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

33 768.28 Waiver of sovereign immunity in tort actions;  
34 recovery limits; civil liability for damages caused during a  
35 riot; limitation on attorney fees; statute of limitations;  
36 exclusions; indemnification; risk management programs.—

37 (5) (a) The state and its agencies and subdivisions shall be  
38 liable for tort claims in the same manner and to the same extent  
39 as a private individual under like circumstances, but liability  
40 shall not include punitive damages or interest for the period  
41 before judgment. Neither the state nor its agencies or  
42 subdivisions shall be liable to pay a claim or a judgment by any  
43 one person which exceeds the sum of \$400,000 ~~\$200,000~~ or any  
44 claim or judgment, or portions thereof, which, when totaled with  
45 all other claims or judgments paid by the state or its agencies  
46 or subdivisions arising out of the same incident or occurrence,  
47 exceeds the sum of \$600,000 ~~\$300,000~~. However, a judgment or  
48 judgments may be claimed and rendered in excess of these amounts  
49 ~~and may be settled~~ and paid pursuant to this act up to \$400,000  
50 ~~or \$600,000~~ ~~\$200,000~~ ~~or \$300,000~~, as the case may be; and that  
51 portion of the judgment that exceeds these amounts may be  
52 reported to the Legislature, and ~~but~~ may be paid in part or in  
53 whole ~~only~~ by further act of the Legislature.

54 (b) Notwithstanding the limited waiver of sovereign  
55 immunity provided in paragraph (a) herein, the state or an  
56 agency or subdivision thereof may agree, ~~within the limits of~~  
57 ~~insurance coverage provided~~, to settle a claim made or a  
58 judgment rendered against it in excess of the waiver provided in

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59 paragraph (a) without further action by the Legislature, but the  
60 state or agency or subdivision thereof shall not be deemed to  
61 have waived any defense of sovereign immunity or to have  
62 increased the limits of its liability as a result of its  
63 obtaining insurance coverage for tortious acts in excess of the  
64 ~~\$200,000 or \$300,000~~ waiver provided in paragraph (a). An  
65 insurance policy may not condition the payment of benefits, in  
66 whole or in part, on the enactment of a claim bill above.

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

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

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

86 (f) Beginning July 1, 2024, and every July 1 thereafter,  
87 the Department of Financial Services shall adjust the

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88 limitations of liability in this subsection to reflect changes  
89 in the Consumer Price Index for the Southeast or a successor  
90 index as calculated by the United States Department of Labor.

91 (6) (a) An action may not be instituted on a claim against  
92 the state or one of its agencies or subdivisions unless the  
93 claimant presents the claim in writing to the appropriate  
94 agency, and also, except as to any claim against a municipality,  
95 county, or the Florida Space Authority, presents such claim in  
96 writing to the Department of Financial Services, within 3 years  
97 after such claim accrues and the Department of Financial  
98 Services or the appropriate agency denies the claim in writing;  
99 except that, if:

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

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

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

115 (14) Every claim against the state or one of its agencies  
116 or subdivisions for damages for a negligent or wrongful act or

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117 omission pursuant to this section shall be forever barred unless  
118 the civil action is commenced by filing a complaint in the court  
119 of appropriate jurisdiction within 4 years after such claim  
120 accrues; except that:

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

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

126 (c) An action arising from acts constituting a violation of  
127 s. 794.011 involving a victim who was younger than the age of 16  
128 at the time of the act may be commenced at any time pursuant to  
129 s. 95.11(9).

130 Section 2. Sections 45.061, 110.504, 111.071, 163.01,  
131 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31,  
132 284.38, 322.13, 337.19, 341.302, 373.1395, 375.251, 381.0056,  
133 393.075, 395.1055, 403.706, 409.993, 455.221, 455.32, 456.009,  
134 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106,  
135 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355,  
136 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33, 1002.333,  
137 1002.34, 1002.55, 1002.83, 1002.88, 1006.24, and 1006.261,  
138 Florida Statutes, are reenacted for the purpose of incorporating  
139 the amendments made by this act to s. 768.28, Florida Statutes,  
140 in references thereto.

141 Section 3. This act applies to claims accruing on or after  
142 October 1, 2023.

143 Section 4. This act shall take effect October 1, 2023.