

Bill No. CS for SB 2-C

Amendment No. ____ Barcode 175122

CHAMBER ACTION

Senate

House

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Senators Webster, Clary, Fasano, Alexander, Cowin, Wise,
Haridopolos, and Lynn moved the following amendment:

Senate Amendment (with title amendment)

On page 138, line 12, through
page 139, line 24, delete those lines

and insert:

Section 58. Section 766.118, Florida Statutes, is
created to read:

766.118 Determination of noneconomic damages.--

(1) Recovery for noneconomic damages as defined in s.
766.202 in a cause of action for personal injury or wrongful
death resulting from an incident of medical negligence shall
not exceed, regardless of the number of claimants:

(a) \$250,000 for each defendant health care
practitioner to an aggregated maximum of \$750,000.

(b) \$750,000 aggregated for all defendant health care
facilities.

(c) \$750,000 aggregated for all other defendant health
care providers.

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1 (2) As used in this section, the term:

2 (a) "Health care practitioner" has the meaning
3 ascribed in s. 456.001(4).

4 (b) "Health care facility" means any hospital,
5 ambulatory surgical center, or mobile surgical facility
6 licensed under chapter 395.

7 (c) "Other defendant health care provider" means a
8 birth center licensed under chapter 383, a clinical lab
9 licensed under chapter 483, a health maintenance organization
10 certificated under part I of chapter 641, a blood bank, a
11 plasma center, an industrial clinic, a renal analysis
12 facility, or a professional association, partnership,
13 corporation, joint venturer, or other association for
14 professional activity by health care providers.

15 (3) Notwithstanding ss. 46.015(4) and 768.041(4), a
16 class of defendants as provided in subsection (1) may not
17 receive a setoff for all sums received by the claimant from a
18 different class of defendants.

19 (4) Notwithstanding any law to the contrary, the caps
20 on noneconomic damages provided in subsection (1) do not apply
21 to any incident involving a physician or osteopathic physician
22 who is not in compliance with the financial responsibility
23 requirements set forth in ss. 458.320 and 459.0085,
24 respectively.

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

28 And the title is amended as follows:

29 On page 13, line 31, through
30 page 14, line 6, delete those lines

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1 and insert:

2 prohibiting certain setoffs; providing that
3 caps on noneconomic damages do not apply to any
4 incident involving certain physicians under
5 certain circumstances; amending s. 766.202,
6 F.S.; redefining

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