

1 adjudged legally liable to the plaintiff for its share of the
 2 damages. All presuit requirements and any tolling provisions
 3 set forth therein are applicable to any defendant choosing to
 4 join a person to the action. Notwithstanding any other
 5 provision of law, there shall be no setoffs in actions to
 6 which this section applies., except as provided in paragraphs
 7 (a), (b), and (c):

8 ~~(a) Where a plaintiff is found to be at fault, the~~
 9 ~~following shall apply:~~

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

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

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

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

23
 24 ~~For any defendant under subparagraph 2., subparagraph 3., or~~
 25 ~~subparagraph 4., the amount of economic damages calculated~~
 26 ~~under joint and several liability shall be in addition to the~~
 27 ~~amount of economic and noneconomic damages already apportioned~~
 28 ~~to that defendant based on that defendant's percentage of~~
 29 ~~fault.~~

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

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

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

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

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

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15 ~~For any defendant under subparagraph 2., subparagraph 3., or~~
16 ~~subparagraph 4., the amount of economic damages calculated~~
17 ~~under joint and several liability shall be in addition to the~~
18 ~~amount of economic and noneconomic damages already apportioned~~
19 ~~to that defendant based on that defendant's percentage of~~
20 ~~fault.~~

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

25 ~~(d) In order to allocate any or all fault to a~~
26 ~~nonparty, a defendant must affirmatively plead the fault of a~~
27 ~~nonparty and, absent a showing of good cause, identify the~~
28 ~~nonparty, if known, or describe the nonparty as specifically~~
29 ~~as practicable, either by motion or in the initial responsive~~
30 ~~pleading when defenses are first presented, subject to~~
31 ~~amendment any time before trial in accordance with the Florida~~

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1 ~~Rules of Civil Procedure.~~

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

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8

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

10 And the title is amended as follows:

11 On line 3, after the second semicolon,

12

13 insert:

14 providing for apportionment of fault; providing
15 for joinder of parties;

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