

By Senator Campbell

38-01135-18

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1                   A bill to be entitled  
2           An act relating to noneconomic damages for wrongful  
3           death suits; repealing s. 766.118, F.S., relating to  
4           determination of noneconomic damages and limits on  
5           noneconomic damages; amending s. 766.209, F.S.;  
6           conforming a provision to changes made by the act;  
7           providing an effective date.

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9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Section 766.118, Florida Statutes, is repealed.

12           Section 2. Paragraph (a) of subsection (3) of section  
13   766.209, Florida Statutes, is amended to read:

14           766.209 Effects of failure to offer or accept voluntary  
15   binding arbitration.—

16           (3) If the defendant refuses a claimant's offer of  
17   voluntary binding arbitration:

18           (a) The claim shall proceed to trial, and the claimant,  
19   upon proving medical negligence, shall be entitled to recover  
20   damages ~~subject to the limitations in s. 766.118~~, prejudgment  
21   interest, and reasonable attorney ~~attorney's~~ fees up to 25  
22   percent of the award reduced to present value.

23           Section 3. This act shall take effect July 1, 2018.