Florida Tort Reform Bill Signed Into Law

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On March 24, 2023, Governor Ron DeSantis signed Florida House Bill 837, “Civil Remedies,” into law. HB 837 is sweeping tort reform legislation that could change how tort cases are litigated in Florida.

Some of the highlights include:

- Changing comparative negligence standard from “pure” to “modified.”
    - Under the old rule, plaintiffs could recover a percentage of damages from a defendant no matter what percentage of fault was attributable to plaintiff.
    - However, under the new rule, no recovery is permitted if the plaintiff is more than 50% at fault.
    - This standard does not apply to medical malpractices cases.
- The law reduces the statute of limitations in simple negligence cases from four years to two years.
- The law limits the amount of medical bills that are admissible into evidence.
- The law also changes how bad faith actions are litigated against insurance companies and how attorney’s fees to prevailing parties are determined in these types of cases.
- In negligent security cases, the law now requires the trier of fact to consider the fault of all persons who contributed to the injury or death, including any criminal actors. There is also a presumption against negligent security liability for owners or operators of multifamily residential properties if certain burdens of proof are met regarding the types of safety measures that are put into place at the property (which incentivizes owners to invest in safety measures, such as lighting, deadbolts, locking devices etc.).
- The law also changes how contingency fee cases are to be calculated for attorneys’ fees.

Whether this law actually helps businesses in Florida is yet to be seen. It will take its time to work through the system as the law applies to cases filed after March 24, 2023.

We Can Help

For more information, please contact a member of our Litigation practice.