

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 whose fault is twenty percent or more of the</u>		
28	<u>total fault apportioned to the claimant and the joint</u>		
29	<u>tortfeasors who are presently parties to the suit</u> , the court		
30	shall enter judgment with respect to economic damages against		
31	that party on the basis of the doctrine of joint and several		

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1 liability.

2 ~~(5) APPLICABILITY OF JOINT AND SEVERAL~~
3 ~~LIABILITY. Notwithstanding the provisions of this section,~~
4 ~~the doctrine of joint and several liability applies to all~~
5 ~~actions in which the total amount of damages does not exceed~~
6 ~~\$25,000.~~

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

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

19 And the title is amended as follows:

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

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22 and insert:

23 exceeds a certain percentage; deleting a
24 provision that provides for the applicability
25 of joint and several

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