

hbd-06
3873</W>

Amendment No. ____ (for drafter's use only)

CHAMBER ACTION

<W>Senate</W>

<W>House</W>

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ORIGINAL STAMP BELOW

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11 Representative(s) Frankel offered the following:

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Amendment (with title amendment)

14 On page 3, line 22, through page 4, line 21,
15 remove from the bill: all of said lines

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17 and insert in lieu thereof:

18 (1)(a) In any civil action based on negligence, strict
19 liability, products liability, misconduct in commercial
20 transactions, professional liability, or breach of warranty,
21 and involving willful, wanton, or gross misconduct, the
22 judgment for the total amount of punitive damages awarded to a
23 claimant may not exceed three times the amount of compensatory
24 damages awarded to each person entitled thereto by the trier
25 of fact, except as provided in paragraph (b). However, this
26 subsection does not apply to any class action.

27 (b) If any award for punitive damages exceeds the
28 limitation specified in paragraph (a), the award is presumed
29 to be excessive and the defendant is entitled to remittitur of
30 the amount in excess of the limitation unless the claimant
31 demonstrates to the court by clear and convincing evidence

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1 that the award is not excessive in light of the facts and
2 circumstances which were presented to the trier of fact.

3 (c) This subsection is not intended to prohibit an
4 appropriate court from exercising its jurisdiction under s.
5 768.74 in determining the reasonableness of an award of
6 punitive damages that is less than three times the amount of
7 compensatory damages.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, lines 14-18,
13 remove from the title of the bill: all of said lines

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15 and insert in lieu thereof:

16 exception; amending s. 768.73, F.S.; providing

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