

1                   A bill to be entitled  
2           An act relating to suits against the government;  
3           amending s. 47.011, F.S.; abolishing the common-law  
4           doctrine of home venue privilege with respect to  
5           action against the state; amending s. 768.28, F.S.;  
6           increasing the statutory limits on liability for tort  
7           claims against the state and its agencies and  
8           subdivisions; authorizing a subdivision of the state  
9           to settle a claim in excess of the statutory limit  
10          without further action by the Legislature regardless  
11          of insurance coverage limits; prohibiting an insurance  
12          policy from conditioning payment of benefits on the  
13          enactment of a claim bill; specifying that the  
14          limitations in effect on the date a final judgment is  
15          entered apply to that claim; requiring the Department  
16          of Financial Services to adjust the limitations on  
17          tort liability every year after a specified date;  
18          revising the period within which certain claims must  
19          be presented to certain entities; revising exceptions  
20          relating to instituting actions on tort claims against  
21          the state or one of its agencies or subdivisions;  
22          revising the period after which the failure of certain  
23          entities to make final disposition of a claim shall be  
24          deemed a final denial of the claim for certain  
25          purposes; revising the statute of limitations for tort

26 claims against the state or one of its agencies or  
 27 subdivisions and exceptions thereto; reenacting ss.  
 28 45.061, 110.504, 111.071, 125.01015, 163.01, 190.043,  
 29 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31,  
 30 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395,  
 31 375.251, 381.0056, 393.075, 394.9085, 395.1055,  
 32 403.706, 409.175, 409.993, 420.504, 420.507, 455.221,  
 33 455.32, 456.009, 456.076, 471.038, 472.006, 497.167,  
 34 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611,  
 35 760.11, 766.1115, 766.112, 768.1355, 768.1382,  
 36 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,  
 37 1002.333, 1002.34, 1002.351, 1002.37, 1002.55,  
 38 1002.83, 1002.88, 1006.24, and 1006.261, F.S., to  
 39 incorporate the amendments made to s. 768.28, F.S., in  
 40 references thereto; providing applicability; providing  
 41 an effective date.

42  
 43 Be It Enacted by the Legislature of the State of Florida:

44  
 45 Section 1. Section 47.011, Florida Statutes, is amended to  
 46 read:

47 47.011 Where actions may be begun.—

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

51 apply to actions against nonresidents.

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

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

59 768.28 Waiver of sovereign immunity in tort actions;  
 60 recovery limits; civil liability for damages caused during a  
 61 riot; limitation on attorney fees; statute of limitations;  
 62 exclusions; indemnification; risk management programs.—

63 (5)(a) The state and its agencies and subdivisions shall  
 64 be liable for tort claims in the same manner and to the same  
 65 extent as a private individual under like circumstances, but  
 66 liability shall not include punitive damages or interest for the  
 67 period before judgment. Neither the state nor its agencies or  
 68 subdivisions shall be liable to pay a claim or a judgment by any  
 69 one person which exceeds the sum of \$400,000 ~~\$200,000~~ or any  
 70 claim or judgment, or portions thereof, which, when totaled with  
 71 all other claims or judgments paid by the state or its agencies  
 72 or subdivisions arising out of the same incident or occurrence,  
 73 exceeds the sum of \$600,000 ~~\$300,000~~. However, a judgment or  
 74 judgments may be claimed and rendered in excess of these amounts  
 75 ~~and may be settled~~ and paid pursuant to this act up to \$400,000

76 | or \$600,000 ~~\$200,000 or \$300,000~~, as the case may be; and that  
77 | portion of the judgment that exceeds these amounts may be  
78 | reported to the Legislature, and ~~but~~ may be paid in part or in  
79 | whole ~~only~~ by further act of the Legislature.

80 | (b) Notwithstanding the limited waiver of sovereign  
81 | immunity provided in paragraph (a):

82 | 1. ~~herein~~, The state or an agency ~~or subdivision~~ thereof  
83 | may agree, within the limits of insurance coverage provided, to  
84 | settle a claim made or a judgment rendered against it in excess  
85 | of the waiver provided in paragraph (a) without further action  
86 | by the Legislature.

87 | 2. A subdivision of the state may agree to settle a claim  
88 | made or a judgment rendered against it in excess of the waiver  
89 | provided in paragraph (a) without further action by the  
90 | Legislature.

91 |  
92 | However, ~~but~~ the state or an agency or subdivision thereof shall  
93 | not be deemed to have waived any defense of sovereign immunity  
94 | or to have increased the limits of its liability as a result of  
95 | its obtaining insurance coverage for tortious acts in excess of  
96 | the ~~\$200,000 or \$300,000~~ waiver provided in paragraph (a). An  
97 | insurance policy may not condition the payment of benefits, in  
98 | whole or in part, on the enactment of a claim bill ~~above~~.

99 | (c) The limitations of liability set forth in this  
100 | subsection ~~shall~~ apply to the state and its agencies and

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

103 ~~(d)-(b)~~ A municipality has a duty to allow the municipal  
 104 law enforcement agency to respond appropriately to protect  
 105 persons and property during a riot or an unlawful assembly based  
 106 on the availability of adequate equipment to its municipal law  
 107 enforcement officers and relevant state and federal laws. If the  
 108 governing body of a municipality or a person authorized by the  
 109 governing body of the municipality breaches that duty, the  
 110 municipality is civilly liable for any damages, including  
 111 damages arising from personal injury, wrongful death, or  
 112 property damages proximately caused by the municipality's breach  
 113 of duty. The sovereign immunity recovery limits in paragraph (a)  
 114 do not apply to an action under this paragraph.

115 (e) When determining liability limits for a claim, the  
 116 limitations of liability in effect on the date a final judgment  
 117 is entered shall apply to the claim.

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

123 (6) (a) An action may not be instituted on a claim against  
 124 the state or one of its agencies or subdivisions unless the  
 125 claimant presents the claim in writing to the appropriate

126 agency, and also, except as to any claim against a municipality,  
127 county, or the Florida Space Authority, presents such claim in  
128 writing to the Department of Financial Services, within 18  
129 months ~~3 years~~ after such claim accrues and the Department of  
130 Financial Services or the appropriate agency denies the claim in  
131 writing; except that, if:

132 1. Such claim is for contribution pursuant to s. 768.31,  
133 it must be so presented within 6 months after the judgment  
134 against the tortfeasor seeking contribution has become final by  
135 lapse of time for appeal or after appellate review or, if there  
136 is no such judgment, within 6 months after the tortfeasor  
137 seeking contribution has either discharged the common liability  
138 by payment or agreed, while the action is pending against her or  
139 him, to discharge the common liability; or

140 2. Such action arises from a violation of s. 794.011  
141 involving a victim who was younger than the age of 16 at the  
142 time of the act, the claimant must present the claim in writing  
143 within 13 years after the victim reaches the age of majority.  
144 This subparagraph applies to any such action other than one  
145 which would have been time barred on or before July 1, 2010,  
146 under s. 95.11(9) is for wrongful death, the claimant must  
147 present the claim in writing to the Department of Financial  
148 Services within 2 years after the claim accrues.

149 (d) For purposes of this section, complete, accurate, and  
150 timely compliance with the requirements of paragraph (c) shall

151 occur prior to settlement payment, close of discovery or  
152 commencement of trial, whichever is sooner; provided the ability  
153 to plead setoff is not precluded by the delay. This setoff shall  
154 apply only against that part of the settlement or judgment  
155 payable to the claimant, minus claimant's reasonable attorney's  
156 fees and costs. Incomplete or inaccurate disclosure of unpaid  
157 adjudicated claims due the state, its agency, officer, or  
158 subdivision, may be excused by the court upon a showing by the  
159 preponderance of the evidence of the claimant's lack of  
160 knowledge of an adjudicated claim and reasonable inquiry by, or  
161 on behalf of, the claimant to obtain the information from public  
162 records. Unless the appropriate agency had actual notice of the  
163 information required to be disclosed by paragraph (c) in time to  
164 assert a setoff, an unexcused failure to disclose shall, upon  
165 hearing and order of court, cause the claimant to be liable for  
166 double the original undisclosed judgment and, upon further  
167 motion, the court shall enter judgment for the agency in that  
168 amount. Except as provided otherwise in this subsection, the  
169 failure of the Department of Financial Services or the  
170 appropriate agency to make final disposition of a claim within 4  
171 ~~6~~ months after it is filed shall be deemed a final denial of the  
172 claim for purposes of this section. For purposes of this  
173 subsection, in medical malpractice actions and in wrongful death  
174 actions, the failure of the Department of Financial Services or  
175 the appropriate agency to make final disposition of a claim

176 within 90 days after it is filed shall be deemed a final denial  
177 of the claim. The statute of limitations for medical malpractice  
178 actions and wrongful death actions is tolled for the period of  
179 time taken by the Department of Financial Services or the  
180 appropriate agency to deny the claim. The provisions of this  
181 subsection do not apply to such claims as may be asserted by  
182 counterclaim pursuant to s. 768.14.

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

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

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

191 (c) Within the limitations provided in s. 95.11(4) for an  
192 action for damages arising from medical malpractice or wrongful  
193 death.

194 (d) Within 15 years after the victim reaches the age of  
195 majority for any action arising from acts constituting a  
196 violation of s. 794.011 involving a victim who was younger than  
197 the age of 16 at the time of the act. This paragraph applies to  
198 any such action other than one which would have been time barred  
199 on or before July 1, 2010, under s. 95.11(9).

200 (e) Within 4 years for any other action not specified in



201 ~~this subsection after such claim accrues; except that an action~~  
 202 ~~for contribution must be commenced within the limitations~~  
 203 ~~provided in s. 768.31(4), and an action for damages arising from~~  
 204 ~~medical malpractice or wrongful death must be commenced within~~  
 205 ~~the limitations for such actions in s. 95.11(4).~~

206 Section 3. Sections 45.061, 110.504, 111.071, 125.01015,  
 207 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125,  
 208 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395,  
 209 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706,  
 210 409.175, 409.993, 420.504, 420.507, 455.221, 455.32, 456.009,  
 211 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106,  
 212 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355,  
 213 768.1382, 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33,  
 214 1002.333, 1002.34, 1002.351, 1002.37, 1002.55, 1002.83, 1002.88,  
 215 1006.24, and 1006.261, Florida Statutes, are reenacted for the  
 216 purpose of incorporating the amendments made by this act to s.  
 217 768.28, Florida Statutes, in references thereto.

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

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