

## **Florida Raises Local Government Tort Exposure Under Sovereign Immunity Bill**

**HB 145 – Rep. Fiona McFarland (SB 1366 – Sen. Jason Brodeur)**

### **General Bill Summary**

HB 145 revises Florida’s waiver of sovereign immunity in tort. In the enrolled version, it increases the general liability caps in s. 768.28 from \$200,000 per person / \$300,000 per incident to \$350,000 per person / \$500,000 per incident. It keeps excess judgments above those caps subject to further legislative action unless otherwise payable within insurance limits. The bill also revises claim-processing and litigation rules, including claim presentment, when a claim is deemed denied, and the filing deadlines for certain tort actions. The bill applies to causes of action that accrue on or after October 1, 2026. It also makes conforming changes to several cross-references tied to s. 768.28.

### **Potential County Impact**

For counties, the most direct impact is higher exposure on tort claims governed by s. 768.28. County budgets, reserves, insurance programs, settlement strategy, and risk-management practices may need review because the statutory cap rises to \$350,000/\$500,000. Counties remain exempt from the requirement to present claims to the Department of Financial Services, but they are still covered by the sovereign-immunity framework in s. 768.28. The enrolled bill also appears to tighten some litigation timelines, including a 2-year filing period for negligence actions and a 6-month period before a non-medical/non-wrongful-death claim is deemed denied if no final disposition is made. Operationally, counties may want to revisit claims administration, notice tracking, record retention, litigation reserves, and coordination with constitutional officers, self-insurance pools, and outside counsel before the October 2026 applicability date. Fiscal impact will vary by county depending on claims volume, insurance structure, and pending risk exposure.

### **Effective Date**

**October 1, 2026.** The act applies to causes of action that accrue on or after that date.

### **Primary Statutory References**

**Amended:** s. 768.28, F.S.; s. 29.0081, F.S.; s. 39.8297, F.S.; s. 343.811, F.S.; s. 944.713, F.S.

**County-relevant reenacted cross-references:** s. 125.01015, F.S.; s. 163.01, F.S.

