

By Senator Wise

5-1196-05

See HB

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A bill to be entitled

An act relating to medical negligence; amending
s. 766.102, F.S.; providing that an agreement
waiving a claimant's right to certain damages
in a medical negligence action is null and
void; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (13) is added to section
766.102, Florida Statutes, to read:

766.102 Medical negligence; standards of recovery;
expert witness.--

(13) In any action brought pursuant to this chapter
for personal injury or wrongful death arising from the medical
negligence of a health care provider as defined in s.
766.202(4), any agreement whereby a claimant attempts to waive
his or her rights as guaranteed by s. 26, Art. I of the State
Constitution is null and void.

Section 2. This act shall take effect July 1, 2005.