	Bill No. <u>SB 20-E</u>
	Amendment No Barcode 803448
	CHAMBER ACTION
	Senate House
1	
2	•
3	
4	·
5	
6	
7	
8	
9	
10	
11	Senator Cowin moved the following amendment:
12	
13	Senate Amendment (with title amendment)
14	On page 1767, between lines 5 and 6,
15	
16	insert:
17	Section 1033. Effective July 1, 2002, subsection (2)
18	of section 766.112, Florida Statutes, is amended to read:
19	766.112 Comparative fault
20	(2) In an action for damages for personal injury or
21	wrongful death arising out of medical malpractice, whether in
22	contract or tort, when an apportionment of damages pursuant to
23	s. 768.81 is attributed to <u>a</u> the board of <u>trustees of a state</u>
24	university Regents, the court shall enter judgment against the
25	board of <u>trustees</u> Regents on the basis of <u>the board's</u> such
26	party's percentage of fault and not on the basis of the
27	doctrine of joint and several liability. The sole remedy
28	available to a claimant to collect <u>a judgment or settlement</u>
29	against a board of trustees damages, subject to the provisions
30	of this subsection, against the Board of Regents shall be
31	pursuant to s. 768.28.
	1 4:50 PM 04/29/02 1 s0020Ec-11b01

Bill No. SB 20-E

Amendment No. ____ Barcode 803448

1 Section 1034. 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.--

(1) In accordance with s. 13, Art. X of the State 8 9 Constitution, the state, for itself and for its agencies or 10 subdivisions, hereby waives sovereign immunity for liability for torts, but only to the extent specified in this act. 11 12 Actions at law against the state or any of its agencies or 13 subdivisions to recover damages in tort for money damages against the state or its agencies or subdivisions for injury 14 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 employee's office or employment under circumstances in which 18 the state or such agency or subdivision, if a private person, 19 would be liable to the claimant, in accordance with the 20 21 general laws of this state, may be prosecuted subject to the limitations specified in this act. Other than an action 22 against a state university board of trustees, which must be 23 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 office in such county for the transaction of its customary 29 30 business, where the cause of action accrued. (2) As used in this act, "state agencies or 31

4:50 PM 04/29/02

2

s0020Ec-11b01

Bill No. SB 20-E

Amendment No. ____ Barcode 803448

subdivisions" include the executive departments, the 1 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. Section 1035. Effective July 1, 2002, subsection (5) 8 of section 626.852, Florida Statutes, is amended to read: 9 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 1036. The amendments to sections 766.112(2) and 768.28(1) and (2) shall apply to actions filed on or after 16 17 July 1, 2002. 18 19 (Redesignate subsequent sections.) 20 21 22 And the title is amended as follows: 23 24 On page 6, line 16, after the semicolon, 25 26 insert: 27 amending s. 766.112, F.S.; prescribing 28 applicability of provisions relating to comparative fault to boards of trustees; 29 30 amending s. 768.28, F.S.; providing venue in actions brought against boards of trustees; 31

4:50 PM 04/29/02

s0020Ec-11b01

Bill No. <u>SB 20-E</u>

Amendment No. ____ Barcode 803448

	l
1	providing applicability of provisions relating
2	to waiver of sovereign immunity to boards of
3	trustees; amending s. 626.852, F.S.; providing
4	inapplicability of provisions relating to
5	insurance adjusters to employees and agents of
6	a board of trustees;
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	

4:50 PM 04/29/02

s0020Ec-11b01