

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

Amendment No. Barcode 961840

CHAMBER ACTION

Senate

House

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Senator Aronberg moved the following **amendment to amendment**
(414042):

Senate Amendment (with title amendment)

On page 3, line 16,

insert:

Section 18. Section 766.1105, Florida Statutes, is
created to read:

766.1105 Immunity not applicable.--The immunity,
liability limits, and provisions for claims bills set forth in
s. 766.110, shall not apply, nor may they be asserted as a
defense to causes of action for medical malpractice with
respect to any private hospital corporation or health care
provider where either of the following has occurred:

(1) The hospital or health care provider has pled
guilty or has pled in avoidance or otherwise averted
allegations of or has been found to have violated any civil or
criminal state or federal law pertaining to Medicaid or
Medicare fraud within the 5-year period preceding the date the
medical malpractice cause of action accrued; or

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1 (2) The hospital or health care provider entered into
 2 a settlement agreement with the state or the Federal
 3 Government pertaining to allegations of Medicaid or Medicare
 4 fraud within the 5-year period preceding the date the medical
 5 malpractice cause of action accrued.

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 7 The hospital or health care providers cannot assert any claim
 8 of confidentiality or privilege for settlement or pleading to
 9 any allegation of fraud and must, in response to a request by
 10 the plaintiff or plaintiff's counsel, produce within 30 days
 11 of such request all such agreements or settlements as to
 12 allegations of criminal or civil fraud actions.

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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 3, line 31, following the semicolon

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19 insert:

20 creating s. 766.1105, F.S.; providing that
 21 immunity, liability limits, and provisions for
 22 claims bills shall not apply or be asserted as
 23 a defense under certain circumstances;

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