

Bill No. CS for SB 2-B

Amendment No. ____ Barcode 343550

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 149, between lines 20 and 21,

insert:

Section 74. Subsections (3), (4), (5), (6), (7), and (8) 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 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 pursuant to 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 damages in excess of \$100,000 to any person or persons for any single incident of medical negligence that causes injuries to a patient or patients in the performance of emergency medical

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1 services.

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

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

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

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1 shall process a claims bill for compensation under this
2 subsection in the same manner as a claims bill that seeks
3 compensation for damages barred from recovery under the
4 doctrine of sovereign immunity.

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

9 (8) Nothing in this section constitutes a waiver of
10 sovereign immunity under s. 768.28, nor does this section
11 contravene the abrogation of joint and several liability
12 contained in s. 766.112.

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14 (Redesignate subsequent sections.)

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

18 And the title is amended as follows:

19 On page 16, line 18, after the semicolon,

20

21 insert:

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

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