

By Senator Diaz de la Portilla

36-01310-12

20121454

1 A bill to be entitled

2 An act relating to recovery of damages for medical  
3 negligence; repealing s. 768.21(8), F.S., relating to  
4 damages recoverable by specified persons with respect  
5 to claims for medical negligence; amending ss.  
6 400.023, 400.0235, and 429.295, F.S.; revising  
7 provisions to conform to changes made by the act;  
8 providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (8) of section 768.21, Florida  
13 Statutes, is repealed.

14 Section 2. Subsection (7) of section 400.023, Florida  
15 Statutes, is amended to read:

16 400.023 Civil enforcement.—

17 (7) An action under this part for a violation of rights or  
18 negligence recognized herein is not a claim for medical  
19 malpractice, ~~and the provisions of s. 768.21(8) do not apply to~~  
20 ~~a claim alleging death of the resident.~~

21 Section 3. Section 400.0235, Florida Statutes, is amended  
22 to read:

23 400.0235 Certain provisions not applicable to actions under  
24 this part.—An action under this part for a violation of rights  
25 or negligence recognized under this part is not a claim for  
26 medical malpractice, ~~and the provisions of s. 768.21(8) do not~~  
27 ~~apply to a claim alleging death of the resident.~~

28 Section 4. Section 429.295, Florida Statutes, is amended to  
29 read:

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30           429.295 Certain provisions not applicable to actions under  
31 this part.—An action under this part for a violation of rights  
32 or negligence recognized herein is not a claim for medical  
33 malpractice, ~~and the provisions of s. 768.21(8) do not apply to~~  
34 ~~a claim alleging death of the resident.~~

35           Section 5. This act shall take effect July 1, 2012.