

By Senator Baker

20-1033-07

1 A bill to be entitled
 2 An act relating to offers of settlement in
 3 civil actions; amending s. 768.79, F.S.;
 4 providing that separate offers of settlement
 5 may not be made to an allegedly negligent
 6 defendant and a defendant alleged to be
 7 vicariously liable for the negligent defendant
 8 if both defendants are sued in the same case;
 9 requiring plaintiffs who make offers of
 10 settlement to serve one offer of settlement on
 11 both such defendants having a single sum
 12 applicable to both defendants; authorizing such
 13 defendants to make an offer of settlement for a
 14 single sum offered jointly by the defendants;
 15 providing an effective date.

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

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 19 Section 1. Subsection (2) of section 768.79, Florida
 20 Statutes, is amended to read:

21 768.79 Offer of judgment and demand for judgment.--

22 (2) The making of an offer of settlement which is not
 23 accepted does not preclude the making of a subsequent offer.

24 An offer must:

25 (a) Be in writing and state that it is being made
 26 pursuant to this section.

27 (b) Name the party making it and the party to whom it
 28 is being made. If an alleged actively negligent defendant and
 29 a defendant alleged to be vicariously, constructively,
 30 derivatively, or technically liable for the actively negligent
 31 defendant are sued in the same case:

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2 The offer shall be construed as including all damages which
3 may be awarded in a final judgment.

4 1. A separate offer may not be made to each such
5 defendant, but the plaintiff shall serve one offer of
6 settlement to such defendants having a single sum that is
7 applicable to both defendants. The single sum shall be
8 considered the total amount as specified in subsection (d).

9 2. An offer of settlement made by such defendants may
10 be for a single sum that is offered jointly by such
11 defendants. This single sum shall be considered the total
12 amount as specified in subsection (d).

13 (c) State with particularity the amount offered to
14 settle a claim for punitive damages, if any.

15 (d) State its total amount.

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17 The offer shall be construed as including all damages which
18 may be awarded in a final judgment.

19 Section 2. This act shall take effect July 1, 2007.

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22 SENATE SUMMARY

23 Provides that separate offers of settlement may not be
24 made to an allegedly negligent defendant and a defendant
25 alleged to be vicariously liable for the negligent
26 defendant when both defendants are sued in the same case.
27 Requires plaintiffs who make offers of settlement to
serve one offer of settlement on both such defendants
having a single sum applicable to both defendants. Allows
such defendants to make an offer of settlement for a
single sum offered jointly by the defendants.