

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representatives Harrell and Green offered the following:

Amendment (with title amendment)

Between line(s) 1380 and 1381, insert:

Section 42. Paragraph (b) of subsection (9) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.--

(9)

(b) As used in this subsection, the term:

- 1. "Employee" includes any volunteer firefighter.
2. "Officer, employee, or agent" includes, but is not

limited to:

- a. Any health care provider when providing services pursuant to s. 766.1115, any member of the Florida Health

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28 Services Corps, as defined in s. 381.0302, who provides
29 uncompensated care to medically indigent persons referred by the
30 Department of Health, and any public defender or her or his
31 employee or agent, including, among others, an assistant public
32 defender and an investigator.

33 b. Any emergency health care provider acting pursuant to
34 obligations imposed by ss. 395.1041, 395.401, and 401.45. Except
35 for persons or entities that are otherwise covered under this
36 section, emergency health care providers shall be considered
37 agents of the Department of Health and shall indemnify the
38 department for the reasonable costs of defense and indemnity
39 payments, if any, up to the liability limits set forth in this
40 chapter. For purposes of this sub-subparagraph:

41 (I) "Emergency health care providers" includes all persons
42 and entities covered under or providing services pursuant to
43 obligations imposed by s. 395.1041, s. 395.401, or s. 401.45.

44 (II) "Emergency medical services" means ambulance
45 assessment, treatment, or transport services provided pursuant
46 to obligations imposed by s. 401.45 or s. 395.1041; and all
47 screening, examination, and evaluation by a physician, hospital,
48 or other person or entity acting pursuant to obligations imposed
49 by s. 395.1041 or s. 395.401, as well as the care, treatment,
50 surgery, or other medical services provided to relieve or
51 eliminate the emergency medical condition for a period not to
52 exceed 72 hours after admission, or prior to the patient's
53 discharge from the hospital, whichever is sooner.

54
55 ===== T I T L E A M E N D M E N T =====

56 Remove line 103, and insert:

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57 | 400.4295, F.S.; correcting cross references; amending s.
58 | 768.28, F.S.; providing that certain health care employees
59 | performing certain obligations are considered agents of
60 | the Department of Health for the purpose of the
61 | application of the doctrine of sovereign immunity;
62 | providing definitions; providing