

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) **Ambler** offered the following:

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3 **Amendment (with directory and title amendments)**

4 Remove line(s) 66-123 and insert:

5 liability. Notwithstanding any other provision of law to the
6 contrary, fault shall not be allocated to a nonparty to the
7 action, and no nonparty to the action, whether named or unnamed,
8 shall be included on the verdict form for purposes of
9 apportioning damages., except as provided in paragraphs (a),
10 (b), and (c):

11 (a) Where a plaintiff is found to be at fault, the
12 following shall apply:

13 1. Any defendant found 10 percent or less at fault shall
14 not be subject to joint and several liability.

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15 ~~2. For any defendant found more than 10 percent but less~~
16 ~~than 25 percent at fault, joint and several liability shall not~~
17 ~~apply to that portion of economic damages in excess of \$200,000.~~

18 ~~3. For any defendant found at least 25 percent but not~~
19 ~~more than 50 percent at fault, joint and several liability shall~~
20 ~~not apply to that portion of economic damages in excess of~~
21 ~~\$500,000.~~

22 ~~4. For any defendant found more than 50 percent at fault,~~
23 ~~joint and several liability shall not apply to that portion of~~
24 ~~economic damages in excess of \$1 million.~~

25
26 ~~For any defendant under subparagraph 2., subparagraph 3., or~~
27 ~~subparagraph 4., the amount of economic damages calculated under~~
28 ~~joint and several liability shall be in addition to the amount~~
29 ~~of economic and noneconomic damages already apportioned to that~~
30 ~~defendant based on that defendant's percentage of fault.~~

31 ~~(b) Where a plaintiff is found to be without fault, the~~
32 ~~following shall apply:~~

33 ~~1. Any defendant found less than 10 percent at fault shall~~
34 ~~not be subject to joint and several liability.~~

35 ~~2. For any defendant found at least 10 percent but less~~
36 ~~than 25 percent at fault, joint and several liability shall not~~
37 ~~apply to that portion of economic damages in excess of \$500,000.~~

38 ~~3. For any defendant found at least 25 percent but not~~
39 ~~more than 50 percent at fault, joint and several liability shall~~
40 ~~not apply to that portion of economic damages in excess of \$1~~
41 ~~million.~~

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42 ~~4. For any defendant found more than 50 percent at fault,~~
43 ~~joint and several liability shall not apply to that portion of~~
44 ~~economic damages in excess of \$2 million.~~

45
46 ~~For any defendant under subparagraph 2., subparagraph 3., or~~
47 ~~subparagraph 4., the amount of economic damages calculated under~~
48 ~~joint and several liability shall be in addition to the amount~~
49 ~~of economic and noneconomic damages already apportioned to that~~
50 ~~defendant based on that defendant's percentage of fault.~~

51 ~~(c) With respect to any defendant whose percentage of~~
52 ~~fault is less than the fault of a particular plaintiff, the~~
53 ~~doctrine of joint and several liability shall not apply to any~~
54 ~~damages imposed against the defendant.~~

55 ~~(d) In order to allocate any or all fault to a nonparty, a~~
56 ~~defendant must affirmatively plead the fault of a nonparty and,~~
57 ~~absent a showing of good cause, identify the nonparty, if known,~~
58 ~~or describe the nonparty as specifically as practicable, either~~
59 ~~by motion or in the initial responsive pleading when defenses~~
60 ~~are first presented, subject to amendment any time before trial~~
61 ~~in accordance with the Florida Rules of Civil Procedure.~~

62 ~~(e) In order to allocate any or all fault to a nonparty~~
63 ~~and include the named or unnamed nonparty on the verdict form~~
64 ~~for purposes of apportioning damages, a defendant must prove at~~
65 ~~trial, by a preponderance of the evidence, the fault of the~~
66 ~~nonparty in causing the plaintiff's injuries.~~

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68 ===== T I T L E A M E N D M E N T =====

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HOUSE AMENDMENT

Bill No. HB 1513 CS

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69 Remove line(s) 13 and insert:
70 768.81, F.S.; prohibiting allocation of fault to a nonparty and
71 inclusion on jury verdict form; deleting exceptions to a
72 requirement for

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