

Bill No. CS for SB 1356

Amendment No. 2

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Health, Aging and Long-Term Care recommended the following amendment:

Senate Amendment (with title amendment)

On page 7, lines 7-13, delete those lines

and insert:

(10) Any health care entity that provides school health services under contract with the department pursuant to a school health services plan developed under this section, and as part of a school nurse services public-private partnership, is deemed to be a corporation acting primarily as an instrumentality of the state solely for the purpose of limiting liability pursuant to s. 768.28(5). The limitations on tort actions contained in s. 768.28(5) shall apply to any action against the entity with respect to the provision of school health services, if the entity is acting within the scope of and pursuant to guidelines established in the contract or by rule of the department. The contract must require the entity, or the partnership on behalf of the entity, to obtain general liability insurance coverage, with

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1 any additional endorsement necessary to insure the entity for
2 liability assumed by its contract with the department. The
3 Legislature intends that insurance be purchased by entities,
4 or by partnerships on behalf of the entity, to cover all
5 liability claims, and under no circumstances shall the state
6 or the department be responsible for payment of any claims or
7 defense costs for claims brought against the entity or its
8 subcontractor for services performed under the contract with
9 the department. This subsection does not preclude
10 consideration by the Legislature for payment by the state of
11 any claims bill involving an entity contracting with the
12 department pursuant to this section.

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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, lines 7-10, delete those lines

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19 and insert:

20 plan; providing that certain entities providing
21 school health services under contract with the
22 Department of Health are instrumentalities of
23 the state for certain purposes; providing
24 limitations on tort actions; requiring such
25 contractor to require providers to obtain
26 certain liability insurance coverage; creating
27 s. 381.0058, F.S., relating

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