

By Senator Campbell

38-01135-18

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1 A bill to be entitled
2 An act relating to noneconomic damages for wrongful
3 death suits; repealing s. 766.118, F.S., relating to
4 determination of noneconomic damages and limits on
5 noneconomic damages; amending s. 766.209, F.S.;
6 conforming a provision to changes made by the act;
7 providing an effective date.

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

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11 Section 1. Section 766.118, Florida Statutes, is repealed.

12 Section 2. Paragraph (a) of subsection (3) of section
13 766.209, Florida Statutes, is amended to read:

14 766.209 Effects of failure to offer or accept voluntary
15 binding arbitration.—

16 (3) If the defendant refuses a claimant's offer of
17 voluntary binding arbitration:

18 (a) The claim shall proceed to trial, and the claimant,
19 upon proving medical negligence, shall be entitled to recover
20 damages ~~subject to the limitations in s. 766.118~~, prejudgment
21 interest, and reasonable attorney ~~attorney's~~ fees up to 25
22 percent of the award reduced to present value.

23 Section 3. This act shall take effect July 1, 2018.