

By Senator Yarborough

4-01475A-26

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A bill to be entitled
An act relating to civil litigation; amending s.
768.74, F.S.; revising the criteria that the court
must consider in determining whether an award of money
damages is excessive or inadequate; making technical
changes; providing applicability; reenacting ss.
400.0238(1)(d), 429.298(1)(d), 768.73(1)(d), and
768.735(2)(c), F.S., relating to punitive damages,
respectively, to incorporate the amendment made to s.
768.74, F.S., in references thereto; providing an
effective date.

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

Section 1. Section 768.74, Florida Statutes, is amended to
read:

768.74 Remittitur and additur.—

(1) In any action to which this part applies in which
~~wherein~~ the trier of fact determines that liability exists on
the part of the defendant and a verdict is rendered which awards
money damages to the plaintiff, ~~it shall be the responsibility~~
~~of the court must~~, upon proper motion, ~~to~~ review the amount of
the such award to determine whether the ~~if such~~ amount is
excessive or inadequate in light of the facts and circumstances
that ~~which~~ were presented to the trier of fact.

(2) If the court finds that the amount awarded is excessive
or inadequate, it must ~~shall~~ order a remittitur or additur, ~~as~~
~~the case may be~~.

(3) It is the intent ~~intention~~ of the Legislature that

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awards of damages be closely scrutinized ~~subject to close~~
~~scrutiny~~ by the courts and that all ~~such~~ awards be adequate and
not excessive.

(4) If the party adversely affected by such remittitur or
additur does not agree, the court must ~~shall~~ order a new trial
in the cause on the issue of damages only.

(5) In determining whether an award is excessive or
inadequate in light of the facts and circumstances presented to
the trier of fact and in determining the amount, if any, that
the ~~such~~ award exceeds a reasonable range of damages or is
inadequate, the court shall consider the following criteria:

(a) Whether the amount awarded is indicative of prejudice,
passion, or corruption on the part of the trier of fact;

(b) Whether it appears that the trier of fact ignored the
evidence in reaching a verdict or misconceived the merits of the
case relating to the amounts of damages recoverable;

(c) Whether the trier of fact took improper elements of
damages into account or arrived at the amount of damages by
speculation and conjecture;

(d) Whether the amount awarded bears a reasonable relation
to the amount of damages proved and the injury suffered; ~~and~~

(e) Whether the amount awarded is supported by the evidence
and is such that it could be adduced in a logical manner by
reasonable persons;

(f) Whether there is a rational, nonarbitrary connection
grounded in the evidence between the injuries suffered and the
amount of an award of noneconomic damages; and

(g) Whether the amount of an award of noneconomic damages
resulted from references to objects or values that did not have

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59 a rational connection to the facts of the case.

60 (6) It is the intent of the Legislature to vest the trial
61 courts of this state with the discretionary authority to review
62 the amounts of damages awarded by a trier of fact in light of a
63 standard of excessiveness or inadequacy. The Legislature
64 recognizes that the reasonable actions of a jury are a
65 fundamental precept of American jurisprudence and that such
66 actions should be disturbed or modified with caution and
67 discretion. However, it is further recognized that a review by
68 the courts in accordance with the standards set forth in this
69 section provides an additional element of soundness and logic to
70 our judicial system and is in the best interests of the citizens
71 of this state.

72 Section 2. This act applies to causes of action pending on
73 or after July 1, 2026.

74 Section 3. For the purpose of incorporating the amendment
75 made by this act to section 768.74, Florida Statutes, in a
76 reference thereto, paragraph (d) of subsection (1) of section
77 400.0238, Florida Statutes, is reenacted to read:

78 400.0238 Punitive damages; limitation.—

79 (1)

80 (d) This subsection is not intended to prohibit an
81 appropriate court from exercising its jurisdiction under s.
82 768.74 in determining the reasonableness of an award of punitive
83 damages that is less than three times the amount of compensatory
84 damages.

85 Section 4. For the purpose of incorporating the amendment
86 made by this act to section 768.74, Florida Statutes, in a
87 reference thereto, paragraph (d) of subsection (1) of section

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429.298, Florida Statutes, is reenacted to read:

429.298 Punitive damages; limitation.—

(1)

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

Section 5. For the purpose of incorporating the amendment made by this act to section 768.74, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 768.73, Florida Statutes, is reenacted to read:

768.73 Punitive damages; limitation.—

(1)

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

Section 6. For the purpose of incorporating the amendment made by this act to section 768.74, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 768.735, Florida Statutes, is reenacted to read:

768.735 Punitive damages; exceptions; limitation.—

(2)

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

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117 compensatory damages.

118 Section 7. This act shall take effect July 1, 2026.