

By Senator Peaden

1-1309A-01

See HB 211

1 A bill to be entitled
2 An act relating to the Florida Evidence Code;
3 creating s. 90.4026, F.S.; providing
4 definitions; providing for the inadmissibility
5 of certain statements, writings, or benevolent
6 gestures as evidence of an admission of
7 liability in a civil action; providing for the
8 admissibility of certain statements; providing
9 an effective date.

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

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13 Section 1. Section 90.4026, Florida Statutes, is
14 created to read:

15 90.4026 Statements expressing sympathy; admissibility;
16 definitions.--

17 (1) As used in this section:

18 (a) "Accident" means an occurrence resulting in injury
19 or death to one or more persons which is not the result of
20 willful action by a party.

21 (b) "Benevolent gestures" means actions that convey a
22 sense of compassion or commiseration emanating from human
23 impulses.

24 (c) "Family" means the spouse, parent, grandparent,
25 stepmother, stepfather, child, grandchild, brother, sister,
26 half-brother, half-sister, adopted child of parent, or
27 spouse's parent of an injured party.

28 (2) The portion of statements, writings, or benevolent
29 gestures expressing sympathy or a general sense of benevolence
30 relating to the pain, suffering, or death of a person involved
31 in an accident and made to that person or to the family of

1 that person shall be inadmissible as evidence in a civil
2 action. A statement of fault, however, which is part of, or in
3 addition to, any of the above shall be admissible pursuant to
4 this section.

5 Section 2. This act shall take effect upon becoming a
6 law.

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9 LEGISLATIVE SUMMARY

10 Provides that the portion of statements, writings, or
11 benevolent gestures expressing sympathy or a general
12 sense of benevolence relating to the pain, suffering, or
13 death of a person involved in an accident and made to
14 that person or to the family of that person shall be
15 inadmissible as evidence in a civil action. Provides that
16 a statement of fault which is part of, or in addition to,
17 such statements, writings, or gestures shall be
18 admissible. (See bill for details.)
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