

By the Council for Smarter Government and 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 in a civil action;
7 providing for the admissibility of certain
8 statements of fault; providing an effective
9 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 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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