

Bill No. CS for CS for CS for SB 564, SB 2120 & SB 2620

Amendment No. \_\_\_\_ Barcode 095578

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Smith moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 30, between lines 26 and 27,		
15			
16	insert:		
17	Section 17. Subsections (3), (4), (5), (6), (7), (8),		
18	and (9) are added to section 766.110, Florida Statutes, to		
19	read:		
20	766.110 Liability of health care facilities.--		
21	<u>(3) Members of the medical staff of a hospital</u>		
22	<u>licensed under chapter 395 and any professional group</u>		
23	<u>comprised of such persons shall be immune from liability for</u>		
24	<u>all damages in excess of \$100,000 per incident arising from</u>		
25	<u>medical injuries to patients resulting from negligent acts or</u>		
26	<u>omissions of such medical staff members in the performance of</u>		
27	<u>emergency medical services as defined in s. 768.13(2), and no</u>		
28	<u>member of the medical staff of a hospital and no professional</u>		
29	<u>group comprised of such persons shall be liable to pay any</u>		
30	<u>damages in excess of \$100,000 to any person or persons for any</u>		
31	<u>single incident of medical negligence that causes injuries to</u>		

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1 a patient or patients in the performance of emergency medical  
2 services.

3 (4) Subject to the limitations set forth in subsection  
4 (5), every hospital licensed under chapter 395 shall assume  
5 liability for all damages in excess of \$100,000 per incident  
6 arising from medical injuries to patients resulting from  
7 negligent acts or omissions on the part of members of its  
8 medical staff in the performance of emergency medical services  
9 as defined by s. 768.31(2).

10 (5) No person or persons may recover damages from a  
11 hospital licensed under chapter 395, or its insurer, in excess  
12 of \$2 million per incident arising from medical injuries to a  
13 patient or patients caused by negligent acts or omissions on  
14 the part of the hospital or members of the hospital's medical  
15 staff in the performance of emergency medical services as  
16 defined in s. 768.13(2), and no hospital or hospital insurer  
17 shall be liable to pay any claim or judgment in an amount in  
18 excess of \$2.5 million for a single incident of medical  
19 negligence on the part of the hospital or members of the  
20 hospital's medical staff that causes injuries to a patient or  
21 patients in the performance of emergency medical services.

22 (6) Because of the overriding public necessity for  
23 hospitals to provide trauma care and emergency medical  
24 services to the public at large, the state assumes  
25 responsibility for payment of reasonable compensation to  
26 persons who are barred from recovery of certain damages due to  
27 subsection (5). Application for payment of such damages shall  
28 commence with the filing of a claims bill. The Legislature  
29 shall process a claims bill for compensation under this  
30 subsection in the same manner as a claims bill that seeks  
31 compensation for damages barred from recovery under the

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1 doctrine of sovereign immunity.

2 (7) No attorney may charge, demand, receive, or  
3 collect, for services rendered, fees in excess of 25 percent  
4 of any amount awarded by the Legislature pursuant to  
5 subsection (6).

6 (8) Nothing in this section constitutes a waiver of  
7 sovereign immunity under s. 768.28, nor shall this section  
8 impair the immunities currently recognized for public  
9 hospitals or teaching hospitals as defined in s. 408.07.

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11 (Redesignate subsequent sections.)

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

15 And the title is amended as follows:

16 On page 2, line 27, following the semicolon

17

18 insert:

19 amending s. 766.110, F.S.; limiting liability  
20 of health care providers providing emergency  
21 care services in hospitals; providing for  
22 hospitals and the state to assume a certain  
23 part of liability for negligence by such  
24 providers; providing a limit on attorney's  
25 fees;

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