

Bill No. CS for SB 2-B

Amendment No. ____ Barcode 324062

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 131, line 19, through page 132, line 7, delete those lines

and insert:

Section 60. Determination of noneconomic damages.--

(1) With respect to a cause of action for personal injury or wrongful death resulting from an occurrence of medical neqliqence, damages recoverable from each defendant for noneconomic losses to compensate for pain and suffering, inconvenience, physical impairment, mental anquish, disfigurement, loss of capacity for enjoyment of life, and all other noneconomic damages shall not exceed \$500,000 to each plaintiff in a personal injury action or each statutory survivor under section 768.21, Florida Statutes, in a wrongful death action.

(2) Notwithstanding subsection (1), the trier of fact may award noneconomic damages under this section in an amount exceeding the amount set forth in subsection (1) in cases

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1 where medical neqlience results in certain catastrophic
2 injuries, including death, coma, severe and permanent brain
3 damage, quadriplegia, paraplegia, blindness, or a permanent
4 vegetative state, or where the trier of fact determines that
5 there is a substantial or permanent loss or impairment of a
6 bodily function, or substantial disfigurement, except in those
7 actions under s. 766.207-766.212.

8 (3) The maximum amount of noneconomic damages that may
9 be awarded under subsection (1) must be adjusted each year on
10 July 1 to reflect the rate of inflation or deflation as
11 indicated in the Consumer Price Index for all urban consumers
12 which is published by the United States Department of Labor;
13 however, the maximum amount of noneconomic damages that may be
14 awarded under subsection (1) may not be less than \$500,000.

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 14, lines 21-24, delete those lines

21 and insert:

22 for mandatory mediation; providing a maximum
23 amount to be awarded as noneconomic damages in
24 medical negligence actions; providing
25 exceptions; providing for cost-of-living
26 adjustments to such maximum amount of
27 noneconomic damages; amending s.