

By Senator Yarborough

4-01475A-26

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

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

17 768.74 Remittitur and additur.—

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

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

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

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

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

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

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

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

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

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

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

57 (g) Whether the amount of an award of noneconomic damages
58 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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88 429.298, Florida Statutes, is reenacted to read:

89 429.298 Punitive damages; limitation.—

90 (1)

91 (d) This subsection is not intended to prohibit an
92 appropriate court from exercising its jurisdiction under s.
93 768.74 in determining the reasonableness of an award of punitive
94 damages that is less than three times the amount of compensatory
95 damages.

96 Section 5. For the purpose of incorporating the amendment
97 made by this act to section 768.74, Florida Statutes, in a
98 reference thereto, paragraph (d) of subsection (1) of section
99 768.73, Florida Statutes, is reenacted to read:

100 768.73 Punitive damages; limitation.—

101 (1)

102 (d) This subsection is not intended to prohibit an
103 appropriate court from exercising its jurisdiction under s.
104 768.74 in determining the reasonableness of an award of punitive
105 damages that is less than three times the amount of compensatory
106 damages.

107 Section 6. For the purpose of incorporating the amendment
108 made by this act to section 768.74, Florida Statutes, in a
109 reference thereto, paragraph (c) of subsection (2) of section
110 768.735, Florida Statutes, is reenacted to read:

111 768.735 Punitive damages; exceptions; limitation.—

112 (2)

113 (c) This subsection is not intended to prohibit an
114 appropriate court from exercising its jurisdiction under s.
115 768.74 in determining the reasonableness of an award of punitive
116 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.