

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ambler offered the following:

**Substitute Amendment for Amendment (940579) (with title amendment)**

Remove lines 2243-2253, and insert:

Section 45. Section 766.112, Florida Statutes, is amended to read:

766.112 Comparative fault.--

(1) Notwithstanding anything in law to the contrary, in an action for damages for personal injury or wrongful death arising out of medical malpractice, whether in contract or tort, the court shall enter judgment on the basis of each party's percentage of fault and not on the basis of the doctrine of joint and several liability.

(2)~~(1)~~ Notwithstanding anything in law to the contrary, in an action for damages for personal injury or wrongful death

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28 arising out of medical malpractice, whether in contract or tort,  
29 when an apportionment of damages pursuant to this section is  
30 attributed to a teaching hospital as defined in s. 408.07, the  
31 court shall enter judgment against the teaching hospital on the  
32 basis of such party's percentage of fault and not on the basis  
33 of the doctrine of joint and several liability.

34 ~~(3)(2)~~ In an action for damages for personal injury or  
35 wrongful death arising out of medical malpractice, whether in  
36 contract or tort, when an apportionment of damages pursuant to  
37 s. 768.81 is attributed to a board of trustees of a state  
38 university, the court shall enter judgment against the board of  
39 trustees on the basis of the board's percentage of fault and not  
40 on the basis of the doctrine of joint and several liability. The  
41 sole remedy available to a claimant to collect a judgment or  
42 settlement against a board of trustees, subject to the  
43 provisions of this subsection, shall be pursuant to s. 768.28.

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

47 Remove lines 183-185, and insert:

48  
49 the court under certain circumstances; amending s. 766.112,  
50 F.S.; eliminating the application of the doctrine of joint and  
51 several liability to medical malpractice actions; creating s.