



HB 1439

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A bill to be entitled
 An act relating to comparative fault; amending s. 768.81,
 F.S.; providing for the inclusion of negligence actions
 based upon intentional torts in the type of actions
 subject to the allocation of damages based on comparative
 fault; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 768.81, Florida
 Statutes, is amended to read:

768.81 Comparative fault.--

(4) APPLICABILITY.--

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

(b) This section does not apply to any action brought by
 any person to recover actual economic damages resulting from
 pollution, ~~to any action based upon an intentional tort,~~ or to
 any cause of action as to which application of the doctrine of
 joint and several liability is specifically provided by chapter
 403, chapter 498, chapter 517, chapter 542, or chapter 895.



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Section 2. This act shall take effect July 1, 2003.