

HB 67-E — State Universities/Trustees

by Rep. Byrd and others (SB 72-E by Senators Smith, Peaden, Cowin, Pruitt, Campbell, King, and Mitchell)

In conjunction with a major education governance reorganization bill passed during 2002 Special Session E, in which individual state university boards of trustees will assume specified powers from the defunct Board of Regents, this bill defines the scope and limit of liability in tort actions involving state universities. This bill also focuses particularly on the scope and limit of liability in specified medical malpractice actions. Specifically, the bill:

- Makes the doctrine of comparative fault (in lieu of the doctrine of joint and severable liability) applicable to the individual university board of trustees (as was previously accorded the Board of Regents in similar actions) in medical malpractice actions accruing on or after January 7, 2003;
- Creates specified venue options for tort actions against a university board of trustees arising on or after January 7, 2003, such that these actions must be filed either in the county where the university's main campus is located, or in the county where the cause arose if the university has a substantial presence for its customary business in that county;
- Clarifies that a university board of trustees is a state agency or subdivision for purposes of applying the sovereign immunity provisions in tort actions arising on or after January 7, 2003;
- Exempts someone who is providing services for the university's self-insurance program from the insurance adjuster provisions in part VI of chapter 626, F.S., beginning on or after January 7, 2003;
- Defines a physician's scope of "supervision" over a medical or hospital resident for purposes of insurance by reference to the supervision standards established by the Accreditation Council for Graduate Medical Education or by the American Osteopathic Association for purposes of liability coverage under the Neurological Injury Compensation Act (NICA);
- Permits a family to recover expenses for the personal provision of professional residential or custodial care of a severely brain-injured child in a NICA action; and
- Provides a severability clause.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise specified.

Vote: Senate 36-1; House 114-1