

1 (1)(a) In any negligence action for damages for
2 personal injury or wrongful death arising out of the provision
3 of services for crisis stabilization brought against a
4 detoxification program, an addictions receiving facility, or a
5 designated public receiving facility, net economic damages
6 shall be limited to \$1 million per liability claim, including,
7 but not limited to, past and future medical expenses, wage
8 loss, and loss of earning capacity. In computing net economic
9 damages, such damages shall be offset by any collateral source
10 payment paid in accordance with s. 768.76.

11 (b) In any negligence action for damages for personal
12 injury or wrongful death arising out of the provision of
13 services for crisis stabilization brought against any
14 detoxification program, an addictions receiving facility, or a
15 designated public receiving facility, noneconomic damages
16 shall be limited to \$200,000 per claim.

17 (c) Any costs in defending actions brought under this
18 section shall be assumed by the provider or its insurer.

19 (2) The limitations on liability of a detoxification
20 program, an addictions receiving facility, or any designated
21 public receiving facility as described in subsection (1) shall
22 be exclusive. Such limitations apply to each employee of the
23 provider when the employee is acting in furtherance of the
24 provider's responsibilities under its contract with the
25 department. Such limitations do not apply to a provider or
26 employee who acts in a culpably negligent manner or with
27 willful and wanton disregard or unprovoked physical aggression
28 if such acts result in injury or death.

29 (3) The eligible provider under this section must, as
30 part of its contract, obtain and maintain an insurance policy
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1 providing a minimum of \$1 million per claim and \$3 million per
2 incident in coverage for claims described in subsection (1).

3 (4) This section does not designate a person who
4 provides contracted services to the department as an employee
5 or agent of the state for purposes of chapter 440.

6 (5) The Legislature is cognizant of the increasing
7 costs of goods and services each year and recognizes that
8 fixing a set amount of compensation actually has the effect of
9 a reduction in compensation each year. Accordingly, the
10 conditional limitations on damages in this section shall be
11 increased at the rate of 5 percent each year, prorated from
12 July 1, 2006, to the date at which damages subject to such
13 limitations are awarded by final judgment or settlement.

14 (6) For purposes of this section, the terms
15 "detoxification program," "addictions receiving facility," and
16 "receiving facility" have the same meanings as those provided
17 in ss. 397.311(18)(b), 397.311(18)(a), and 394.455(26),
18 respectively.

19 (7) This section does not waive sovereign immunity for
20 any governmental unit or other entity protected by sovereign
21 immunity. Section 768.28 shall continue to apply to all
22 governmental units and such entities.

23 Section 2. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 280

Clarifies that the bill applies to negligence actions arising out of the provision of crisis stabilization services.

Removes the provision allowing the filing of a claims bill.

Clarifies that the required insurance coverage is for paying claims arising out of negligence actions.

Clarifies that the newly created s. 394.9085, F.S., is not to be construed to waive sovereign immunity for any governmental unit or other entity protected by sovereign immunity, and that s. 768.28, F.S., shall continue to apply to all governmental units and such entities.