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Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Paul offered the following:

Amendment (with title amendment)

On page 1757, between lines 22 & 23

insert:

Section 1035. Effective July 1, 2002, subsection (2) of section 766.112, Florida Statutes, is amended to read:

766.112 Comparative fault.--

(2) In an action for damages for personal injury or wrongful death arising out of medical malpractice, whether in contract or tort, when an apportionment of damages pursuant to s. 768.81 is attributed to a the board of trustees of a state university Regents, the court shall enter judgment against the board of trustees Regents on the basis of the board's such party's percentage of fault and not on the basis of the doctrine of joint and several liability. The sole remedy available to a claimant to collect a judgment or settlement against a board of trustees damages, subject to the provisions of this subsection, ~~against the Board of Regents~~ shall be pursuant to s. 768.28.

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1 Section 1036. Effective July 1, 2002, subsections (1)
2 and (2) of section 768.28, Florida Statutes, are amended to
3 read:

4 768.28 Waiver of sovereign immunity in tort actions;
5 recovery limits; limitation on attorney fees; statute of
6 limitations; exclusions; indemnification; risk management
7 programs.--

8 (1) In accordance with s. 13, Art. X of the State
9 Constitution, the state, for itself and for its agencies or
10 subdivisions, hereby waives sovereign immunity for liability
11 for torts, but only to the extent specified in this act.
12 Actions at law against the state or any of its agencies or
13 subdivisions to recover damages in tort for money damages
14 against the state or its agencies or subdivisions for injury
15 or loss of property, personal injury, or death caused by the
16 negligent or wrongful act or omission of any employee of the
17 agency or subdivision while acting within the scope of the
18 employee's office or employment under circumstances in which
19 the state or such agency or subdivision, if a private person,
20 would be liable to the claimant, in accordance with the
21 general laws of this state, may be prosecuted subject to the
22 limitations specified in this act. Other than an action
23 against a state university board of trustees, which must be
24 brought in the county in which that university's main campus
25 is located or in which it maintains a substantial presence for
26 the transaction of its customary business,any such action may
27 be brought in the county where the property in litigation is
28 located or, if the affected agency or subdivision has an
29 office in such county for the transaction of its customary
30 business, where the cause of action accrued.

31 (2) As used in this act, "state agencies or

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1 subdivisions" include the executive departments, the
 2 Legislature, the judicial branch (including public defenders),
 3 and the independent establishments of the state, including
 4 state university boards of trustees; counties and
 5 municipalities; and corporations primarily acting as
 6 instrumentalities or agencies of the state, counties, or
 7 municipalities, including the Spaceport Florida Authority.

8 Section 1037. Subsection (5) of section 626.852,
 9 Florida Statutes, is amended to read:

10 626.852 Scope of this part.--

11 (5) This part does not apply to any employee or agent
 12 of a state university ~~the board of trustees~~ ~~Regents~~ providing
 13 services in support of any self-insurance program created
 14 under s. 1004.24 ~~adopted by such Board of Regents.~~

15 Section 1038. The amendments to sections 766.112(2)
 16 and 768.28(1) and (2), Florida Statutes, shall apply to
 17 actions filed on or after July 1, 2002.

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

21 And the title is amended as follows:

22 On page 5, line 11, after "references;"

23

24 insert:

25 amending s. 766.112, F.S.; prescribing
 26 applicability of provisions relating to
 27 comparative fault to university boards of
 28 trustees; amending s. 768.28, F.S.; providing
 29 venue in actions brought against university
 30 boards of trustees; providing applicability of
 31 provisions relating to waiver of sovereign

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immunity to university boards of trustees;
amending s. 626.852, F.S.; providing
inapplicability of provisions relating to
insurance adjusters to employees and agents of
a university board of trustees;