

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

Amendment No. Barcode 672306

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 28, line 3, through
page 29, line 2, delete those lines

and insert:

b. Any health care provider licensed under chapter 458 or chapter 459 providing emergency services subject to the immunity set forth in s. 768.13(2)(b). Such health care provider shall be considered an agent of the Department of Health for purposes of immunity under this section and shall indemnify the state for any liabilities incurred up to the limits set out in this chapter or the limits of available insurance coverage of the health care provider, whichever is greater. Notwithstanding the creation of the agency relationship set forth in this section, neither the state nor its applicable agency or subdivision shall have the control or right to control the provision of the emergency medical services provided for in this sub-subparagraph. Claims under this section may be settled and judgments entered and

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1 satisfied up to the limits of the available insurance coverage
2 of the health care provider without the requirement of filing
3 a claim bill. A health care provider under this
4 sub-subparagraph does not include a licensed health care
5 practitioner who is providing emergency services to a person
6 with whom the practitioner has an established provider-patient
7 relationship outside of the emergency room setting. Notice
8 shall be given pursuant to the requirements of chapter 766 and
9 not in accordance with paragraph (6)(a). For purposes of this
10 section, available insurance coverage shall include, but not
11 be limited to:

- 12 1. Commercial professional liability insurance;
- 13 2. Commercial self-insurance trust funds or other
- 14 self-insurance trust funds;
- 15 3. Medical malpractice self-insurance funds,
- 16 self-insurance risk retention groups, or deductibles;
- 17 4. Insurance obtained from a surplus lines insurer;
- 18 5. Joint Unwriting Association;
- 19 6. State established insurance funds;
- 20 7. Indemnity contracts;
- 21 8. Escrow accounts, bonds, or letters of credit; or
- 22 9. Any other program or entity that provides for the
- 23 payment of professional liability claims.

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

27 And the title is amended as follows:

28 On page 2, lines 18-20, delete those lines

29
30 and insert:

31 the state when providing emergency services;

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providing exceptions; amending s. 768.77, F.S.;