

1 A bill to be entitled
 2 An act relating to punitive damages; amending s.
 3 768.73, F.S.; specifying that statutory limits on
 4 putative damages do not create a presumption as to the
 5 appropriate level of damages; providing an effective
 6 date.

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

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

12 768.73 Punitive damages; limitation.—

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

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

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

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

28 1. Four times the amount of compensatory damages awarded

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29 | to each claimant entitled thereto, consistent with the remaining
30 | provisions of this section; or

31 | 2. The sum of \$2 million.

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

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

43 | Section 2. This act shall take effect upon becoming a law.