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

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

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

766.1115 Health care providers; creation of agency
relationship with governmental contractors.—
(3) DEFINITIONS.—As used in this section, the term:
(a) "Contract" means an agreement executed in compliance
with this section between a health care provider and a
governmental contractor which allows. This contract shall allow
the health care provider to deliver health care services to low-income recipients as an agent of the governmental contractor. The contract must be for volunteer, uncompensated services. For services to qualify as volunteer, uncompensated services under this section, the health care provider must receive no compensation from the governmental contractor for any services provided under the contract and must not bill or accept compensation from the recipient, or any public or private third-party payor, for the specific services provided to the low-income recipients covered by the contract.

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

(h) Notwithstanding subsection (3), as an agent of the governmental contractor for purposes of s. 768.28(9), while acting within the scope of duties under the contract, a health care provider licensed under chapter 466 may allow a patient or a parent or guardian of the patient to voluntarily contribute a fee to cover costs of dental laboratory work related to the
services provided to the patient. This contribution may not exceed the actual cost of the dental laboratory charges and is deemed to comply with this section.

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

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