

Florida Supreme Court Approves New Standard Jury Instructions in Civil Cases

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Practice Alert - Florida Supreme Court Approves New Standard Jury Instructions in Civil Cases On March 4, 2010, the Florida Supreme Court approved a sweeping change in how Florida juries will be instructed in Florida. The new instructions include the following significant changes:

1. All of the jury instructions have been renumbered into a new system. The system contemplates sections for preliminary instructions, evidence instructions, substantive instructions, damages and closing instructions. It will allow for the development of new substantive instructions without lumping them into a miscellaneous section as presently exists.
2. The substantive instructions include: Professional Negligence, Insurer's Bad Faith, Defamation, Malicious Prosecution, False Imprisonment, Tortious Interference with a Business Relationships, Misrepresentations, Outrageous Conduct Causing Severe Emotional Distress, Civil Theft, Contribution Among Tortfeasors, Claim for Personal Injury Protection Insurance (PIP) benefits (Medical Benefits Only and Intentional Torts as an Exception to Exclusive Remedy for Workers' Compensation. While the proposed instructions also included Products Liability, those were not approved by the Court and are set for oral argument on May 5, 2010.
3. The instructions are set up in such a way that the court in its discretion may choose to charge on substantive issues at the beginning of the case rather than after closing.
4. Many of the instructions have been amended to reflect "plain English."
5. There was an effort to provide more complete instructions on each issue rather than having to refer back to another instruction to get a complete set of instructions on a particular topic.
6. Although the committee proposed a new instruction on greater weight of the evidence, that was not approved and the current language on this issue remains in place.

7. Many of the recommendations from the Jury Innovations Report have been incorporated into the instructions as reflected in the changes described above related to timing of charges and plain English.

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