Amendment No. (for drafter's use only)

CHAMBER ACTION

<u>Senate</u>   <u>House</u>

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11 Representative Seiler offered the following:

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13   **Amendment (with title amendment)**

14   Remove line(s) 1827-1835, and insert:

15   766.118 Determination of noneconomic damages.--

16   (1) Except as provided in subsection (2), in an action for

17 damages for medical malpractice, the noneconomic damages awarded

18 to each plaintiff in a personal injury action or each statutory

19 survivor under s. 768.21 in a wrongful death action, as applied

20 to each defendant who is a party to the action, shall not exceed

21 $850,000.

22   (2) In an action for damages for medical malpractice, the

23 limitation on noneconomic damages set forth in subsection (1)

24 shall not apply:

25   (a) To an action in which the conduct of the defendant is

26 determined to constitute gross negligence, or reckless, willful

27 or wanton conduct.

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28   (b) Where the jury determines that there is a substantial
29 or permanent loss or impairment of a bodily function or
30 substantial disfigurement, in a wrongful death action where the
31 limitation on noneconomic damages would deprive the survivor of
32 fair compensation, or other special circumstances in the case
33 which warrant an award in excess of the limitations set forth in
34 subsection (1).
35   (3) The Chief Financial Officer shall adjust the
36 limitation on noneconomic damages by an amount determined at the
37 end of each calendar year to reflect the cumulative annual
38 percentage change in the consumer price index. As used in this
39 subsection, "consumer price index" shall mean the most
40 comprehensive index of consumer prices available for this state
41 from the Bureau of Labor Statistics of the U.S. Department of
42 Labor.
43   (4) The court shall instruct the jury that in the event
44 they find a defendant liable, they shall not award any plaintiff
45 or survivor more than $850,000 against any one defendant for
46 noneconomic damages unless the jury determines a higher award is
47 justified based upon the criteria set forth in subsection (2).
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50 ================ T I T L E A M E N D M E N T ================
51   Remove line 152, and insert:
52   negligence; providing exceptions; amending s. 766.202,
53   F.S.; redefining the

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