Bill No. CS for SB 874

Amendment No. ____

	CHAMBER ACTION
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11	Senator Klein moved the following amendment:
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13	Senate Amendment (with title amendment)
14	On page 29, between lines 2 and 3,
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16	insert:
17	Section 18. Section 768.737, Florida Statutes, is
18	created to read:
19	768.737 Punitive damages; exceptions for claims by
20	small businesses against large businesses
21	(1) This section may be cited as the "Florida Small
22	Business Protection Act."
23	(2) The Legislature finds that certain small
24	businesses may become victims of conduct by large businesses
25	which would give rise to the imposition of punitive damages
26	against large businesses. Because of the greater resources of
27	large businesses and because large businesses may employ an
28	economic cost analysis regarding the risk of doing harm to a
29	small business, limitations on punitive damages, which may be
30	awarded against a large business, may be insufficient to
31	punish or deter such conduct. Accordingly, the limitations on
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punitive damage recoveries as set forth in ss. 768.725 and 2 768.723 shall not apply to claims brought by small businesses 3 against large businesses. 4 (3) As used in the section, the term: 5 (a) "Small business" means: 1. A sole proprietor of an unincorporated business, 6 7 including a professional practice, whose principal office is in this state, who is domiciled in this state, and whose 8 business or professional practice has, at the time the action 9 10 is initiated by a large business, not more than 25 full-time 11 employees or a net worth of not more than \$2 million, 12 including personal and business investments; or 13 2. A partnership or corporation, including a professional practice, which has its principal office in this 14 15 state and has at the time the action is initiated by a large business not more than 25 full-time employees or a net worth 16 17 of not more than \$2 million. (b) "Large business" means a sole proprietor of an 18 unincorporated business, a partnership, or a corporation, 19 20 including any such entity that is a professional practice, 21 which at the time the action is initiated does not qualify as a small business under paragraph (a). 22 23 24 (Redesignate subsequent sections.) 25 26 27 ======= T I T L E A M E N D M E N T ========= And the title is amended as follows: 28 29 On page 4, line 6, after the semicolon, 30 31 insert:

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creating s. 768.737, F.S.; providing that certain limitations on punitive damage recoveries do not apply to claims by small businesses against large businesses; providing definitions;