Bill No. <u>CS for CS for CS for SB 564, SB 2120 & SB 2620</u>

Amendment No. ___   Barcode 395672

CHAMBER ACTION

<u>Senate</u>	<u>House</u>
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11 Senator Peaden moved the following amendment:

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13   **Senate Amendment (with title amendment)**

14   On page 17, line 16, through

15   page 18, line 11, delete those lines

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17 and insert:

18   Section 7. Subsections (3), (5), (7), and (8) of

19 section 766.202, Florida Statutes, are amended to read:

20   766.202 Definitions; ss. 766.201-766.212.--As used in

21 ss. 766.201-766.212, the term:

22   (3) "Economic damages" means financial losses <u>that</u>

23 ~~which~~ would not have occurred but for the injury giving rise

24 to the cause of action, including, but not limited to, past

25 and future medical expenses and 80 percent of wage loss and

26 loss of earning capacity<u>, to the extent the claimant is</u>

27 <u>entitled to recover such damages under general law, including</u>

28 <u>the Wrongful Death Act</u>.

29   (5) "Medical expert" means a person duly and regularly

30 engaged in the practice of his or her profession who holds a

31 health care professional degree from a university or college

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1 and <u>who meets the requirements of an expert witness as set</u>

2 <u>forth in s. 766.102</u> ~~has had special professional training and~~

3 ~~experience or one possessed of special health care knowledge~~

4 ~~or skill about the subject upon which he or she is called to~~

5 ~~testify or provide an opinion~~.

6   (7) "Noneconomic damages" means nonfinancial losses

7 which would not have occurred but for the injury giving rise

8 to the cause of action, including pain and suffering,

9 inconvenience, physical impairment, mental anguish,

10 disfigurement, loss of capacity for enjoyment of life, and

11 other nonfinancial losses<u>, to the extent the claimant is</u>

12 <u>entitled to recover such damages under general law, including</u>

13 <u>the Wrongful Death Act</u>.

14   (8) "Periodic payment" means provision for the

15 structuring of future economic damages payments, in whole or

16 in part, over a period of time, as follows:

17   (a) A specific finding of the dollar amount of

18 periodic payments which will compensate for these future

19 damages after offset for collateral sources shall be made.

20 The total dollar amount of the periodic payments shall equal

21 the dollar amount of all such future damages before any

22 reduction to present value.

23   (b) The defendant shall be required to post a bond or

24 security or otherwise to assure full payment of these damages

25 awarded. A bond is not adequate unless it is written by a

26 company authorized to do business in this state and is rated

27 A+ by Best's. If the defendant is unable to adequately assure

28 full payment of the damages, all damages, reduced to present

29 value, shall be paid to the claimant in a lump sum. No bond

30 may be canceled or be subject to cancellation unless at least

31 60 days' advance written notice is filed with the court and

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1 the claimant. Upon termination of periodic payments, the

2 security, or so much as remains, shall be returned to the

3 defendant.

4   (c) The provision for payment of future damages by

5 periodic payments shall specify the recipient or recipients of

6 the payments, the dollar amounts of the payments, the interval

7 between payments, and the number of payments or the period of

8 time over which payments shall be made.

9   <u>(d) Any portion of the periodic payment which is</u>

10 <u>attributable to medical expenses that have not yet been</u>

11 <u>incurred shall terminate upon the death of the claimant. Any</u>

12 <u>outstanding medical expenses incurred prior to the death of</u>

13 <u>the claimant shall be paid from that portion of the periodic</u>

14 <u>payment attributable to medical expenses.</u>

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

18 And the title is amended as follows:

19   On page 1, line 29, after the words "noneconomic

20 damages,"

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22 insert:

23   and "periodic payment";

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