

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL: SB 1268  
 INTRODUCER: Senator Simmons  
 SUBJECT: Action for Damages  
 DATE: February 7, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Irwin	Cibula	JU	<b>Favorable</b>
2.	Harkness	Sadberry	BJA	<b>Pre-meeting</b>
3.			BC	
4.			RC	
5.				
6.				

**I. Summary:**

This bill repeals s. 768.75, F.S., which authorizes a court in a negligence action to require the attorneys, parties, and persons having authority to settle to attend a settlement action at least 3 weeks before trial.

This bill repeals section 768.75, Florida Statutes.

**II. Present Situation:**

While s. 768.75, F.S., authorizes a court to order a pretrial settlement conference requiring all necessary parties to attend, Rule 1.200(a)(7), Fla. R. Civ. P., states that “[a]t any time after responsive pleadings or motions are due, the court may order . . . a case management conference. . . . At such a conference the court may . . . pursue the possibility of settlement.” And, Rule 1.200(b)(6), Fla. R. Civ. P., states that “[a]fter the action is at issue the court itself may or shall on the timely motion of any party require the parties to appear for a conference to consider and determine . . . any matters permitted under subdivision (a) of this rule.”

Furthermore, Fed. R. Civ. P. 16, states that “[i]n any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as . . . facilitating settlement.”

**III. Effect of Proposed Changes:**

This bill repeals s. 768.75, F.S., which states that:

- In negligence cases, the court may require a settlement conference to be held at least 3 weeks before the date set for trial; and
- The attorneys who will conduct the trial, parties, and persons with authority to settle shall attend the settlement conference held before the court unless excused by the court for good cause.

This bill takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Committee staff does not anticipate any significant private sector impact because these settlement conferences are provided for under both the Florida Rules of Civil Procedure and the Federal Rules of Civil Procedure.

C. Government Sector Impact:

Committee staff does not anticipate any significant government sector impact because these settlement conferences are provided for under both the Florida Rules of Civil Procedure and the Federal Rules of Civil Procedure.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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