

Bill No. CS for SB 1558, 1st Eng.

Amendment No.      Barcode 361050

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Silver moved the following amendment to amendment (791604):

**Senate Amendment (with title amendment)**

On page 287, between lines 19 and 20,

insert:

Section 144. Effective July 1, 2001, and applicable to births occurring on or after that date, subsection (2) of section 766.302, Florida Statutes, is amended to read:

766.302 Definitions; ss. 766.301-766.316.--As used in ss. 766.301-766.316, the term:

(2) "Birth-related neurological injury" means injury to the brain or spinal cord of a live infant weighing at least 2,500 grams for a single gestation or, in the case of a multiple gestation, a live infant weighing at least 2,000 grams at birth caused by oxygen deprivation or mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate postdelivery period in a hospital, which renders the infant permanently and substantially mentally and physically impaired. This

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1 definition shall apply to live births only and shall not  
2 include disability or death caused by genetic or congenital  
3 abnormality.

4 Section 145. Effective July 1, 2001, and applicable to  
5 births occurring on or after that date, paragraph (b) of  
6 subsection (1) of section 766.31, Florida Statutes, is amended  
7 to read:

8 766.31 Administrative law judge awards for  
9 birth-related neurological injuries; notice of award.--

10 (1) Upon determining that an infant has sustained a  
11 birth-related neurological injury and that obstetrical  
12 services were delivered by a participating physician at the  
13 birth, the administrative law judge shall make an award  
14 providing compensation for the following items relative to  
15 such injury:

16 (b)1. Periodic payments of an award to the parents or  
17 legal guardians of the infant found to have sustained a  
18 birth-related neurological injury, which award shall not  
19 exceed \$100,000. However, at the discretion of the  
20 administrative law judge, such award may be made in a lump  
21 sum.

22 2. Payment for funeral expenses not to exceed \$1,500.

23 Section 146. Section 766.308, Florida Statutes, is  
24 repealed.

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26 (Redesignate subsequent sections.)

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

30 And the title is amended as follows:

31 On page 300, line 20, after the semicolon

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1 insert:

2 amending s. 766.302, F.S.; clarifying the  
3 definition of the term "birth-related  
4 neurological injury"; amending s. 766.31, F.S.;  
5 providing for payment of funeral expenses up to  
6 a specified amount; repealing s. 766.308, F.S.,  
7 which provides for review by a medical advisory  
8 panel;

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