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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 in a civil action;  
7 providing for the admissibility of certain  
8 statements; providing an 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. Section 90.4026, Florida Statutes, is  
13 created to read:

14 90.4026 Statements expressing sympathy; admissibility;  
15 definitions.--

16 (1) As used in this section:

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

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

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

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

1 action. A statement of fault, however, which is part of, or in  
2 addition to, any of the above shall be admissible pursuant to  
3 this section.

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

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