

Committee on Health Regulation

CS/CS/HB 395 — University of Florida J. Hillis Miller Health Center

by Education Committee; K-20 Competitiveness Subcommittee; Rep. O'Toole and others
(SB 626 by Senators Thrasher, Lynn, Dean, Sobel, and Oelrich)

The bill provides that Shands Teaching Hospital and Clinics, Inc.; Shands Jacksonville Medical Center, Inc.; and Shands Jacksonville HealthCare, Inc.; and any not-for-profit subsidiary of those entities that directly delivers health care services “shall be conclusively deemed corporations primarily acting as instrumentalities of the state” for purposes of sovereign immunity.

The bill codifies the authority of the University of Florida Board of Trustees (UFBOT), acting through the president of the University or his or her designee, to control Shands Jacksonville Medical Center, Inc.; Shands Jacksonville HealthCare, Inc.; Shands Teaching Hospital and Clinics, Inc.; and those not-for-profit subsidiaries that qualify for sovereign immunity. The bill conforms the provisions that apply to Shands Teaching Hospital and Clinics, Inc., (in Gainesville) to Shands Jacksonville Medical Center, Inc., and Shands Jacksonville HealthCare, Inc. These provisions include, but are not limited to, approval of the articles of incorporation and the appointment of board members. These entities are also required to provide their audited financial statements to the UFBOT, to be attached to the UFBOT financial statements that are submitted to the Auditor General.

The bill identifies the not-for-profit corporations that operate the teaching hospitals at Gainesville and Jacksonville: Shands Teaching Hospital and Clinics, Inc.; Shands Jacksonville Medical Center, Inc.; and Shands Jacksonville HealthCare, Inc., and establishes that the primary purpose of these entities is to support the UFBOT’s health affairs mission. The UFBOT is authorized to provide general and professional liability insurance to affiliates of Shands Teaching Hospital and Clinics, Inc.; any successor corporation that acts in support of the UFBOT; Shands Jacksonville Medical Center, Inc.; and to any of the not-for-profit subsidiaries, affiliates, and successor corporation of Shands Jacksonville Medical Center, Inc.

If approved by the Governor, these provisions take effect July 1, 2011, and apply to causes of action accruing on or after that date.

Vote: Senate 35-3; House 102-7