

HB 7121

2011

1 A bill to be entitled
 2 An act relating to offers of settlement; repealing s.
 3 45.061, F.S., relating to offers of settlement made before
 4 1990; amending ss. 44.102 and 766.209, F.S.; conforming
 5 cross-references; providing an effective date.

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

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 9 Section 1. Section 45.061, Florida Statutes, is repealed.

10 Section 2. Subsection (5) of section 44.102, Florida
 11 Statutes, is amended to read:

12 44.102 Court-ordered mediation.—

13 (5) (a) When an action is referred to mediation by court
 14 order, the time period ~~periods~~ for responding to an ~~offer of~~
 15 ~~settlement pursuant to s. 45.061, or to an offer or demand for~~
 16 judgment pursuant to s. 768.79, ~~respectively,~~ shall be tolled
 17 until:

- 18 1. An impasse has been declared by the mediator; or
- 19 2. The mediator has reported to the court that no
- 20 agreement was reached.

21 (b) Section ~~Sections 45.061 and~~ 768.79 notwithstanding, an
 22 ~~offer of settlement or an~~ offer or demand for judgment may be
 23 made at any time after an impasse has been declared by the
 24 mediator, or the mediator has reported that no agreement was
 25 reached. An offer is deemed rejected as of commencement of
 26 trial.

27 Section 3. Subsection (2) of section 766.209, Florida
 28 Statutes, is amended to read:

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29 | 766.209 Effects of failure to offer or accept voluntary
30 | binding arbitration.—

31 | (2) If neither party requests or agrees to voluntary
32 | binding arbitration, the claim shall proceed to trial or to any
33 | available legal alternative such as offer of and demand for
34 | judgment under s. 768.79 ~~or offer of settlement under s. 45.061.~~

35 | Section 4. This act shall take effect July 1, 2011.