

By Senator Geller

29-1210-01

1                                   A bill to be entitled  
2           An act relating to judgments; creating s.  
3           55.032, F.S.; requiring that the court include  
4           prejudgment interest in a judgment on certain  
5           actions for personal injury or wrongful death;  
6           providing for the rate of interest; providing  
7           an exception; providing for the act to apply to  
8           actions pending on a specified date; 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 55.032, Florida Statutes, is  
14 created to read:

15           55.032 Prejudgment interest in actions for personal  
16 injury or wrongful death.--

17           (1) In an action for personal injury or wrongful death  
18 in which the plaintiff is entitled to recover costs and  
19 attorney's fees under s. 768.79, the court shall include in  
20 the judgment interest at the rate specified in s. 55.03 on the  
21 amount of the award, with the interest accruing from the date  
22 of filing the demand for judgment by the plaintiff or, if the  
23 demand is not filed, from the date of service of the demand  
24 for judgment on the defendant.

25           (2) This section does not authorize the court to  
26 assess prejudgment interest against the state or any agency or  
27 subdivision of the state, including a hospital that is owned  
28 and operated by a governmental entity or its agents or  
29 employees.

30           Section 2. This act shall take effect October 1, 2001,  
31 and applies to actions pending on that date or filed after

1 that date. With respect to an action pending on October 1,  
2 2001, prejudgment interest shall begin to accrue on November  
3 1, 2001.

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6 SENATE SUMMARY

7 Requires the court to award prejudgment interest in an  
8 action for personal injury or wrongful death in which the  
9 plaintiff is entitled to recover costs and attorney's  
10 fees. Prohibits an assessment of prejudgment interest  
11 against the state or a state agency, including a hospital  
12 operated by a governmental entity. Provides for the act  
13 to apply to cases pending on October 1, 2001, with  
14 interest accruing from November 1, 2001.  
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