



391804

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 3/AD/2R

.

05/02/2011 02:21 PM

.

.

Senator Hays moved the following:

Senate Amendment (with title amendment)

Between lines 727 and 728

insert:

Section 15. Section 768.135, Florida Statutes, is amended to read:

768.135 Volunteer team physicians; immunity.—

(1) As used in this section, the term "volunteer team physician" means any person licensed to practice medicine pursuant to chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466:

(a)~~(1)~~ Who is acting in the capacity of a volunteer team physician in attendance at an athletic event sponsored by a



391804

14 public or private elementary or secondary school; and
15 (b) (2) Who gratuitously and in good faith prior to the
16 athletic event agrees to render emergency care or treatment to
17 any participant in such event in connection with an emergency
18 arising during or as the result of such event, without objection
19 of such participant.

20 (2) A volunteer team physician is shall not be held liable
21 for any civil damages as a result of such care or treatment or
22 as a result of any act or failure to act in providing or
23 arranging further medical treatment unless the when such care or
24 treatment was rendered in a wrongful manner as a reasonably
25 prudent person similarly licensed to practice medicine would
26 have acted under the same or similar circumstances.

27 (3) A practitioner licensed under chapter 458, chapter 459,
28 chapter 460, or s. 464.012 who gratuitously and in good faith
29 conducts an evaluation pursuant to s. 1006.20(2)(c) is not
30 liable for any civil damages arising from that evaluation unless
31 the evaluation was conducted in a wrongful manner.

32 (4) As used in this section, the term "wrongful manner"
33 means in bad faith or with malicious purpose or in a manner
34 exhibiting wanton and willful disregard of human rights, safety,
35 or property, and shall be construed in conformity with the
36 standard set forth in s. 768.28(9)(a).

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete line 59

41 and insert:

42 medical negligence claims; amending s. 768.135, F.S.;



391804

43 defining the term "volunteer team physician";
44 providing that a volunteer team physician is not
45 liable for civil damages unless treatment was rendered
46 in a wrongful manner; providing that certain
47 practitioners who conduct certain evaluations are not
48 liable for civil damages unless the evaluation was
49 conducted in a wrongful manner; defining the term
50 "wrongful manner"; providing an effective