

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Dean offered the following:

**Amendment (with directory and title amendments)**

Between line(s) 2077 and 2078, insert:

Section 43. Paragraph (b) of subsection (9) of section 768.28, Florida Statutes, is amended, 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.--

(9)

(b) As used in this subsection, the term:

- 1. "Employee" includes any volunteer firefighter.
2. "Officer, employee, or agent" includes, but is not limited to, any health care provider when providing services pursuant to s. 766.1115; any member of the Florida Health Services Corps, as defined in s. 381.0302, who provides

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28 uncompensated care to medically indigent persons referred by the  
29 Department of Health;~~7~~ and any public defender or her or his  
30 employee or agent, including, among others, an assistant public  
31 defender and an investigator; and any emergency health care  
32 provider acting pursuant to obligations imposed by ss. 395.1041,  
33 395.401, and 401.45. Except for persons or entities that are  
34 otherwise covered under this section, emergency health care  
35 providers shall be considered agents of the Department of  
36 Health, and shall indemnify the state for the reasonable costs  
37 of defense and indemnity payments, if any, up to the liability  
38 limits set forth in this chapter. For purposes of this  
39 subsection, the term "emergency health care providers" includes  
40 all persons and entities covered under or providing services  
41 pursuant obligations imposed by ss. 395.1041, 395.401, and  
42 401.45. Such emergency health care providers shall include  
43 emergency medical services providers licensed under chapter 401  
44 and persons operating as employees or agents of such emergency  
45 medical services provider; hospitals licensed under chapter 395  
46 and persons operating as employees or agents of such hospitals;  
47 physicians or dentist licensed under chapter 458, chapter 459,  
48 chapter 460, chapter 461, or chapter 466; physician assistants  
49 licensed under chapter 458 or chapter 459; emergency medical  
50 technicians or paramedics certified under chapter 401;  
51 registered nurses, nurse midwives, licensed practical nurses, or  
52 advanced registered nurse practitioners licensed or registered  
53 under part I of chapter 464; midwives licensed under chapter  
54 467; health care professional associations and their employees  
55 or agents or corporate medical groups and their employees or  
56 agents; students or medical residents who are enrolled in an

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57 accredited program or licensed program that prepares the  
58 students for licensure or certification in any one of the  
59 professions listed in this subsection; programs that prepares  
60 the students for licensure or certification; entities  
61 responsible for training of the students or medical residents;  
62 and any other persons or entities that are providing services  
63 pursuant to obligations imposed by s. 401.45 or s. 395.1041. For  
64 purposes of this subsection, "emergency medical services" means  
65 ambulance assessment, treatment, or transport services provided  
66 pursuant to obligations imposed by s. 401.45 or s. 395.1041; all  
67 screening, examination, and evaluation by a physician, hospital,  
68 or other person or entity acting pursuant to obligations imposed  
69 by s. 395.1041; and the care, treatment, surgery, or other  
70 medical services provided, whether as an outpatient or  
71 inpatient, to relieve or eliminate the emergency medical  
72 condition, including all medical services to eliminate the  
73 likelihood that the emergency medical condition will deteriorate  
74 or recur without further medical attention within a reasonable  
75 period of time.

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

78 Remove line 173, and insert:  
79 covenant not to sue; amending s. 768.28, F.S., relating to  
80 waiver of sovereign immunity in tort actions; revising the  
81 definition of "officer, employee, or agent" to include certain  
82 health care providers providing emergency care; providing  
83 definitions amending s. 768.77, F.S.; prescribing