

1 A bill to be entitled
 2 An act relating to prejudgment interest; creating s.
 3 55.035, F.S.; providing for the award of prejudgment
 4 interest in any action in which a plaintiff recovers
 5 economic damages; providing for calculation of
 6 interest; providing exceptions; providing an effective
 7 date.

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

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 11 Section 1. Section 55.035, Florida Statutes, is created to
 12 read:

13 55.035 Prejudgment interest.—

14 (1) In any action in which a party is entitled to recover
 15 economic damages the court shall additionally award interest at
 16 the rate specified in s. 55.03, calculated:

17 (a) As to past medical costs paid prior to entry of a final
 18 judgment, from the date the medical services were paid; and as
 19 to past medical costs unpaid at the time of entry of a final
 20 judgment, based on the amount determined by the court in a post-
 21 judgment hearing as adjusted by law, from the date the payment
 22 for medical services was due in the ordinary course of business;

23 (b) As to lost wages, from the date that such wages would
 24 ordinarily have been paid to the employee;

25 (c) As to property damage, from the date of loss; and

26 (d) As to any other measure of economic damages, from the

27 date the expense was paid by the party.

28 (2) Notwithstanding subsection (1), no prejudgment interest
 29 shall be awarded under this section:

30 (a) For any damages that were reimbursed to the plaintiff
 31 or paid on behalf of the plaintiff, if paid or reimbursed by the
 32 defendant or on behalf of the defendant by a third party and
 33 within 90 days;

34 (b) For exemplary or punitive damages, pain and suffering,
 35 loss of consortium, loss of enjoyment of life, or any other
 36 similar damages;

37 (c) For attorney's fees and costs;

38 (d) In any action against the state or any of its agencies
 39 of subdivisions to recover damages in tort, in accordance with
 40 the limit in s. 768.28(5); or

41 (e) Where a contract between the parties specifically
 42 provides that interest will not be applied.

43 (5) This section shall apply to any cause of action
 44 accruing on or after July 1, 2016.

45 Section 2. This act shall take effect July 1, 2016.