

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Levine offered the following:

Amendment (with title amendment)

On page 35, line 3,

insert:

Section 22. Section 768.735, Florida Statutes, is created to read:

768.735 Punitive damages; exceptions; limitation.--
(1) Sections 768.72(2)-(5), 768.725, and 768.73 do not apply to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400. Such actions shall be governed by applicable statutes and controlling judicial precedent.

(2)(a) In any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400, and involving the award of punitive damages, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as

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1 provided in paragraph (b). However, this subsection does not
2 apply to any class action.

3 (b) If any award for punitive damages exceeds the
4 limitation specified in paragraph (a), the award is presumed
5 to be excessive and the defendant is entitled to remittitur of
6 the amount in excess of the limitation unless the claimant
7 demonstrates to the court by clear and convincing evidence
8 that the award is not excessive in light of the facts and
9 circumstances that were presented to the trier of fact.

10 (c) This subsection is not intended to prohibit an
11 appropriate court from exercising its jurisdiction under s.
12 768.74 in determining the reasonableness of an award of
13 punitive damages that is less than three times the amount of
14 compensatory damages.

15 (d) The jury may not be instructed or informed as to
16 the provisions of this section.

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

20 And the title is amended as follows:

21 On page 4, line 15,

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23 after "employment;" insert:

24 creating s. 768.735, F.S.; providing that ss.
25 768.72(2)-(5), 768.725, and 768.73, F.S.,
26 relating to punitive damages, are inapplicable
27 to specified causes of action; limiting the
28 amount of punitive damages that may be awarded
29 to a claimant in certain civil actions
30 involving abuse or arising under ch. 400, F.S.;

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