



560532

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/8/2008	.	
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	.	

1 The Committee on Health and Human Services Appropriations (Gaetz)
2 recommended the following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Between lines 987 and 988,
6 insert:

7 Section 21. Paragraphs (h) and (j) of subsection (1) of
8 section 409.1671, Florida Statutes, are amended to read:

9 409.1671 Foster care and related services; outsourcing.--

10 (1)

11 (h) Other than an entity to which s. 768.28 applies, any
12 eligible lead community-based provider, as defined in paragraph
13 (e), or its employees or officers, except as otherwise provided
14 in paragraph (i), must, as a part of its contract, obtain a
15 minimum of \$1 million per claim/\$3 million per incident in
16 general liability insurance coverage. The eligible lead
17 community-based provider must also require that staff who



560532

18 transport client children and families in their personal
19 automobiles in order to carry out their job responsibilities
20 obtain minimum bodily injury liability insurance in the amount of
21 \$100,000 per claim, \$300,000 per incident, on their personal
22 automobiles. In lieu of personal motor vehicle insurance, the
23 lead community-based provider's casualty, liability, or motor
24 vehicle insurance carrier may provide nonowned automobile
25 liability coverage. This insurance provides liability insurance
26 for automobiles that the provider uses in connection with the
27 provider's business but does not own, lease, rent, or borrow.
28 This coverage includes automobiles owned by the employees of the
29 provider or a member of the employee's household but only while
30 the automobiles are used in connection with the provider's
31 business. The nonowned automobile coverage for the provider
32 applies as excess coverage over any other collectible insurance.
33 The personal automobile policy for the employee of the provider
34 shall be primary insurance and the nonowned automobile coverage
35 of the provider acts as excess insurance to the primary
36 insurance. The provider shall provide a minimum limit of \$1
37 million in nonowned automobile coverage. In any tort action
38 brought against such an eligible lead community-based provider or
39 employee, net economic damages shall be limited to \$1 million per
40 liability claim and \$100,000 per automobile claim, including, but
41 not limited to, past and future medical expenses, wage loss, and
42 loss of earning capacity, offset by any collateral source payment
43 paid or payable. In any tort action brought against such an
44 eligible lead community-based provider, noneconomic damages shall
45 be limited to \$200,000 per claim. A claims bill may be brought on
46 behalf of a claimant pursuant to s. 768.28 for any amount
47 exceeding the limits specified in this paragraph. Any offset of



560532

48 collateral source payments made as of the date of the settlement
49 or judgment shall be in accordance with s. 768.76. The lead
50 community-based provider shall not be liable in tort for the acts
51 or omissions of its subcontractors or the officers, agents, or
52 employees of its subcontractors.

53 (j) Any subcontractor of an eligible lead community-based
54 provider, as defined in paragraph (e), which is a direct provider
55 of foster care and related services to children and families, and
56 its employees or officers, except as otherwise provided in
57 paragraph (i), must, as a part of its contract, obtain a minimum
58 of \$1 million per claim/\$3 million per incident in general
59 liability insurance coverage. The subcontractor of an eligible
60 lead community-based provider must also require that staff who
61 transport client children and families in their personal
62 automobiles in order to carry out their job responsibilities
63 obtain minimum bodily injury liability insurance in the amount of
64 \$100,000 per claim, \$300,000 per incident, on their personal
65 automobiles. In lieu of personal motor vehicle insurance, the
66 subcontractor's casualty, liability, or motor vehicle insurance
67 carrier may provide nonowned automobile liability coverage. This
68 insurance provides liability insurance for automobiles that the
69 subcontractor uses in connection with the subcontractor's
70 business but does not own, lease, rent, or borrow. This coverage
71 includes automobiles owned by the employees of the subcontractor
72 or a member of the employee's household but only while the
73 automobiles are used in connection with the subcontractor's
74 business. The nonowned automobile coverage for the subcontractor
75 applies as excess coverage over any other collectible insurance.
76 The personal automobile policy for the employee of the
77 subcontractor shall be primary insurance and the nonowned



560532

78 automobile coverage of the subcontractor acts as excess insurance
79 to the primary insurance. The subcontractor shall provide a
80 minimum limit of \$1 million in nonowned automobile coverage. In
81 any tort action brought against such subcontractor or employee,
82 net economic damages shall be limited to \$1 million per liability
83 claim and \$100,000 per automobile claim, including, but not
84 limited to, past and future medical expenses, wage loss, and loss
85 of earning capacity, offset by any collateral source payment paid
86 or payable. In any tort action brought against such
87 subcontractor, noneconomic damages shall be limited to \$200,000
88 per claim. A claims bill may be brought on behalf of a claimant
89 pursuant to s. 768.28 for any amount exceeding the limits
90 specified in this paragraph. Any offset of collateral source
91 payments made as of the date of the settlement or judgment shall
92 be in accordance with s. 768.76.

93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96
97 On line 65, after the first semicolon,
98 insert:

99
100 amending s. 409.1671, F.S.; providing that a community-
101 based provider or a subcontractor of a community-based
102 provider may provide nonowned automobile liability
103 coverage in lieu of providing personal motor vehicle
104 insurance; providing terms, conditions, and applicability
105 for nonowned automobile insurance coverage; requiring a
106 community-based provider or a subcontractor of a



560532

107 | community-based provider to provide a minimum limit for
108 | nonowned automobile insurance coverage;