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,

401348

12	regardless of the number of claimants, under this paragraph
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> \$750,000 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	(c) <u>A</u> nonpractitioner <u>is</u> defendants are 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> providing services as provided in
63	s. 401.265, or <u>provided</u> providing services pursuant to
64	obligations imposed by 42 U.S.C. s. 1395dd to <u>a person</u> persons
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>

Page 3 of 4



401348

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> \$750,000