

By Representative Maygarden

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 of fault;  
9           providing 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 which 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 of an admission  
2 of liability in a civil action. A statement of fault, however,  
3 which is part of, or in addition to, any of the above shall be  
4 admissible pursuant to this section.

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

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9 HOUSE 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 of an admission of liability in  
16 a civil action. Provides that a statement of fault, which  
17 is part of, or in addition to, such statements, writings,  
18 or gestures shall be admissible. See bill for details.  
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