



491330

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
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The Committee on Rules (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 167 - 309  
and insert:  
\$350,000 ~~\$200,000~~ or any claim or judgment, or portions of a  
claim or judgment ~~thereof~~, which, when totaled with all other  
claims or judgments paid by the state or its agencies or  
subdivisions arising out of the same incident or occurrence,  
exceeds the sum of \$500,000 ~~\$300,000~~. However, a judgment or  
judgments may be claimed and rendered in excess of these amounts  
and may be settled and paid pursuant to this section ~~act~~ up to



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12 \$350,000 ~~\$200,000~~ or \$500,000. Any ~~\$300,000~~, as the case may be,  
13 ~~and that~~ portion of the judgment that exceeds these amounts may  
14 be reported to the Legislature, but may be paid in part or in  
15 whole only by further act of the Legislature.

16 (b) Notwithstanding the limited waiver of sovereign  
17 immunity in paragraph (a) ~~provided herein~~, the state or an  
18 agency or subdivision of the state ~~thereof~~ may agree, within the  
19 limits of insurance coverage provided, to settle a claim made or  
20 a judgment rendered against it without further action by the  
21 Legislature, but the state or agency or subdivision of the state  
22 may ~~thereof shall~~ not be deemed to have waived any defense of  
23 sovereign immunity or to have increased the limits of its  
24 liability as a result of its obtaining insurance coverage for  
25 tortious acts in excess of the \$350,000 ~~\$200,000~~ or \$500,000  
26 ~~\$300,000~~ waiver in paragraph (a) ~~provided above~~.

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

31 (d) ~~(b)~~ A municipality has a duty to allow the municipal law  
32 enforcement agency to respond appropriately to protect persons  
33 and property during a riot or an unlawful assembly based on the  
34 availability of adequate equipment to its municipal law  
35 enforcement officers and relevant state and federal laws. If the  
36 governing body of a municipality or a person authorized by the  
37 governing body of the municipality breaches that duty, the  
38 municipality is civilly liable for any damages, including  
39 damages arising from personal injury, wrongful death, or  
40 property damages proximately caused by the municipality's breach



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41 of duty. The sovereign immunity recovery limits in paragraph (a)  
42 do not apply to an action under this paragraph.

43 (6) (a) An action may not be instituted on a claim against  
44 the state or one of its agencies or subdivisions unless the  
45 claimant presents the claim in writing to the appropriate  
46 agency, and also, except as to any claim against a municipality,  
47 county, or the Florida Space Authority, presents the such claim  
48 in writing to the Department of Financial Services, within 18  
49 months ~~3 years~~ after the such claim accrues and the Department  
50 of Financial Services or the appropriate agency denies the claim  
51 in writing; except that, if:

52 1. The Such claim is for contribution pursuant to s.  
53 768.31, it must be ~~so~~ presented within 6 months after the  
54 judgment against the tortfeasor seeking contribution has become  
55 final by lapse of time for appeal or after appellate review or,  
56 if there is no final such judgment, within 6 months after the  
57 tortfeasor seeking contribution has either discharged the common  
58 liability by payment or agreed, while the action is pending  
59 against her or him, to discharge the common liability; or

60 2. The Such action arises from a violation of s. 794.011  
61 involving a victim who was younger than 16 years of age at the  
62 time of the act, the claimant may present the claim in writing  
63 at any time. This subparagraph applies to any action other than  
64 an action that would have been time barred on or before October  
65 1, 2026 ~~is for wrongful death, the claimant must present the~~  
66 ~~claim in writing to the Department of Financial Services within~~  
67 ~~2 years after the claim accrues.~~

68 (b) For purposes of this section, the requirements of  
69 notice to the agency and denial of the claim pursuant to



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70 paragraph (a) are conditions precedent to maintaining an action  
71 but may ~~shall~~ not be deemed to be elements of the cause of  
72 action and do ~~shall~~ not affect the date on which the cause of  
73 action accrues.

74 (c) The claimant shall also provide to the agency the  
75 claimant's date and place of birth and social security number if  
76 the claimant is an individual, or a federal identification  
77 number if the claimant is not an individual. The claimant shall  
78 also state the case style, tribunal, the nature and amount of  
79 all adjudicated penalties, fines, fees, victim restitution fund,  
80 and other judgments in excess of \$200, whether imposed by a  
81 civil, criminal, or administrative tribunal, owed by the  
82 claimant to the state, its agency, officer or subdivision. If  
83 there exists no prior adjudicated unpaid claim in excess of  
84 \$200, the claimant shall so state.

85 (d) For purposes of this section, complete, accurate, and  
86 timely compliance with the requirements of paragraph (c) must  
87 ~~shall~~ occur before ~~prior to~~ settlement payment, close of  
88 discovery, or commencement of trial, whichever is earlier  
89 ~~sooner~~; provided the ability to plead setoff is not precluded by  
90 the delay. This setoff applies ~~shall apply~~ only against that  
91 part of the settlement or judgment payable to the claimant,  
92 minus claimant's reasonable attorney ~~attorney's~~ fees and costs.  
93 Incomplete or inaccurate disclosure of unpaid adjudicated claims  
94 due the state, or ~~or~~ its agency, officer, or subdivision, may be  
95 excused by the court upon a showing by the preponderance of the  
96 evidence of the claimant's lack of knowledge of an adjudicated  
97 claim and reasonable inquiry by, or on behalf of, the claimant  
98 to obtain the information from public records. Unless the



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99 appropriate agency had actual notice of the information required  
100 to be disclosed by paragraph (c) in time to assert a setoff, an  
101 unexcused failure to disclose shall, upon hearing and order of  
102 court, cause the claimant to be liable for double the original  
103 undisclosed judgment and, upon further motion, the court shall  
104 enter judgment for the agency in that amount. Except as provided  
105 otherwise in this subsection, the failure of the Department of  
106 Financial Services or the appropriate agency to make final  
107 disposition of a claim within 4 ~~6~~ months after it is filed shall  
108 be deemed a final denial of the claim for purposes of this  
109 section. For purposes of this subsection, in medical malpractice  
110 actions and in wrongful death actions, the failure of the  
111 Department of Financial Services or the appropriate agency to  
112 make final disposition of a claim within 90 days after it is  
113 filed shall be deemed a final denial of the claim. The statute  
114 of limitations ~~for medical malpractice actions and wrongful~~  
115 ~~death actions~~ is tolled as to all prospective defendants for the  
116 period of time taken by the Department of Financial Services or  
117 the appropriate agency to deny the claim. ~~The provisions of This~~  
118 subsection does ~~de~~ not apply to ~~such~~ claims that ~~as~~ may be  
119 asserted by counterclaim pursuant to s. 768.14.

120 (7) In actions brought pursuant to this section, process  
121 must ~~shall~~ be served upon the head of the agency concerned and  
122 also, except as to a defendant municipality, county, or the  
123 Florida Space Authority, upon the Department of Financial  
124 Services, ~~and~~ The department or the agency served has ~~concerned~~  
125 ~~shall have~~ 30 days within which to file responsive pleadings  
126 ~~plead thereto.~~

127 (8) An ~~No~~ attorney may not charge, demand, receive, or



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128 collect, for services rendered, fees in excess of 25 percent of  
129 any funds recovered as a result of judgment or settlement.

130

131 ===== T I T L E A M E N D M E N T =====

132 And the title is amended as follows:

133 Delete lines 5 - 23

134 and insert:

135 and subdivisions for tort claims; revising exceptions  
136 relating to instituting actions on tort claims against  
137 the state or one of its agencies or subdivisions;  
138 revising the period after which the failure of certain  
139 entities to make final disposition of a claim shall be  
140 deemed a final denial of the claim for certain  
141 purposes; revising the statute of limitations for tort