

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ambler offered the following:

**Amendment (with title amendment)**

Between line(s) 1835 and 1836, insert:

Section 38. Section 766.1181, Florida Statutes, is created to read:

766.1181 Presumptively reasonable range of verdicts.--In the event that a jury, pursuant to s. 766.118, determines that there is substantial or permanent loss or impairment of a bodily function, or substantial disfigurement, or other special circumstances in the case that warrant a finding that imposition of the limitation contained therein would deprive the claimant of just compensation for the injuries sustained, the award for noneconomic damages shall be determined as follows:

(1) The award for noneconomic damages from the jury shall be reviewed by the judge to determine the appropriateness of the award.

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28       (2) In reviewing the award, the judge shall utilize the  
29 Florida Jury Verdict Database as provided in s. 766.1182.

30       (3)(a) The judge shall examine all cases where the  
31 injuries alleged and the economic damages awarded are  
32 substantially similar.

33       (b) The judge shall adopt a presumptively reasonable range  
34 of similar awards that shall be one standard deviation above and  
35 below the mean award for similar cases. The judge shall then  
36 subtract the economic damages awarded by the jury from the valid  
37 range to find the valid range for noneconomic damages.

38       (c) If the award for noneconomic damages is outside of the  
39 presumptively reasonable range for noneconomic damages based on  
40 similar cases, the judge may elect to change the award so that  
41 it falls within said range, which is subject to appeal based on  
42 abuse of discretion standards, or the judge may elect to leave  
43 the amount as awarded by providing findings of fact on the  
44 record, which shall be subject to appeal based on clear and  
45 convincing evidence standards.

46       Section 39. Section 766.1182, Florida Statutes, is created  
47 to read:

48       766.1182 Florida Jury Verdict Database.--

49       (1) The Agency for Health Care Administration shall  
50 maintain the Florida Jury Verdict Database. For the initial  
51 database, the department shall utilize information and  
52 categories provided by a nationwide jury verdict research  
53 database of plaintiff and defense verdicts and settlements  
54 resulting from medical malpractice claims. The data to be used  
55 must be reported, tabulated, and analyzed to determine values,

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56 trends, and deviations for injuries and liabilities including  
57 medical malpractice.

58 (2) Beginning September 1, 2003, all awards under  
59 subsection (1) shall be reported by the clerk of the court in  
60 the circuit in which the judgment was entered to the agency  
61 within 3 business days for compilation into the Florida Jury  
62 Verdict Database. The agency, in conjunction with the clerks of  
63 the court, shall develop a format for the clerks to use in  
64 reporting the information required for the categories utilized  
65 by the database in subsection (1).

66 (3) Beginning July 1, 2007, the department shall only  
67 utilize reports concerning cases within the state in the Florida  
68 Jury Verdict Database.

69 (4) The awards reported by the clerks of the court shall  
70 be adjusted annually in accordance with the changes in the  
71 Consumer Price Index as issued by the United States Department  
72 of Labor Bureau of Labor Statistics. The Agency for Health Care  
73 Administration shall adjust all previously reported awards in  
74 the Florida Jury Verdict Database as provided herein prior to  
75 July 1 of each year. Only those awards reported from courts in  
76 this state after September 1, 2003, shall be adjusted.

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

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Remove line(s) 152, and insert:

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negligence; creating s. 766.1181, F.S.; revising the

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method for determining and reviewing awards of noneconomic

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damages; authorizing judges to alter certain awards;

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providing an exception; providing the right to appeal such

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85 | awards and establishing the standard for review; creating  
86 | s. 766.1182, F.S.; requiring the Agency for Health Care  
87 | Administration to maintain a jury verdict database  
88 | regarding malpractice actions; requiring the clerks of the  
89 | court to report all such future verdicts to the agency;  
90 | amending s. 766.202, F.S.; redefining the  
91 |