

# CARLTON FIELDS

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ATTORNEYS AT LAW

## **PRACTICE POINTER** **Itemized Verdict Forms**

In Publix Super Markets, Inc. v. Young, 4D02-1607 (Fla. 4th DCA Jul. 9, 2003), the Fourth District Court of Appeal reversed a jury award in a negligence case where the verdict form did not require the jury to itemize economic and noneconomic damages and such a form was requested by one of the parties.

In Young, during the charge conference, the trial court elected to use the verdict form submitted by the plaintiffs. That form did not separate economic and noneconomic damages, but only required the jury to state a total amount of damages for each plaintiff and the percentage of fault of all the parties. The jury returned a verdict finding Publix 70% negligent and the plaintiff 30% negligent. The trial court entered a final judgment in favor of the plaintiffs.

On appeal, Publix argued that section 768.77, Florida Statutes (2001), requires the use of an itemized verdict form separating economic and noneconomic damages in negligence actions. The Fourth District agreed, reasoning that such an itemization “serves the beneficial purpose of allowing the court to scrutinize each item of damages in light of the evidence actually presented in support of that item.” The court held that “[t]he itemized verdict required by section 768.72 is mandatory when requested by a party.” (Emphasis added).

In short, where economic and noneconomic damages may be awarded in a case involving a negligence claim, the trial court is required to submit to the jury an itemized verdict form separating economic and noneconomic damages when requested to do so by one of the parties.