

1 A bill to be entitled
 2 An act relating to sovereign immunity for dentists and
 3 dental hygienists; amending s. 766.1115, F.S.;
 4 revising a definition; requiring a contract with a
 5 governmental contractor for health care services to
 6 include a provision for a health care provider
 7 licensed under ch. 466, F.S., as an agent of the
 8 governmental contractor, to allow a patient or a
 9 parent or guardian of the patient to voluntarily
 10 contribute a fee to cover costs of dental laboratory
 11 work related to the services provided to the patient
 12 without forfeiting sovereign immunity; prohibiting the
 13 contribution from exceeding the actual amount of the
 14 dental laboratory charges; providing that the
 15 contribution complies with specified requirements;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Paragraph (a) of subsection (3) of section
 21 766.1115, Florida Statutes, is amended, and paragraph (h) is
 22 added to subsection (4) of that section, to read:

23 766.1115 Health care providers; creation of agency
 24 relationship with governmental contractors.—

25 (3) DEFINITIONS.—As used in this section, the term:

26 (a) "Contract" means an agreement executed in compliance
 27 with this section between a health care provider and a
 28 governmental contractor which allows. ~~This contract shall allow~~

29 | the health care provider to deliver health care services to low-
30 | income recipients as an agent of the governmental contractor.
31 | The contract must be for volunteer, uncompensated services. For
32 | services to qualify as volunteer, uncompensated services under
33 | this section, the health care provider must receive no
34 | compensation from the governmental contractor for ~~any~~ services
35 | provided under the contract and must not bill or accept
36 | compensation from the recipient, or a ~~any~~ public or private
37 | third-party payor, for the specific services provided to the
38 | low-income recipients covered by the contract.

39 | (4) CONTRACT REQUIREMENTS.—A health care provider that
40 | executes a contract with a governmental contractor to deliver
41 | health care services on or after April 17, 1992, as an agent of
42 | the governmental contractor is an agent for purposes of s.
43 | 768.28(9), while acting within the scope of duties under the
44 | contract, if the contract complies with the requirements of this
45 | section and regardless of whether the individual treated is
46 | later found to be ineligible. A health care provider under
47 | contract with the state may not be named as a defendant in any
48 | action arising out of medical care or treatment provided on or
49 | after April 17, 1992, under contracts entered into under this
50 | section. The contract must provide that:

51 | (h) Notwithstanding subsection (3), as an agent of the
52 | governmental contractor for purposes of s. 768.28(9), while
53 | acting within the scope of duties under the contract, a health
54 | care provider licensed under chapter 466 may allow a patient or
55 | a parent or guardian of the patient to voluntarily contribute a
56 | fee to cover costs of dental laboratory work related to the

CS/HB 1205

2013

57 | services provided to the patient. This contribution may not
58 | exceed the actual cost of the dental laboratory charges and is
59 | deemed to comply with this section.

60

61 | A governmental contractor that is also a health care provider is
62 | not required to enter into a contract under this section with
63 | respect to the health care services delivered by its employees.

64

Section 2. This act shall take effect July 1, 2013.