

1                   A bill to be entitled  
 2           An act relating to medical negligence; amending s.  
 3           766.102, F.S.; specifying claims of negligence pertaining  
 4           to certain activities of blood banks as medical negligence  
 5           claims; providing an effective date.

6  
 7 Be It Enacted by the Legislature of the State of Florida:

8  
 9           Section 1. Subsection (1) of section 766.102, Florida  
 10 Statutes, is amended to read:

11           766.102 Medical negligence; standards of recovery; expert  
 12 witness.--

13           (1) In any action for recovery of damages based on the  
 14 death or personal injury of any person in which it is alleged  
 15 that such death or injury resulted from the negligence of a  
 16 health care provider as defined in s. 766.202(4), the claimant  
 17 shall have the burden of proving by the greater weight of  
 18 evidence that the alleged actions of the health care provider  
 19 represented a breach of the prevailing professional standard of  
 20 care for that health care provider. The prevailing professional  
 21 standard of care for a given health care provider shall be that  
 22 level of care, skill, and treatment which, in light of all  
 23 relevant surrounding circumstances, is recognized as acceptable  
 24 and appropriate by reasonably prudent similar health care  
 25 providers. With respect to blood banks, the collection,  
 26 screening, testing, and processing of blood obtained from donors  
 27 for transfusion constitutes a professional medical service  
 28 integral to the care and treatment of patients, and any claim of

HB 497

2006

29 negligence pertaining to these activities is a medical  
30 negligence claim.

31 Section 2. This act shall take effect July 1, 2006.