

By Representatives Bronson and Bainter

1                                   A bill to be entitled  
2           An act relating to comparative fault; amending  
3           s. 768.81, F.S.; specifying an additional type  
4           of negligence case for purposes of comparative  
5           fault in civil actions for damages; deleting  
6           actions based on an intentional tort from  
7           exclusions from application; providing an  
8           effective date.

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

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12           Section 1. Subsection (4) of section 768.81, Florida  
13   Statutes, is amended to read:

14           768.81 Comparative fault.--

15           (4) APPLICABILITY.--

16           (a) This section applies to negligence cases. For  
17   purposes of this section, "negligence cases" includes, but is  
18   not limited to, civil actions for damages based upon theories  
19   of negligence, strict liability, products liability,  
20   professional malpractice whether couched in terms of contract  
21   or tort, or breach of warranty and like theories, and  
22   negligence actions for damages, based upon an intentional  
23   tort, including, but not limited to, criminal conduct. In  
24   determining whether a case falls within the term "negligence  
25   cases," the court shall look to the substance of the action  
26   and not the conclusory terms used by the parties.

27           (b) This section does not apply to any action brought  
28   by any person to recover actual economic damages resulting  
29   from pollution, ~~to any action based upon an intentional tort,~~  
30   or to any cause of action as to which application of the  
31   doctrine of joint and several liability is specifically

1 provided by chapter 403, chapter 498, chapter 517, chapter  
2 542, or chapter 895.

3 Section 2. This act shall take effect July 1, 2000.

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6 HOUSE SUMMARY

7 Includes within "negligence cases" for purposes of  
8 comparative fault in civil actions for damages negligence  
9 actions for damages based upon an intentional tort,  
including criminal conduct. Deletes from exclusions from  
10 application actions based on an intentional tort.

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