

By Senator Richter

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1 A bill to be entitled
2 An act relating to punitive damages; amending s.
3 768.73, F.S.; providing that, in making its
4 determination as to the appropriate limits of an award
5 of punitive damages, the court is not subject to an
6 implied presumption about the amount of punitive
7 damages the court may award; providing an effective
8 date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (1) of section 768.73, Florida
13 Statutes, is amended to read:

14 768.73 Punitive damages; limitation.—

15 (1) (a) Except as provided in paragraphs (b) and (c), an
16 award of punitive damages may not exceed the greater of:

17 1. Three times the amount of compensatory damages awarded
18 to each claimant entitled thereto, consistent with the remaining
19 provisions of this section; or

20 2. The sum of \$500,000.

21 (b) Where the fact finder determines that the wrongful
22 conduct proven under this section was motivated solely by
23 unreasonable financial gain and determines that the unreasonably
24 dangerous nature of the conduct, together with the high
25 likelihood of injury resulting from the conduct, was actually
26 known by the managing agent, director, officer, or other person
27 responsible for making policy decisions on behalf of the
28 defendant, it may award an amount of punitive damages not to
29 exceed the greater of:

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30 1. Four times the amount of compensatory damages awarded to
31 each claimant entitled thereto, consistent with the remaining
32 provisions of this section; or

33 2. The sum of \$2 million.

34 (c) Where the fact finder determines that at the time of
35 injury the defendant had a specific intent to harm the claimant
36 and determines that the defendant's conduct did in fact harm the
37 claimant, there shall be no cap on punitive damages.

38 (d) This subsection is not intended to prohibit an
39 appropriate court from exercising its jurisdiction under s.
40 768.74 in determining the reasonableness of an award of punitive
41 damages that is less than three times the amount of compensatory
42 damages. In making such determination, there is no implied
43 presumption about the appropriate level of punitive damages to
44 be drawn from the limits in this subsection.

45 Section 2. This act shall take effect July 1, 2013.