

hbd-38

Bill No. HB 2017, 1st Eng.

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Wiles offered the following:

Amendment

On page 443, line 5, through page 445, line 2,
remove: all of said lines

and insert:

1004.24 State Board of Education authorized to secure liability insurance.--

(1) The State Board of Education is authorized to secure, or otherwise provide as a self-insurer, or by a combination thereof, comprehensive general liability insurance, including professional liability for health care and veterinary sciences, for:

(a) The State Board of Education and its officers and members.

(b) A university board of trustees and its officers and members.

(c) The faculty and other employees and agents of a university board of trustees.

(d) The students of a state university.

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1 (e) A state university or any college, school,
2 institute, center, or program thereof.

3 (f) Any not-for-profit corporation organized pursuant
4 to chapter 617, and the directors, officers, employees, and
5 agents thereof, which is affiliated with a state university,
6 if the corporation is operated for the benefit of the state
7 university in a manner consistent with the best interests of
8 the state, and if such participation is approved by a
9 self-insurance program council, the university president, and
10 the board of trustees.

11 (2) In the event the State Board of Education adopts a
12 self-insurance program, a governing council chaired by the
13 vice president for health affairs or his or her academic
14 equivalent shall be established to administer the program and
15 its duties and responsibilities, including the administration
16 of self-insurance program assets and expenditure policies,
17 which shall be defined in rules as authorized by this section.
18 The council shall have an annual actuary review performed to
19 establish funding requirements to maintain the fiscal
20 integrity of the self-insurance program. The assets of a
21 self-insurance program shall be deposited outside the State
22 Treasury and shall be administered in accordance with rules as
23 authorized by this section.

24 (3) Any self-insurance program created under this
25 section shall be funded by the entities and individuals
26 protected by such program. There shall be no funds
27 appropriated to any self-insurance program. The assets of the
28 self-insurance program shall be the property of the State
29 Board of Education and shall be used only to pay the
30 administrative expenses of the self-insurance program and to
31 pay any claim, judgment, or claims bill arising out of

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1 activities for which the self-insurance program was created.
2 Investment income that is in excess of that income necessary
3 to ensure the solvency of a self-insurance program as
4 established by a casualty actuary may be used to defray the
5 annual contribution paid into the program by the entities and
6 individuals protected by the program.

7 (4) No self-insurance program adopted by the State
8 Board of Education may sue or be sued. The claims files of any
9 such program are privileged and confidential, exempt from the
10 provisions of s. 119.07(1), and are only for the use of the
11 program in fulfilling its duties. Any self-insurance trust
12 fund and revenues generated by that fund shall only be used to
13 pay claims and administration expenses.

14 (5) Each self-insurance program council shall make
15 provision for an annual postaudit of its financial accounts to
16 be conducted by an independent certified public accountant.
17 The annual audit report must include a management letter and
18 shall be submitted to the State Board of Education for review.
19 The State Board of Education shall have the authority to
20 require and receive from the self-insurance program council or
21 from its independent auditor any detail or supplemental data
22 relative to the operation of the self-insurance program.

23 (6) The State Board of Education is authorized and
24 empowered to make such rules as may be necessary to carry out
25 the provisions of this section.

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