House



LEGISLATIVE ACTION

Senate Floor: WD 04/30/2025 10:14 AM

Senator Harrell moved the following: Senate Amendment to Amendment (485034) 1 2 Delete lines 52 - 143 3 4 and insert: 5 exceed \$750,000 \$500,000 per claimant. No practitioner shall be 6 liable for more than \$500,000 in noneconomic damages, regardless of the number of practitioners who are liable for a claimant's 7 8 damages claimants. (b) Notwithstanding paragraph (a), if the negligence 9 10 resulted in a permanent vegetative state or death, the total 11 noneconomic damages recoverable from all practitioners,

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| 12 | regardless of the number of claimants, under this paragraph  |
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| 13 | shall not exceed \$1 million. In cases that do not involve death   |
| 14 | or permanent vegetative state, the patient injured by medical  |
| 15 | negligence may recover noneconomic damages not to exceed \$1   |
| 16 | million if:  |
| 17 | 1. The trial court determines that a manifest injustice  |
| 18 | would occur unless increased noneconomic damages are awarded,  |
| 19 | based on a finding that because of the special circumstances of  |
| 20 | the case, the noneconomic harm sustained by the injured patient  |
| 21 | was particularly severe; and   |
| 22 | 2. The trier of fact determines that the defendant's   |
| 23 | negligence caused a catastrophic injury to the patient.  |
| 24 | (c) The total noneconomic damages recoverable by all   |
| 25 | claimants from all practitioner defendants under this subsection   |
| 26 | shall not exceed \$1 million in the aggregate.   |
| 27 | (3) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF <u>A</u>   |
| 28 | NONPRACTITIONER DEFENDANTS   |
| 29 | (a) With respect to a cause of action for personal injury  |
| 30 | or wrongful death arising from medical negligence of <u>a</u>  |
| 31 | nonpractitioner nonpractitioners, regardless of the number of  |
| 32 | $rac{\mathrm{such}\ \mathrm{nonpractitioner}\ \mathrm{defendants}_{r}$ noneconomic damages $\mathrm{may}\ \mathrm{shall}$ |
| 33 | not exceed <u>\$1.125 million</u> <del>\$750,000</del> per claimant, regardless of   |
| 34 | the number of nonpractitioners who are liable for a claimant's   |
| 35 | damages.   |
| 36 | (b) Notwithstanding paragraph (a), if the negligence   |
| 37 | resulted in a permanent vegetative state or death, the total   |
| 38 | noneconomic damages recoverable by such claimant from all  |
| 39 | nonpractitioner defendants under this paragraph shall not exceed   |
| 40 | \$1.5 million. The patient injured by medical negligence of a  |
|    |  |



| 41 | nonpractitioner defendant may recover noneconomic damages not to                               |
|----|--|
| 42 | exceed \$1.5 million if:   |
| 43 | 1. The trial court determines that a manifest injustice  |
| 44 | would occur unless increased noneconomic damages are awarded,                                  |
| 45 | based on a finding that because of the special circumstances of                                |
| 46 | the case, the noneconomic harm sustained by the injured patient                                |
| 47 | was particularly severe; and   |
| 48 | 2. The trier of fact determines that the defendant's   |
| 49 | negligence caused a catastrophic injury to the patient.  |
| 50 | <del>(c)</del> <u>A</u> nonpractitioner <u>is</u> <del>defendants are</del> subject to the cap |
| 51 | on noneconomic damages provided in this subsection regardless of                               |
| 52 | the theory of liability, including vicarious liability.  |
| 53 | (d) The total noneconomic damages recoverable by all   |
| 54 | claimants from all nonpractitioner defendants under this                                       |
| 55 | subsection shall not exceed \$1.5 million in the aggregate.                                    |
| 56 | (4) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF <u>A</u>                               |
| 57 | PRACTITIONER PRACTITIONERS PROVIDING EMERGENCY SERVICES AND                                    |
| 58 | CARENotwithstanding subsections (2) and (3), with respect to a                                 |
| 59 | cause of action for personal injury or wrongful death arising                                  |
| 60 | from medical negligence of a practitioner who provided   |
| 61 | practitioners providing emergency services and care, as defined                                |
| 62 | in s. 395.002(9), or <u>provided</u> <del>providing</del> services as provided in              |
| 63 | s. 401.265, or <u>provided</u> <del>providing</del> services pursuant to                       |
| 64 | obligations imposed by 42 U.S.C. s. 1395dd to <u>a person</u> <del>persons</del>               |
| 65 | with whom the practitioner <u>did</u> does not have a then-existing                            |
| 66 | health care patient-practitioner relationship for that medical                                 |
| 67 | condition:   |
| 68 | (a) Regardless of the number of such practitioner  |
|    |  |

69 defendants, noneconomic damages <u>may</u> shall not exceed <u>\$225,000</u>

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70 \$150,000 per claimant, regardless of the number of practitioners 71 who are liable for a claimant's damages.

(b) — Notwithstanding paragraph (a), the total noneconomic 72 73 damages recoverable by all claimants from all such practitioners 74 shall not exceed \$300,000. The limitation provided by this subsection applies only to noneconomic damages awarded as a 75 76 result of any act or omission of providing medical care or 77 treatment, including diagnosis that occurs before prior to the 78 time the patient is stabilized and is capable of receiving 79 medical treatment as a nonemergency patient, unless surgery is 80 required as a result of the emergency within a reasonable time 81 after the patient is stabilized, in which case the limitation 82 provided by this subsection applies to any act or omission of 83 providing medical care or treatment which occurs before prior to 84 the stabilization of the patient following the surgery.

85 (5) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF A NONPRACTITIONER DEFENDANTS PROVIDING EMERGENCY SERVICES AND 86 87 CARE.-Notwithstanding subsections (2) and (3), with respect to a cause of action for personal injury or wrongful death arising 88 89 from medical negligence of a nonpractitioner defendants other 90 than a practitioner who provided practitioners providing 91 emergency services and care pursuant to obligations imposed by 92 s. 395.1041 or s. 401.45, or obligations imposed by 42 U.S.C. s. 93 1395dd to a person persons with whom the practitioner did does 94 not have a then-existing health care patient-practitioner 95 relationship for that medical condition:

96 (a) Regardless of the number of such nonpractitioner 97 defendants, Noneconomic damages <u>may shall</u> not exceed <u>\$1.125</u> 98 <u>million</u> <del>\$750,000</del>