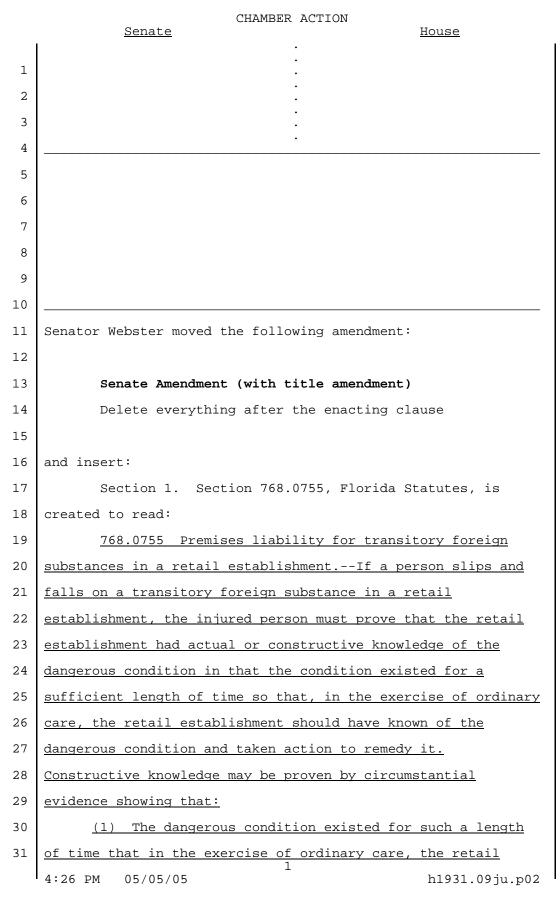
Bill No. <u>HB 1931, 1st Eng.</u>

## Barcode 763998



SENATOR AMENDMENT

Bill No. <u>HB 1931, 1st Eng.</u>

## Barcode 763998

1 establishment should have known of the condition; or (2) The condition occurred with regularity and was 2 therefore foreseeable. 3 4 Section 2. Subsection (4) of section 768.81, Florida Statutes, is amended to read: 5 б 768.81 Comparative fault.--7 (4) APPLICABILITY.--(a) This section applies to negligence cases. For 8 purposes of this section, the term "negligence cases" 9 10 includes, but is not limited to, civil actions for damages 11 based upon theories of negligence, including negligent security resulting in the commission of an intentional tort or 12 criminal act; strict liability; products liability; 13 professional malpractice whether couched in terms of contract 14 15 or tort; , or breach of warranty and like theories. In determining whether a case falls within the term "negligence 16 cases," the court shall look to the substance of the action 17 and not the conclusory terms used by the parties. 18 19 (b) This section does not apply to any action brought 20 by any person to recover actual economic damages resulting 21 from pollution, to any action in which an intentional 22 tortfeasor seeks to apportion fault to a negligent tortfeasor 23 based upon an intentional tort, or to any cause of action as 2.4 to which application of the doctrine of joint and several liability is specifically provided by chapter 403, chapter 25 498, chapter 517, chapter 542, or chapter 895. 26 Section 3. Section 768.0710, Florida Statutes, is 27 28 repealed. 29 Section 4. For the purpose of incorporating the amendment to section 768.81, Florida Statutes, in a reference 30 31 thereto, section 25.077, Florida Statutes, is reenacted to 2 4:26 PM 05/05/05 h1931.09ju.p02

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1	read:
2	25.077 Negligence case settlements and jury verdicts;
3	case reportingThrough the state's uniform case reporting
4	system, the clerk of court shall report to the Office of the
5	State Courts Administrator, beginning in 2003, information
6	from each settlement or jury verdict and final judgment in
7	negligence cases as defined in s. 768.81(4), as the President
8	of the Senate and the Speaker of the House of Representatives
9	deem necessary from time to time. The information shall
10	include, but need not be limited to: the name of each
11	plaintiff and defendant; the verdict; the percentage of fault
12	of each; the amount of economic damages and noneconomic
13	damages awarded to each plaintiff, identifying those damages
14	that are to be paid jointly and severally and by which
15	defendants; and the amount of any punitive damages to be paid
16	by each defendant.
17	Section 5. This act shall take effect July 1, 2005.
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19	
20	======= TITLE AMENDMENT =========
21	And the title is amended as follows:
22	Delete everything before the enacting clause
23	
24	and insert:
25	An act relating to negligence; creating s.
26	768.0755, F.S.; providing that if a person
27	slips and falls on a transitory foreign
28	substance in a retail establishment, the
29	injured person must prove that the retail
30	establishment had knowledge of the condition in
31	that the condition existed for a sufficient
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1	time for the retail establishment to have taken
2	action to remedy the condition; providing that
3	constructive knowledge may be proven by
4	circumstantial evidence; amending s. 768.81,
5	F.S.; redefining the term "negligence cases" as
6	it relates to comparative fault to include
7	claims for negligent security in which the
8	defendant is sued for failing to prevent the
9	commission of an intentional tort; providing
10	that the apportionment of damages does not
11	apply to any action in which an intentional
12	tortfeasor is sued and seeks to apportion fault
13	to a negligent tortfeasor; repealing s.
14	768.0710, F.S., relating to the duty to
15	maintain premises in a reasonably safe
16	condition for the safety of business invitees;
17	reenacting s. 25.077, F.S., relating to the
18	duty of the clerk of court to report certain
19	information concerning negligence cases, to
20	incorporate the amendment made to s. 768.81,
21	F.S., in a reference thereto; providing an
22	effective date.
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