

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 limit on certain attorney fees;

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

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

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 apply to actions against nonresidents.

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

Section 2. Subsection (5), paragraphs (a) and (d) of subsection (6), subsection (8), and subsection (14) of section 768.28, Florida Statutes, are amended to read:

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

(5)(a) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of \$400,000 ~~\$200,000~~ or any claim or judgment, or portions 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 \$600,000 ~~\$300,000~~. However, a judgment or judgments may be claimed and rendered in excess of these amounts

76 ~~and may be settled~~ and paid pursuant to this act up to \$400,000
77 or \$600,000 ~~\$200,000 or \$300,000~~, as the case may be; and that
78 portion of the judgment that exceeds these amounts may be
79 reported to the Legislature, and ~~but~~ may be paid in part or in
80 whole ~~only~~ by further act of the Legislature.

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

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

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

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

100 (c) The limitations of liability set forth in this

subsection ~~shall~~ apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

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

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

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

(6) (a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the

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

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

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

(d) For purposes of this section, complete, accurate, and

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

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

(8) An ~~No~~ attorney may not charge, demand, receive, or collect, for services rendered, fees in excess of 15 ~~25~~ percent of any judgment or settlement.

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

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

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

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

(d) Within 15 years after the victim reaches the age of majority for any action arising from acts constituting a violation of s. 794.011 involving a victim who was younger than

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the age of 16 at the time of the act. This paragraph applies to any such action other than one which would have been time barred on or before July 1, 2010, under s. 95.11(9).

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

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

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

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