



183322

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2011	.	
	.	
	.	
	.	

The Committee on Health Regulation (Bennett) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 6049 and 6050
insert:

(g) Providers or vendors, 75 percent of whose client population consists of individuals with a developmental disability as defined in ss. 393.063 and 400.960, individuals who are blind or severely handicapped individuals as defined in s. 413.033, individuals who have a mental illness as defined under s. 394.455, or individuals who have any combination of these conditions, which have contractually agreed to act on behalf of the Agency for Persons with Disabilities, the Agency



183322

13 for Health Care Administration, the Division of Blind Services
14 in the Department of Education, or the Mental Health Program
15 Office of the Department of Children and Family Services to
16 provide services to such individuals, and their employees or
17 agents, are considered agents of the state, solely with respect
18 to the provision of such services while acting within the scope
19 of and pursuant to guidelines established by contract, a
20 Medicaid waiver agreement, or rule. The contracts for such
21 services must provide for the indemnification of the state by
22 the agent for any liabilities incurred up to the limits
23 specified in this section.

24
25 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

26 And the directory clause is amended as follows:
27 Delete line 5961
28 and insert:
29 768.28, Florida Statutes, is amended, and paragraphs (f) and (g)
30 are added

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:
34 Delete line 406
35 and insert:
36 exception; providing that providers and vendors
37 providing services to certain persons with
38 disabilities on behalf of the state are agents of the
39 state for the purposes of sovereign immunity;
40 providing legislative findings and intent