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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/13/2011	.	
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The Committee on Health Regulation (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete lines 415 - 427
and insert:

(1) In any action for recovery of damages based on the death or personal injury of any person in which it is alleged that such death or injury resulted from the negligence of the following persons:

- (a) A health care provider as defined in s. 766.202(4); or
- (b) An emergency health care provider, which includes a person or an entity that provides services according to obligations imposed by s. 395.1041 or s. 401.45, but does not



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13 include a person or entity that is otherwise covered under this
14 section,
15
16 the claimant shall have the burden of proving by clear and
17 convincing ~~the greater weight of~~ evidence that the alleged
18 actions of the health care provider or the emergency health care
19 provider represented a breach of the prevailing professional
20 standard of care for that health care provider or emergency
21 health care provider. The prevailing professional standard of
22 care for a given health care provider or emergency health care
23 provider shall be that level of care, skill, and treatment
24 which, in light of all relevant surrounding circumstances, is
25 recognized as acceptable and appropriate by reasonably prudent
26 similar health care providers or emergency health care
27 providers.

28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete line 44

32 and insert:

33 prove medical negligence by a health care provider or
34 an emergency health care provider;