

Amendment No. ____ (for drafter's use only)

CHAMBER ACTION

Senate

House

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ORIGINAL STAMP BELOW

Representative(s) Ritchie offered the following:

Amendment (with title amendment)

On page 4, between lines 2 and 3
remove from the bill:

and insert in lieu thereof:

Section 3. There is hereby appropriated \$7,000,000
from the General Revenue Fund to the Agency on Health Care
Administration to be used to pay claims as provided in section
4 of this act.

Section 4. Each eligible person, shall be
permitted to file a claim with the Agency for Health Care
Administration. The Agency shall verify the basis of the
claim and, if appropriate, shall pay said claim within 45 days
of the receipt of the claim.

(2) For purposes of this section:

(a) The term "economic damages" shall have the same
meaning as the term is defined in s. 768.81(1), Florida
Statutes.

(b) The term "eligible person" means a plaintiff in

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1 whose favor a final judgment has been entered for economic
2 damages in excess of \$250,000, and the amount in excess of
3 \$250,000 has not been recovered by the plaintiff.

4 (c) The term "claim" means that portion of economic
5 damages in excess of \$250,000 awarded by a court of competent
6 jurisdiction which has not been recovered by the plaintiff.

7 (d) The term "final judgment" means an order by a
8 court of competent jurisdiction resolving litigation in which
9 the award is based on the doctrine of joint and several
10 liability. The original cause of action must have been
11 predicated on a personal injury resulting from a tortious act
12 in which the injured party has been awarded economic damages
13 in excess of \$250,000.

14 Section 5. The Office of Program Policy Analysis and
15 Government Accountability is hereby directed to study the
16 costs to the state and plaintiffs of limiting the doctrine of
17 joint and several liability to economic damages under
18 \$250,000. The study should include the collection of the
19 following data:

20 (a) The number of cases involving economic damages in
21 excess of \$250,000 and the portion of damages attributable to
22 lost wages and health care expenses.

23 (b) The amount of claims and payments made pursuant to
24 section 4 of this act;

25 (c) The amount of uncompensated care rendered by
26 health care providers due to the inability to recover costs
27 for such service;

28 The Office shall present to the Governor and the presiding
29 officers and minority leaders of each house an interim report
30 on such data by March 1, 1999 and a final report by January 1,
31 2000.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 14

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5 after the semicolon insert:

6 providing an appropriation; establishing a
7 claim payment mechanism; requiring a study;

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