

Geo Location: Miami, Florida

Target Keywords:

Personal injury lawyer

Accident attorney

Can I Claim Punitive Damages After A Car Accident With A Drunk Driver In Florida?

Most people know driving under the influence is a bad idea, yet nearly [one-third](#) of all fatal collisions involve a drunk driver. If you are fortunate enough to survive an accident with an intoxicated motorist, you could still face exorbitant medical bills and lost income.

If you were injured by a drunk driver in Florida, you may be entitled to compensation for economic damages, including medical bills and lost income, as well as non-economic damages, such as pain and suffering. You may also be able to claim punitive damages from the at-fault driver.

Pursuant to [Section 768.72](#) of the Florida Statutes, punitive damages may be recoverable if “the defendant was personally guilty of intentional misconduct or gross negligence.”



“Intentional misconduct” means that the defendant knew that the misconduct was wrongful and there was a high probability that it would cause damage or an injury to the claimant, and despite having that knowledge, the defendant intentionally committed the act, which resulted in damage or an injury.

“Gross negligence” means that the defendant’s conduct demonstrated conscious disregard or indifference to human life, rights, or safety.

Punitive damages are not recoverable in personal injury cases when the defendant did not act with intentional misconduct or gross negligence; however, these damages are often recoverable in injury lawsuits related to drunk driving because the defendant knew, or should have known, that the conduct was wrongful and there was a high probability of causing injuries.

Limitations On Punitive Damage Awards In Florida

Pursuant to [Section 768.73](#) of the 2016 Florida Statutes, there are usually limitations on the amount of compensation a plaintiff can recover in punitive damages. In most cases, this limitation will be the greater of:

- Three times the awarded compensatory damages; or
- \$500,000.

However, there are certain situations in which the punitive damages cap is much higher – or there is no cap at all. For example, if the defendant’s wrongful conduct was motivated by financial gain, and the defendant knew about the high probability of injuring another person, then the limit on punitive damages will be the greater of:

- Four times the awarded compensatory damages; or
- \$2 million.

This, however, is uncommon in drunk driving cases because intoxicated motorists usually do not have financial incentive to injure their victims.

If the defendant committed the wrongful act with the intent to cause an injury to the claimant, and this conduct resulted in an injury to the claimant, then there is no punitive damages cap. This, again, is uncommon in drunk driving cases because most intoxicated drivers do not intend to harm their victims.

If you were injured by a drunk driver in Florida, turn to [Stevens & Smith Law Group](#). A personal injury lawyer in Miami will evaluate your case, interview witnesses, assess doctors' records and the police report, and help you pursue the highest possible settlement.

If your case goes to trial, our legal team has the litigation experience to represent your interests in court. Call ###-###-#### today to schedule a free consultation with an accident attorney in Miami.