

3875</W>

Amendment No. ____ (for drafter's use only)

CHAMBER ACTION

<W>Senate</W>

<W>House</W>

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2	.
3	.
4	.

ORIGINAL STAMP BELOW

11 Representative(s) Wiles offered the following:

Amendment (with title amendment)

14 On page 4, line 6 through page 6, line 18
15 remove from the bill: all of said lines

17 and insert in lieu thereof:

18 Section 2. Section 768.36, Florida Statutes, is
19 created to read:

20 768.36 Alcohol or drug defense.--

21 (1) As used in this section, the term:

22 (a) "Alcoholic beverage" means distilled spirits and
23 any beverage that contains 0.5 percent or more alcohol by
24 volume as determined in accordance with s. 561.01(4)(b).

25 (b) "Drug" means any chemical substance set forth in
26 s. 877.111, or any substance controlled under chapter 893. The
27 term does not include any drug or medication obtained by the
28 plaintiff pursuant to a prescription, as defined in s. 893.02,
29 which was taken in accordance with the prescription, or any
30 medication that is authorized pursuant to state or federal law
31 for general distribution and use without a prescription in

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1 treating human diseases, ailments, or injuries, and that was
 2 taken in the recommended dosage.
 3 (2) In any civil action, a plaintiff who, at the time
 4 he or she was injured, was under the influence of any
 5 alcoholic beverage or drug to the extent that the plaintiff's
 6 normal faculties were impaired, or who had a blood or breath
 7 alcohol level of 0.08 percent or higher, and, as a result of
 8 the influence of such alcoholic beverage or drug, was more
 9 than 50 percent at fault for such plaintiff's harm, may not
 10 recover any damages for loss or injury to his or her person or
 11 property.

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, lines 8 through 16
 17 remove from the title of the bill: all of said lines

19 and insert in lieu thereof:

20 presumption; creating s. 768.36, F.S.;

21 prohibiting a plaintiff from recovering damages

22 if the plaintiff was more than a specified

23 percentage at fault due to the influence of an

24 alcoholic beverage or drugs; providing an