

Bill No. CS for CS for CS for SB 564, SB 2120 & SB 2620, 1st Enq.

Amendment No. ____ Barcode 593640

CHAMBER ACTION

Senate

House

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Senator Wasserman Schultz moved the following amendment:

Senate Amendment

On page 33, line 3, through

On page 34, line 31, delete those lines

and insert:

Section 17. Subsections (3), (4), (5), (6), (7), (8),
and (9) are added to section 766.110, Florida Statutes, to
read:

766.110 Liability of health care facilities.--

(3) Members of the medical staff of a hospital
licensed under chapter 395 and any professional group
comprised of such persons shall be immune from liability for
all noneconomic damages in excess of \$100,000 per incident
arising from medical injuries to patients resulting from
negligent acts or omissions of such medical staff members in
the performance of emergency medical services as defined in s.
768.13(2), and no member of the medical staff of a hospital
and no professional group comprised of such persons shall be
liable to pay any noneconomic damages in excess of \$100,000 to

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1 any person or persons for any single incident of medical
2 negligence that causes injuries to a patient or patients in
3 the performance of emergency medical services.

4 (4) Subject to the limitations set forth in subsection
5 (5), every hospital licensed under chapter 395 shall assume
6 liability for all noneconomic damages in excess of \$100,000
7 per incident arising from medical injuries to patients
8 resulting from negligent acts or omissions on the part of
9 members of its medical staff in the performance of emergency
10 medical services as defined by s. 768.13(2). A health care
11 provider under s. 768.28(9)(b)2.b. does not include a licensed
12 health care practitioner who is providing emergency services
13 to a person with whom the practitioner has an established
14 provider-patient relationship outside of the emergency room
15 setting.

16 (5) No person or persons may recover noneconomic
17 damages from a hospital licensed under chapter 395, or its
18 insurer, in excess of \$2.5 million per incident arising from
19 medical injuries to a patient or patients caused by negligent
20 acts or omissions on the part of the hospital or members of
21 the hospital's medical staff in the performance of emergency
22 medical services as defined in s. 768.13(2), and no hospital
23 or hospital insurer shall be liable to pay any claim or
24 judgment for noneconomic damages in an amount in excess of
25 \$2.5 million for a single incident of medical negligence on
26 the part of the hospital or members of the hospital's medical
27 staff that causes injuries to a patient or patients in the
28 performance of emergency medical services.

29 (6) There shall be no limitation on the recovery of
30 economic damages for all claims arising under this section.

31 (7) Because of the overriding public necessity for

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1 hospitals to provide trauma care and emergency medical
2 services to the public at large, the state assumes
3 responsibility for payment of noneconomic damages to persons
4 who are barred from recovery of certain damages due to
5 subsection (5). Application for payment of such noneconomic
6 damages shall commence with the filing of a claims bill. The
7 Legislature shall process a claims bill for compensation under
8 this subsection in the same manner as a claims bill that seeks
9 compensation for damages barred from recovery under the
10 doctrine of sovereign immunity.

11 (8) No attorney may charge, demand, receive, or
12 collect, for services rendered, fees in excess of 25 percent
13 of any amount awarded by the Legislature pursuant to
14 subsection (6).

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

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