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LEGISLATIVE ACTION

Senate

House

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Floor: WD

04/30/2025 10:14 AM

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Senator Harrell moved the following:

**Senate Amendment to Amendment (485034)**

Delete lines 52 - 143

and insert:

exceed \$750,000 ~~\$500,000~~ per claimant. ~~No practitioner shall be~~  
~~liable for more than \$500,000 in noneconomic damages,~~ regardless  
of the number of practitioners who are liable for a claimant's  
damages claimants.

~~(b) Notwithstanding paragraph (a), if the negligence~~  
~~resulted in a permanent vegetative state or death, the total~~  
~~noneconomic damages recoverable from all practitioners,~~



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~~regardless of the number of claimants, under this paragraph shall not exceed \$1 million. In cases that do not involve death or permanent vegetative state, the patient injured by medical negligence may recover noneconomic damages not to exceed \$1 million if:~~

~~1. The trial court determines that a manifest injustice would occur unless increased noneconomic damages are awarded, based on a finding that because of the special circumstances of the case, the noneconomic harm sustained by the injured patient was particularly severe; and~~

~~2. The trier of fact determines that the defendant's negligence caused a catastrophic injury to the patient.~~

~~(c) The total noneconomic damages recoverable by all claimants from all practitioner defendants under this subsection shall not exceed \$1 million in the aggregate.~~

(3) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF A NONPRACTITIONER DEFENDANTS.—

(a) With respect to a cause of action for personal injury or wrongful death arising from medical negligence of a nonpractitioner ~~nonpractitioners, regardless of the number of such nonpractitioner defendants,~~ noneconomic damages may shall not exceed \$1.125 million ~~\$750,000~~ per claimant, regardless of the number of nonpractitioners who are liable for a claimant's damages.

~~(b) Notwithstanding paragraph (a), if the negligence resulted in a permanent vegetative state or death, the total noneconomic damages recoverable by such claimant from all nonpractitioner defendants under this paragraph shall not exceed \$1.5 million. The patient injured by medical negligence of a~~



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~~nonpractitioner defendant may recover noneconomic damages not to exceed \$1.5 million if:~~

~~1. The trial court determines that a manifest injustice would occur unless increased noneconomic damages are awarded, based on a finding that because of the special circumstances of the case, the noneconomic harm sustained by the injured patient was particularly severe; and~~

~~2. The trier of fact determines that the defendant's negligence caused a catastrophic injury to the patient.~~

~~(c) A nonpractitioner is~~ defendants are subject to the cap on noneconomic damages provided in this subsection regardless of the theory of liability, including vicarious liability.

~~(d) The total noneconomic damages recoverable by all claimants from all nonpractitioner defendants under this subsection shall not exceed \$1.5 million in the aggregate.~~

(4) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF A PRACTITIONER ~~PRACTITIONERS~~ PROVIDING EMERGENCY SERVICES AND CARE.—Notwithstanding subsections (2) and (3), with respect to a cause of action for personal injury or wrongful death arising from medical negligence of a practitioner who provided ~~practitioners providing~~ emergency services and care, as defined in s. 395.002(9), or provided ~~providing~~ services as provided in s. 401.265, or provided ~~providing~~ services pursuant to obligations imposed by 42 U.S.C. s. 1395dd to a person ~~persons~~ with whom the practitioner did ~~does~~ not have a then-existing health care patient-practitioner relationship for that medical condition÷

~~(a) Regardless of the number of such practitioner defendants,~~ noneconomic damages may ~~shall~~ not exceed \$225,000



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

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

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

(a) ~~Regardless of the number of such nonpractitioner defendants,~~ Noneconomic damages may ~~shall~~ not exceed \$1.125 million ~~\$750,000~~