 4 years after such
129 claim accrues; except that:

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

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

135 (c) An action arising from acts constituting a violation of
136 s. 794.011 involving a victim who was younger than 16 years of
137 age at the time of the act may be commenced at any time pursuant
138 to s. 95.11(9).

139 Section 2. Sections 29.0081, 39.8297, 45.061, 110.504,
140 111.071, 119.15, 125.01015, 163.01, 190.043, 213.015, 252.36,
141 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 288.9625,
142 322.13, 324.022, 337.19, 341.302, 351.03, 373.1395, 375.251,
143 379.2293, 381.0056, 393.075, 394.9085, 395.1055, 395.50,
144 401.425, 403.0862, 403.706, 409.175, 409.993, 415.1103, 420.504,
145 420.507, 455.221, 455.32, 456.009, 456.048, 456.076, 458.320,

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146 459.0085, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106,
147 589.19, 616.242, 624.461, 624.462, 627.733, 627.7491, 723.0611,
148 741.316, 760.11, 766.1115, 766.112, 766.203, 766.207, 768.1315,
149 768.1335, 768.135, 768.1355, 768.1382, 768.295, 944.713,
150 946.5026, 946.514, 961.06, 984.09, 985.037, 1002.33, 1002.333,
151 1002.34, 1002.351, 1002.37, 1002.451, 1002.55, 1002.83, 1002.88,
152 1004.41, 1004.43, 1004.447, 1006.23, 1006.24, and 1006.261,
153 Florida Statutes, are reenacted for the purpose of incorporating
154 the amendments made by this act to s. 768.28, Florida Statutes,
155 in references thereto.

156 Section 3. This act applies to claims accruing on or after
157 July 1, 2024.

158 Section 4. This act shall take effect July 1, 2024.