

By Representative Baker

1 A bill to be entitled
2 An act relating to comparative fault; amending
3 s. 768.81, F.S.; specifying an additional type
4 of negligence case for purposes of comparative
5 fault in civil actions for damages; deleting
6 actions based on an intentional tort from
7 exclusions from application; providing an
8 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. Subsection (4) of section 768.81, Florida
13 Statutes, is amended to read:

14 768.81 Comparative fault.--

15 (4) APPLICABILITY.--

16 (a) This section applies to negligence cases. For
17 purposes of this section, "negligence cases" includes, but is
18 not limited to, civil actions for damages based upon theories
19 of negligence, strict liability, products liability,
20 professional malpractice whether couched in terms of contract
21 or tort, or breach of warranty and like theories, and
22 negligence actions for damages, based upon an intentional
23 tort, including, but not limited to, criminal conduct. In
24 determining whether a case falls within the term "negligence
25 cases," the court shall look to the substance of the action
26 and not the conclusory terms used by the parties.

27 (b) This section does not apply to any action brought
28 by any person to recover actual economic damages resulting
29 from pollution, ~~to any action based upon an intentional tort,~~
30 or to any cause of action as to which application of the
31 doctrine of joint and several liability is specifically

1 provided by chapter 403, chapter 498, chapter 517, chapter
2 542, or chapter 895.

3 Section 2. This act shall take effect July 1, 2001.

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6 HOUSE SUMMARY

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8 Includes within "negligence cases" for purposes of
9 comparative fault in civil actions for damages negligence
10 actions for damages based upon an intentional tort,
11 including criminal conduct. Deletes from exclusions from
12 application actions based on an intentional tort.

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