

Florida Civil Suit Damage Award Information

Private Lawsuit Guidelines

1. Nominal Damages – mistake made....no real loss to Plaintiff....likely a small out-of-court settlement for lawyers' fees and inconvenience.
2. Compensatory Damages (NO CAP)
 - a. Current Economic Impact Calculation – wages, medical bills, lawyers fees, family considerations....basically an arithmetic calculation, easy to determine.
 - b. Future Economic Impact Calculation - extent of incapacitating injuries on ability to work in your field....likely additional medical and / or rehabilitation services needed or special equipment needed.....other circumstances related to family circumstances.
3. Punitive Damages - Florida does place certain restrictions on punitive damages. Florida courts recently ruled that a punitive damages award so large that it would force the defendant into bankruptcy is not permissible. Additionally, Florida statutes limit punitive damages, in most cases, to the greater of either: (1) three times the compensatory damages award, or (2) \$500,000. However, if the fact finder (the jury, or the judge in a bench trial) concludes that the defendant's motivation was strictly "unreasonable financial gain," and the defendant (or certain agents, in the case of corporations) knew of the unreasonably dangerous nature of the conduct or extremely high risk of injury, then the cap jumps to the greater of four times the compensatory award, or \$2 million. If the fact finder concludes that the defendant specifically intended to harm the plaintiff, the Florida Statutes place no cap at all on punitive damages.

Public Government Jurisdiction Lawsuit

1. Pursuant to Florida state statute, effective 2011, the award limit is \$200,000 per individual or \$300,000 aggregate for the entire incident if there is more than one plaintiff. This applies to a citizen suing a town, city, county, or state entity.
2. Limits before that were \$100,000 for an individual and \$200,000 for aggregate.
3. Any award higher than these statutory limits must be approved by majority vote in the legislature on a case-by-case basis.