

By Representative Byrd

1 A bill to be entitled
 2 An act relating to negligence; amending s.
 3 768.125, F.S.; providing civil liability for
 4 injury or damage resulting from intoxication
 5 under certain circumstances with respect to
 6 certain persons who negligently provide
 7 alcoholic beverages to visibly intoxicated
 8 persons; providing a cap on noneconomic damages
 9 under certain circumstances; providing for the
 10 award of punitive damages to be used to provide
 11 financial assistance to the survivors of law
 12 enforcement officers killed in the line of duty
 13 by persons under the influence of alcoholic
 14 beverages; providing a procedure for payment;
 15 providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Section 768.125, Florida Statutes, is
 20 amended to read:

21 768.125 Liability for injury or damage resulting from
 22 intoxication; cap on damages; punitive damages.--

23 (1) Any person licensed under chapter 561 who
 24 negligently sells, gives, or furnishes, or otherwise provides
 25 alcoholic beverages to a person who is visibly intoxicated of
 26 lawful drinking age shall be not thereby become liable for
 27 injury or damage caused by or resulting from the intoxication
 28 of such person. Any, except that a person who willfully and
 29 unlawfully sells, gives, or furnishes, or otherwise provides
 30 alcoholic beverages to a person who, through reasonable
 31 procedures, should have been known to be is not of lawful

1 drinking age or who negligently ~~knowingly~~ serves a person
2 habitually addicted to the excessive use of any or all
3 alcoholic beverages may become liable for injury or damage
4 caused by or resulting from the intoxication of such minor or
5 person.

6 (2) In any civil action based on negligence pursuant
7 to the provisions of this section, the amount of noneconomic
8 damages recoverable shall not exceed \$250,000; provided that
9 the defendant admits liability within 90 days after service of
10 the complaint in any civil action filed pursuant to this
11 section.

12 (3) In any civil action based on negligence pursuant
13 to the provisions of this section where punitive damages are
14 awarded, the punitive damages shall be deposited into the
15 Operating Trust Fund of the Department of Law Enforcement for
16 the purpose of providing financial assistance to the survivors
17 of law enforcement officers who were killed in the line of
18 duty by persons under the influence of alcoholic beverages.
19 The clerk of the court shall transmit a copy of the jury
20 verdict to the State Treasurer by certified mail. The
21 Department of Banking and Finance shall collect or cause to be
22 collected all payments due under this section. Such payments
23 shall be made to the Comptroller and deposited into the
24 Operating Trust Fund of the Department of Law Enforcement.

25 Section 2. This act shall take effect October 1, 1997.
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HOUSE SUMMARY

Provides that any person licensed under chapter 561, F.S., (the Beverage Law) who negligently sells, gives, furnishes, or otherwise provides alcoholic beverages to a person who is visibly intoxicated shall be liable for injury or damages caused by or resulting from the intoxication of such person. Provides that any person licensed under chapter 561, F.S., who negligently sells, gives, furnishes, or otherwise provides alcoholic beverages to a person who, through reasonable procedures, should have been known to be not of lawful drinking age or to a person habitually addicted to the excessive use of alcoholic beverages may be liable for injury or damage caused by or resulting from the intoxication of such person.

Provides a cap on noneconomic damages in civil actions, under the act, of \$250,000; provided that the defendant admits liability within 90 days after service of the complaint. Provides that punitive damages shall be deposited into the Operating Trust Fund of the Department of Law Enforcement to be used to provide financial assistance to the survivors of law enforcement officers killed in the line of duty by persons under the influence of alcoholic beverages. See bill for details.