

Bill No. CS for SB 2566

Barcode 660092

CHAMBER ACTION

Senate

House

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Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

On page 2, line 17, through page 5, line 28, delete those lines

and insert:

Section 2. 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, the term "negligence cases" includes, but is not limited to, civil actions for damages based upon theories of negligence, including negligent security resulting in the commission of an intentional tort or criminal act; strict liability;i products liability;i professional malpractice whether couched in terms of contract or tort;i or breach of warranty and like theories. In determining whether a case falls within the term "negligence cases," the court shall look to the substance of the action

Bill No. CS for SB 2566

Barcode 660092

1 and not the conclusory terms used by the parties.

2 (b) This section does not apply to any action brought
3 by any person to recover actual economic damages resulting
4 from pollution, to any action in which an intentional
5 tortfeasor seeks to apportion fault to a negligent tortfeasor
6 ~~based upon an intentional tort~~, or to any cause of action as
7 to which application of the doctrine of joint and several
8 liability is specifically provided by chapter 403, chapter
9 498, chapter 517, chapter 542, or chapter 895.

10 Section 3. Section 768.0710, Florida Statutes, is
11 repealed.

12 Section 4. For the purpose of incorporating the
13 amendment to section 768.81, Florida Statutes, in a reference
14 thereto, section 25.077, Florida Statutes, is reenacted to
15 read:

16 25.077 Negligence case settlements and jury verdicts;
17 case reporting.--Through the state's uniform case reporting
18 system, the clerk of court shall report to the Office of the
19 State Courts Administrator, beginning in 2003, information
20 from each settlement or jury verdict and final judgment in
21 negligence cases as defined in s. 768.81(4), as the President
22 of the Senate and the Speaker of the House of Representatives
23 deem necessary from time to time. The information shall
24 include, but need not be limited to: the name of each
25 plaintiff and defendant; the verdict; the percentage of fault
26 of each; the amount of economic damages and noneconomic
27 damages awarded to each plaintiff, identifying those damages
28 that are to be paid jointly and severally and by which
29 defendants; and the amount of any punitive damages to be paid
30 by each defendant.

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Bill No. CS for SB 2566

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1 (Redesignate subsequent sections)

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

5 And the title is amended as follows:

6 On page 1, lines 12-25, delete those lines

7

8 and insert:

9 circumstantial evidence; amending s. 768.81, F.S.;

10 redefining the term "negligence cases" as it relates to

11 comparative fault to include claims for negligent security in

12 which the defendant is sued for failing to prevent the

13 commission of an intentional tort; providing that the

14 apportionment of damages does not apply to any action in which

15 an intentional tortfeasor is sued and seeks to apportion fault

16 to a negligent tortfeasor; repealing s. 768.0710, F.S.,

17 relating to the duty to maintain premises in a reasonably safe

18 condition for the safety of business invitees; reenacting s.

19 25.077, F.S., relating to the duty of the clerk of court to

20 report certain information concerning negligence cases, to

21 incorporate the amendment made to s. 768.81, F.S., in a

22 reference thereto;

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