

# SUMMARY OF NON-ECONOMIC DAMAGE CAPS IN FLORIDA

## Damage Caps Against Practitioners

- **Limitations Generally:** Non-economic damages shall not exceed \$500,000 per plaintiff, and no practitioner defendant shall be liable for more than \$500,000 in non-economic damages. Also, the total non-economic damages recoverable from all plaintiffs against all practitioners shall not exceed \$1,000,000.
- **Death or Permanent Vegetative State:** There is an exception to the general rule for cases of death or permanent vegetative states. If the negligence results in a permanent vegetative state or death, total non-economic damages recoverable from all practitioners shall not exceed \$1,000,000.
- **Severe Non-Economic Harm and Catastrophic Injury:** There is another exception to the general rule: if the non-economic harm to the plaintiff is particularly severe and the negligence caused a "catastrophic injury," the total non-economic damages recoverable from all practitioners shall not exceed \$1,000,000.
- **Limitations for Negligence Arising out of Emergency Services and Care:** Non-economic damages shall not exceed \$150,000 per plaintiff. Also, the total non-economic damages recoverable by all plaintiffs from all practitioners shall not exceed \$300,000.
- **Limitations for Negligence Arising out of Services and Care to a Medicaid Recipient:** Non-economic damages may not exceed \$300,000 per plaintiff. Also, each practitioner providing care to a Medicaid recipient is not liable for more than \$200,000. However, these limitations do not apply if the plaintiff(s) can prove that the practitioner(s) acted in a wrongful manner.

## Damage Caps Against Non-Practitioners

- **Limitations Generally:** Non-economic damages shall not exceed \$750,000 per plaintiff against all non-practitioners. Also, the total non-economic damages recoverable by all plaintiffs from all non-practitioners shall not exceed \$1,500,000.
- **Death or Permanent Vegetative State:** There is an exception to the general rule for cases of death or permanent vegetative states. If the negligence results in a permanent vegetative state or death, total non-economic damages recoverable from all non-practitioners shall not exceed \$1,500,000.
- **Severe Non-Economic Harm and Catastrophic Injury:** There is another exception to the general rule: if the non-economic harm to the plaintiff is particularly severe and the negligence caused a "catastrophic injury," the total non-economic damages recoverable from all practitioners shall not exceed \$1,500,000.
- **Limitations for Negligence Arising out of Providing Emergency Services and Care:** Non-economic damages shall not exceed \$750,000 per plaintiff. Also, the total economic damages recoverable by all plaintiffs from all non-practitioner defendants shall not exceed \$1,500,000.