

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 78-103 and insert:

5 (b) In a products liability action brought by the claimant
6 alleging that because of a defective product the injuries
7 received by the claimant in a motor vehicle accident were
8 greater than the injuries the claimant would have received but
9 for the defective product, the trier of fact shall consider only
10 the fault of the persons responsible for the accident in regard
11 to the injuries directly caused by the accident and shall
12 consider only the fault of the persons responsible for the
13 defective product in regard to the injuries directly caused by
14 the defective product, unless the trier of fact cannot
15 distinguish the injuries directly caused by the defective
16 product, in which case the trier of fact shall consider the

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17 fault of all persons who contributed to the accident and the
18 injuries and apportion liability between them.

19 (4) APPLICABILITY.—

20 ~~(a) This section applies to negligence cases. For purposes~~
21 ~~of this section, "negligence cases" includes, but is not limited~~
22 ~~to, civil actions for damages based upon theories of negligence,~~
23 ~~strict liability, products liability, professional malpractice~~
24 ~~whether couched in terms of contract or tort, or breach of~~
25 ~~warranty and like theories. In determining whether a case falls~~
26 ~~within the term "negligence cases," the court shall look to the~~
27 ~~substance of the action and not the conclusory terms used by the~~
28 ~~parties.~~

29 ~~(b)~~ This section does not apply to any action brought by
30 any person to recover actual economic damages resulting from
31 pollution, to any action based upon an intentional tort, to any
32 action brought by a first responder, or to any cause of action
33 as to which application of the doctrine of joint and several
34 liability is specifically provided by chapter 403, chapter 498,
35 chapter 517, chapter 542, or chapter 895. For purposes of this
36 subsection, the term "first responder" means a law enforcement
37 officer as defined in s. 943.10, a firefighter as defined in s.
38 633.30, or an emergency medical technician or paramedic as
39 defined in s. 401.23, whether such first responder is employed
40 full time, employed part time, or is a volunteer.

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44 **T I T L E A M E N D M E N T**

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45 Remove line 10 and insert:
46 action; providing that the doctrine of joint and several
47 liability applies to a tort action brought by a first responder;
48 defining the term "first responder"; providing the rules of
49 evidence apply;