

By Senator Margolis

35-1792-04

1 A bill to be entitled
2 An act relating to sovereign immunity;
3 providing sovereign immunity to certain
4 colleges, universities, and medical schools
5 that provide patient services to
6 publicly-funded patients in public hospitals
7 and to the employees of those entities;
8 providing definitions; providing an effective
9 date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. (1) A not-for-profit college, university,
14 or medical school that is accredited by an accrediting body
15 recognized by this state as a condition for licensure of its
16 graduates is deemed a state agency, as defined in section
17 768.28(2), Florida Statutes, for purposes of the sovereign
18 immunity granted to state agencies by that section. The
19 college, university, or medical school and its employees who
20 provide patient services to publicly-funded patients in public
21 hospitals or other health care facilities that are owned, used
22 by, or under contract with a governmental entity, pursuant to
23 an affiliation agreement or contract, have all the exemptions
24 from civil liability which are granted to the state by section
25 768.28, Florida Statutes.

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(2) As used in this section, the term:

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(a) "Employee" includes a faculty member,
28 practitioner, other health care professional, ancillary
29 caregiver, or other employee that provides patient services.

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(b) "Patient services" means comprehensive health care
31 services and related administrative services; supervision of

1 interns, residents, and fellows providing patient services;
2 and participation in medical research protocols.

3 (c) "Public hospital" means a statutory teaching
4 hospital or other health care facility that is owned, used by,
5 or under contract by the state or a county, municipality,
6 public authority, special taxing district with health care
7 responsibilities, or other local governmental entity.

8 (d) "Publicly-funded patient" means a patient who is
9 uninsured, underinsured, indigent, or insured through a
10 government program, including Medicaid, Medicare, KidCare, or
11 Healthy Kids, or whose medical expenses are not paid or
12 reimbursed through private insurance or funds and who requires
13 the expenditure of governmental funds to pay for any part of
14 the medical services the patient receives.

15 Section 2. This act shall take effect July 1, 2004.

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18 SENATE SUMMARY

19 Provides sovereign immunity to certain colleges,
20 universities, and medical schools and their employees who
21 provide patient services to publicly-funded patients in
22 public hospitals.
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