

SUPREME COURT OF FLORIDA

Hoffman v. Jones

280 So. 2d 431 (Fla. 1973) · No. No. 43443 · Decided July 10, 1973

SUMMARY

The Supreme Court of Florida held that Florida courts have authority to replace contributory negligence with pure comparative negligence. It ruled that a plaintiff's recovery should be reduced in proportion to the plaintiff's negligence, rather than barred entirely, unless the plaintiff's negligence is the sole legal cause of the injury. The court also held that district courts of appeal may not overrule controlling Supreme Court precedent and addressed the prospective application of the new rule.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Adkins, J.; Carlton, C.J.; Ervin, J.; Boyd, J.; McCain, J.; Dekle, J.; Roberts, J.
JURISDICTION	Florida
DECIDED	July 10, 1973
DOCKET	No. 43443
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petition for writ of certiorari to review a certified question from the District Court of Appeal, Fourth District, concerning replacement of contributory negligence with comparative negligence.
STANDARD OF REVIEW	Review by writ of certiorari of a certified question involving a question of great public interest.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Florida establishing pure comparative negligence in Florida and defining the precedential authority of Florida District Courts of Appeal.
PARTIES	Philip Francis Hoffman, Jr., Pav-a-Way Corporation v. Hazel J. Jones, as Administratrix of the Estate of William Harrison Jones, Jr., Deceased

TOPICS

- comparative fault
- contributory negligence
- appellate procedure
- writ of certiorari
- separation of powers

PRACTICE AREAS

Torts

Negligence

Appellate Procedure

Constitutional Law

QUESTIONS PRESENTED

1. Whether Florida should replace the contributory-negligence rule, which completely bars recovery, with comparative negligence.
2. Whether a Florida District Court of Appeal may overrule controlling precedent of the Supreme Court of Florida.
3. Whether the Supreme Court of Florida has judicial authority to alter the common-law contributory-negligence rule without legislative action.
4. How the newly adopted comparative-negligence rule applies to pending cases and cases at different stages of litigation.

HOLDINGS

1. A Florida District Court of Appeal does not have authority to overrule a decision of the Supreme Court of Florida and must follow controlling Supreme Court precedent until that precedent is overruled by the Supreme Court.
2. The Supreme Court of Florida has the power and authority to reexamine and replace the judicially created contributory-negligence rule with comparative negligence without awaiting legislative action.
3. Florida adopts pure comparative negligence: a plaintiff's negligence no longer completely bars recovery unless it is the sole legal cause of the loss; instead, damages are reduced in proportion to the plaintiff's responsibility relative to the combined negligence of the parties whose negligence legally caused the injury.
4. A plaintiff is barred from recovery only when the plaintiff's negligence alone, or the plaintiff's negligence together with negligence of persons other than the defendant, was the sole legal cause of the damage; otherwise, recovery is reduced according to comparative fault.
5. The doctrine of last clear chance no longer applies in negligence cases governed by the comparative-negligence rule.
6. When both parties assert negligence claims and each obtains a verdict, the court should enter one judgment for the party receiving the larger verdict in the amount of the difference between the two verdicts.
7. The comparative-negligence rule applies to cases in which it was already applied, cases commenced before the decision in which trial had not begun, properly preserved comparative-negligence issues in cases already tried or on appeal, and all cases commenced after the decision becomes final; it does not apply to cases in which trial had begun or a verdict or judgment had been rendered unless the issue was properly raised.

KEY QUOTATIONS

“Therefore, we now hold that a plaintiff in an action based on negligence will no longer be denied any recovery because of his contributory negligence.” (438)

“If plaintiff and defendant are both at fault, the former may recover, but the amount of his recovery may be only such proportion of the entire damages plaintiff sustained as the defendant's negligence bears to the combined negligence of both the plaintiff and the defendant.” (438)

“We hold that a District Court of Appeal does not have the authority to overrule a decision of the Supreme Court of Florida.” (440)

FACTUAL BACKGROUND

The underlying action arose from alleged negligence involving an automobile accident and resulting personal injury or property damage. The trial court applied contributory negligence as an absolute bar to recovery, while the District Court of Appeal sought to replace that rule with comparative negligence. The Supreme Court addressed the governing negligence doctrine and the authority of the appellate courts rather than resolving disputed accident facts.

PROCEDURAL HISTORY

The trial court applied Florida's contributory-negligence rule and entered judgment accordingly. The District Court of Appeal, Fourth District, reversed, answered the certified question in favor of comparative negligence, and certified the issue as one of great public interest. The Supreme Court of Florida accepted review, held that the District Court lacked authority to overrule Supreme Court precedent, adopted comparative negligence itself, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded to the District Court of Appeal, Fourth District, to be further remanded to the Circuit Court for a new trial under the comparative-negligence rule. The decision was made effective immediately, and rehearing was not allowed.

CASES CITED

- Jones v. Hoffman, 272 So. 2d 529 (Fla. App. 1973)
- Louisville and Nashville Railroad Co. v. Yniestra, 21 Fla. 700 (1886)
- Griffin v. State, 202 So. 2d 602 (Fla. App. 1st 1967)
- Roberts v. State, 199 So. 2d 340 (Fla. App. 2d 1967)
- United States v. State, 179 So. 2d 890 (Fla. App. 3d 1965)
- Butterfield v. Forrester, 11 East 60, 103 Eng. Rep. 926 (K.B. 1809)
- Raisin v. Mitchell, 9 Car. & P. 613, 173 Eng. Rep. 979 (C.P. 1839)

- Duval v. Thomas, 114 So. 2d 791, 795 (Fla. 1959)
- Ripley v. Ewell, 61 So. 2d 420 (Fla. 1952)
- Randolph v. Randolph, 146 Fla. 491, 1 So. 2d 480 (1941)
- Banfield v. Addington, 104 Fla. 661, 140 So. 893 (1932)
- Waller v. First Savings & Trust Co., 103 Fla. 1025, 138 So. 780 (1931)
- Hargrove v. Town of Cocoa Beach, 96 So. 2d 130 (Fla. 1957)
- Gates v. Foley, 247 So. 2d 40 (Fla. 1971)
- Georgia Southern & Florida Railway Co. v. Seven-Up Bottling Co., 175 So. 2d 39 (Fla. 1965)
- Florida Cent. & P.R. Co. v. Foxworth, 41 Fla. 1, 25 So. 338 (1899)
- Martin v. Sussman, 82 So. 2d 597 (Fla. 1955)
- Connolly v. Steakley, 197 So. 2d 524, 537 (Fla. 1967)