

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

Committee/Subcommittee hearing bill: Justice Appropriations Subcommittee

Representative Tobia offered the following:

**Amendment (with directory and title amendments)**

Between lines 42 and 43, insert:

(6) In any civil action related to a cause of action occurring on or after July 1, 2013, an award of punitive damages shall be payable as follows:

(a) Ten percent of the award shall be payable to the claimant's attorney, or to the claimant where there is no attorney;

(b) Forty-five percent of the award shall be payable to the State School Trust Fund created in s. 1010.71; and

(c) Forty-five percent of the award shall be payable to the Medical Care Trust Fund created in s. 20.425(4).

In the event that the full amount of punitive damages awarded cannot be collected, the claimant and the trust funds shall each be entitled to a proportionate share of the punitive damages

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21 collected. The Chief Financial Officer may intervene in any  
22 action in order to collect the monies owed to the trust funds.

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**D I R E C T O R Y   A M E N D M E N T**

Remove lines 10-11 and insert:

Section 1. Subsection (1) of section 768.73, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

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**T I T L E   A M E N D M E N T**

Remove lines 4-5 and insert:

punitive damages do not create a presumption as to the appropriate level of damages; providing for payment of punitive damages to an attorney, a claimant, and to specified trust funds; providing for proportionate payments; providing that the Chief Financial Officer may intervene in an action to collect; providing an effective