

Bill No. CS for SB 2-B

Amendment No. \_\_\_\_ Barcode 260896

CHAMBER ACTION

Senate

House

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Senators Diaz de la Portilla, Villalobos and Garcia moved the following amendment:

**Senate Amendment (with title amendment)**

On page 149, between lines 20 and 21,

insert:

Section 74. Paragraph (e) is added to subsection (10) of section 768.28, Florida Statutes, to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.--

(10)

(e)1. Any time the medical school or program at the University of Miami enters into an affiliation agreement or a contract to allow its faculty, health care professionals, practitioners, ancillary caregivers, and employees to provide patient services to hospital patients treated at a public hospital, such persons and the medical school or program are considered to be agents of the governmental entity for

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1 purposes of this section and are immune from liability for  
2 torts in the same manner and to the same extent as the state  
3 and its agencies and subdivisions while providing such patient  
4 services.

5       2. As used in this paragraph, the term:

6       a. "Patient services" means comprehensive health care  
7 services as defined in s. 641.19(2), including related  
8 administrative services, to patients of a public hospital and  
9 the supervision of interns, residents, and fellows providing  
10 patient services to patients of a public hospital and access  
11 to participation in medical research protocols.

12       b. "Public hospital" means a statutory teaching  
13 hospital or any other licensed or accredited health care  
14 facility owned or used by the state or by a county,  
15 municipality, public authority, special taxing district having  
16 health care responsibilities, or other local governmental  
17 entity or at other locations under contract with the  
18 governmental entity.

19       3. Such an employee or agent of the medical school or  
20 program of the University of Miami is not personally liable in  
21 tort and may not be named as a party defendant in any action  
22 arising from the provision of services to patients in a public  
23 hospital, except as provided in paragraph (9)(a).

24  
25 (Redesignate subsequent sections.)

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28 ===== T I T L E   A M E N D M E N T =====

29 And the title is amended as follows:

30       On page 16, line 18, after the semicolon,

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1 insert:

2           providing for sovereign immunity for specified  
3           medical program faculty or employees under  
4           specified conditions;

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