

Bill No. CS for CS for CS for SB 1202

Amendment No. Barcode 805320

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following amendment:

Senate Amendment

On page 31, lines 4-27, delete those lines

and insert:

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 10. Section 400.0238, Florida Statutes, is created to read:

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1 400.0238 Punitive damages; limitation.--
2 (1)(a) Except as provided in paragraphs (b) and (c),
3 an award of punitive damages may not exceed the greater of:
4 1. Three times the amount of compensatory damages
5 awarded to each claimant entitled thereto, consistent with the
6 remaining provisions of this section; or
7 2. The sum of \$1 million.
8 (b) Where the fact finder determines that the wrongful
9 conduct proven under this section was motivated by
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