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LEGISLATIVE ACTION

Senate

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House

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Senator Burgess moved the following:

**Senate Amendment (with title amendment)**

Between lines 3498 and 3499

insert:

Section 61. Section 768.852, Florida Statutes, is created  
to read:

768.852 Limitations on damages as a result of a motor  
vehicle crash while uninsured.—

(1) Except as provided in subsection (2), if a person  
suffers bodily injury or wrongful death, or suffers damage to or  
the destruction of his or her property, as a result of a motor



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12 vehicle crash and the person was not in compliance with  
13 applicable laws requiring the maintenance of insurance coverage  
14 or other forms of financial responsibility for more than 30  
15 days, the person or his or her personal representative may  
16 recover economic damages only, not to exceed:

17 (a) Twenty-five thousand dollars for bodily injury to, or  
18 the death of, such person.

19 (b) Ten thousand dollars for damage to, or destruction of,  
20 the property of such person.

21 (2) The limitations on damages in subsection (1) do not  
22 apply if the person who is liable for the bodily injury,  
23 wrongful death, or damage to or destruction of property:

24 (a) Was driving while under the influence of an alcoholic  
25 beverage, an inhalant, or a controlled substance;

26 (b) Acted intentionally, recklessly, or with gross  
27 negligence;

28 (c) Fled from the scene of the crash; or

29 (d) Was acting in furtherance of an offense or in immediate  
30 flight from an offense that constituted a felony at the time of  
31 the crash.

32  
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete line 282

36 and insert:

37 technical changes; creating s. 768.852, F.S.; limiting  
38 the damages that may be recovered by or on behalf of a  
39 person not in compliance with financial responsibility  
40 laws; providing exceptions; amending s. 817.234, F.S.;



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revising