

Bill No. CS for SB 2-B

Amendment No. ____ Barcode 903640

CHAMBER ACTION

Senate

House

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Senator Jones moved the following amendment:

Senate Amendment

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

and insert:

Section 60. Section 766.118, Florida Statutes, is created to read:

766.118 Determination of noneconomic damages.--

(1) With respect to a cause of action for personal injury or wrongful death resulting from an occurrence of medical negligence, damages recoverable for noneconomic losses to compensate for pain and suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of capacity for enjoyment of life, and all other noneconomic damages shall not exceed \$500,000 aggregate for all defendant practitioners, \$500,000 aggregate for all defendant facilities, and \$500,000 aggregate for all other defendants regardless of the number of claimants involved in the action subject to the limitations set forth in subsection (2).

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1 (2) Notwithstanding subsection (1), the trier of fact
2 may award noneconomic damages under this section in an amount
3 not to exceed \$2 million per incident in cases where medical
4 negligence results in certain catastrophic injuries including
5 death, coma, severe and permanent brain damage, quadriplegia,
6 paraplegia, blindness, or a permanent vegetative state.
7 Regardless of the number of individual claimants, the total
8 noneconomic damages that may be awarded for all claims arising
9 out of the same incident, shall be limited to a maximum of \$2
10 million aggregate for all defendant practitioners, \$2 million
11 aggregate for all defendant facilities, and \$2 million
12 aggregate for all other defendants.

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