

By Commissioner Zack

1 A proposal to revise
2 ARTICLE X, s. 13, Fla. Const.; providing
3 limitations upon the amount of damages payable
4 by the state when a court finds the state
5 liable; providing for a bad-faith surcharge;
6 placing a limit on attorney's fees.

7
8 It is proposed by the Florida Constitution Revision Commission
9 that:

10
11 Section 1. Section 13 of Article X of the Florida
12 Constitution is revised by amending that section to read:

13 ARTICLE X

14 MISCELLANEOUS

15 SECTION 13. Suits against the state.--Provision may be
16 made by general law for bringing suit against the state as to
17 all liabilities now existing or hereafter originating. Damages
18 recoverable against the state in such a legal action shall be
19 limited to \$250,000 per person and to \$500,000 per incident,
20 exclusive of costs, and those amounts shall be increased
21 annually, beginning one year after the effective date of this
22 provision for limiting damage awards, by an amount based on
23 the Consumer Price Index published by the federal government.
24 If an award that is granted by final judgment in such a suit
25 against the state is not timely paid, there is a presumption
26 of bad faith, and a surcharge shall be imposed. The attorney's
27 fees applicable to such an award shall not exceed twenty-five
28 percent of the amount awarded against the state.

29
30
31