

Bill No. CS for SB 874

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Campbell moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 30, line 27, through		
15	page 31, line 24, delete those lines		
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17	and insert:		
18	Section 20. Subsections (3), (5), and (6) of section		
19	768.81, Florida Statutes, are amended to read:		
20	768.81 Comparative fault.--		
21	(3) APPORTIONMENT OF DAMAGES.--In cases to which this		
22	section applies, the court shall enter judgment against each		
23	party liable on the basis of such party's percentage of fault		
24	and not on the basis of the doctrine of joint and several		
25	liability; provided that with respect to any party whose		
26	percentage of fault equals or exceeds that of a particular		
27	claimant <u>and is fifteen percent or more</u> , the court shall enter		
28	judgment with respect to economic damages against that party		
29	on the basis of the doctrine of joint and several liability.		
30	(5) APPLICABILITY OF JOINT AND SEVERAL		
31	LIABILITY.--Notwithstanding the provisions of this section,		

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1 ~~the doctrine of joint and several liability applies to all~~
2 ~~actions in which the total amount of damages does not exceed~~
3 ~~\$25,000.~~

4 (5)(6) Notwithstanding anything in law to the
5 contrary, in an action for damages for personal injury or
6 wrongful death arising out of medical malpractice, whether in
7 contract or tort, when an apportionment of damages pursuant to
8 this section is attributed to a teaching hospital as defined
9 in s. 408.07, the court shall enter judgment against the
10 teaching hospital on the basis of such party's percentage of
11 fault and not on the basis of the doctrine of joint and
12 several liability.

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

16 And the title is amended as follows:

17 On page 4, lines 14-19, delete those lines

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19 and insert:

20 exceeds a certain percentage; deleting a
21 provision that provides for the applicability
22 of joint and several

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