

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

GACS INCORPORATED,

Appellant/Cross-Appellee,

v.

CASE NO. 1D04-0163

JAY EVANS and JACKIE D.
EVANS, his wife,

Appellees/Cross-Appellants.

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Opinion filed February 22, 2005.

An appeal from an order of the Circuit Court for Duval County.
James A. Harrison, Judge.

Michael G. Tanner and Timothy J. Conner, of Holland & Knight LLP, Jacksonville,
for appellant/cross-appellee.

Robert B. Guild and Floyd L. Matthews, Jr., of Spohrer, Wilner, Maxwell &
Matthews, Jacksonville, for appellees/cross-appellants.

WOLF, C.J.

We affirm as to the issues raised in the main appeal without comment. As to
the issue raised on cross-appeal, we reverse and remand with directions to the trial
court to enter judgment against GACS, Inc., in the amount of \$454,799.50.

The plain language of section 768.81, Florida Statutes, requires that a plaintiff's percentage of contributory fault in a negligence action be subtracted from the amount of economic damages determined by the jury, see §768.81(2), Fla. Stat., before it is determined whether the amount of economic damages in the case exceeds the \$500,000 limit for imposing joint and several liability on a defendant found at least 25 percent, but not more than 50 percent, at fault. See §768.81(3), Fla. Stat. Because it is clear from the amount awarded in the amended final judgment that the trial court did not properly employ this method of calculation in determining the award, we reverse.

KAHN and POLSTON, JJ., CONCUR.