

Bill No. HB 1867, 2nd Eng.

Amendment No.      Barcode 654362

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Silver moved the following substitute for amendment		
12	(661372):		
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14	<b>Senate Amendment (with title amendment)</b>		
15	On page 167, between lines 14 and 15,		
16			
17	insert:		
18	Section 56. Effective July 1, 2001, and applicable to		
19	births occurring on or after that date, subsection (2) of		
20	section 766.302, Florida Statutes, is amended to read:		
21	766.302 Definitions; ss. 766.301-766.316.--As used in		
22	ss. 766.301-766.316, the term:		
23	(2) "Birth-related neurological injury" means injury		
24	to the brain or spinal cord of a live infant weighing at least		
25	2,500 grams <u>for a single gestation or, in the case of a</u>		
26	<u>multiple gestation, a live infant weighing at least 2,000</u>		
27	<u>grams</u> at birth caused by oxygen deprivation or mechanical		
28	injury occurring in the course of labor, delivery, or		
29	resuscitation in the immediate postdelivery period in a		
30	hospital, which renders the infant permanently and		
31	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 57. 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 58. Section 766.308, Florida Statutes, is  
24 repealed.

25  
26 (Redesignate subsequent sections.)  
27  
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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 3, line 23, 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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