

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.