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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) Wiles offered the following:

Amendment (with title amendment)

On page 1786, between lines 22 and 23, of the bill

insert:

Section 1061. 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 1062. 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 1063. 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 1064. Subsection (5) of section 627.912,
 16 Florida Statutes, is amended to read:

17 627.912 Professional liability claims and actions;
 18 reports by insurers.--

19 (5) Any self-insurance program established under s.
 20 1004.24 ~~240.213~~ shall report in duplicate to the Department of
 21 Insurance any claim or action for damages for personal
 22 injuries claimed to have been caused by error, omission, or
 23 negligence in the performance of professional services
 24 provided by a state university ~~the board of trustees~~ ~~Regents~~
 25 through an employee or agent of the board of trustees ~~Regents~~,
 26 including practitioners of medicine licensed under chapter
 27 458, practitioners of osteopathic medicine licensed under
 28 chapter 459, podiatric physicians licensed under chapter 461,
 29 and dentists licensed under chapter 466, or based on a claimed
 30 performance of professional services without consent if the
 31 claim resulted in a final judgment in any amount, or a

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1 settlement in any amount. The reports required by this
 2 subsection shall contain the information required by
 3 subsection (3) and the name, address, and specialty of the
 4 employee or agent of a ~~the~~ board of trustees ~~Regents~~ whose
 5 performance or professional services is alleged in the claim
 6 or action to have caused personal injury.

7 Section 1065. The amendments to ss. 766.112(2) and
 8 768.28(1) and (2), Florida Statutes, shall apply to actions
 9 filed on or after July 1, 2002.

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

13 And the title is amended as follows:

14 On page 6, line 10, after the semicolon,

15

16 insert:

17 amending s. 766.112, F.S.; prescribing
 18 applicability of provisions relating to
 19 comparative fault to university boards of
 20 trustees; amending s. 768.28, F.S.; providing
 21 venue in actions brought against university
 22 boards of trustees; providing applicability of
 23 provisions relating to waiver of sovereign
 24 immunity to university boards of trustees;
 25 amending s. 626.852, F.S.; providing
 26 inapplicability of provisions relating to
 27 insurance adjusters to employees and agents of
 28 a university board of trustees; amending s.
 29 627.912, F.S.; requiring certain reports with
 30 respect to actions for damages caused by
 31 employees or agents of a university board of

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