

FLORIDA BOARD OF GOVERNORS  
NOTICE OF PROPOSED AMENDED REGULATION

DATE: **January 27, 2023**

REGULATION NUMBER AND TITLE: 10.001, Self Insurance Programs

SUMMARY:

The proposed amendments include the following: 1. Amend subsection(2)(c) of the regulation that defines who sits on the Board of Directors for HEIC to now include all of the Chairs of the Self-Insurance Program Councils created pursuant to this regulation insured through HEIC; and 2. Amend subsection(1)(c)(4) of the regulation to reflect the current titles of UCF administrators who comprise the UCF College of Medicine Self-Insurance Program Council.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

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REGULATION: Rachel Kamoutsas, General Counsel

**10.001 Self-Insurance Programs.**

(1) (a) The University of Florida J. Hillis Miller Health Center Self-Insurance Program, the University of South Florida Health Sciences Center Self-Insurance Program, Florida State University College of Medicine Self-Insurance Program, the University of Central Florida College of Medicine Self-Insurance Program, the Florida International University College of Medicine Self-Insurance Program, and the Florida Atlantic University College of Medicine Self-Insurance Program are established for the purpose of providing comprehensive general liability protection, including professional liability protection, for the Board of Governors, the University of Florida Board of Trustees, the University of South Florida Board of Trustees, the Florida State University Board of Trustees, the University of Central Florida Board of Trustees, the Florida International University Board of Trustees, the Florida Atlantic University Board of Trustees, and other persons and entities as provided by law and as authorized by the Board of Governors, the University Boards of Trustees or the Self-Insurance Programs Councils. The Self-Insurance Programs shall be funded by contributions paid by or on behalf of protected persons and entities. There shall be no funds appropriated to a Self-Insurance Program. The assets of the Self-Insurance Programs shall be deposited outside the State Treasury and shall be used only to pay the administrative expenses of the Self-Insurance Program and any claim, judgment, or claims bill arising out of the activities for which the Self-Insurance Program was created.

(b) The Self-Insurance Programs may not sue or be sued. The claims files of the Self-Insurance Program are the property of the Board of Governors and are privileged and confidential, exempt from the provisions of section 119.07(1), Florida Statutes, and are only for the use of the Program in fulfilling its claims, underwriting, loss prevention and risk management duties which are separate and distinct from any risk management duties imposed on Self-Insurance Program participants by statute, rule or regulation.

(c) The Self-Insurance Programs shall be administered by the following Councils.

1. The J. Hillis Miller Health Center Self-Insurance Program shall be administered by the J. Hillis Miller Center Self-Insurance Program Council. The Council shall consist of the follow(s)8 (i)5(u) ( EMC ET/P <MCID 6 -1 I(m)2 (t) (3 (0)J(u)33-2 T(d)h)72(042 d#2-a(0)



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5. To contract with an independent casualty actuary to establish funding requirements necessary to maintain the fiscal integrity of the Self-Insurance Program;
6. To appoint the Self-Insurance Program Director who shall carry out the policies and directives of the Council;
7. To receive from the University such administrative and logistical support as the Council may reasonably request and to reimburse the University for the cost of such support;
8. To contract with professional consultants, including attorneys-at-law to represent the persons and entities protected by the Self-Insurance Program and perform services which further the interests of the Self-Insurance Program;
9. To establish committees and designate persons as necessary to assist in the performance of its duties, and authorize such committees or persons to act for and on behalf of the Council. In addition to any other committees it may elect to establish, the Council shall establish as a standing committee or committees to conduct investigations and the settlement and defense of claims and actions against protected entities and individuals and to identify risk factors which cause or contribute to such claims and suits and develop and implement risk management programs to reduce or eliminate those risk factors;
10. To participate in internal, local, regional, national and/or internal risk management and loss prevention research programs and to develop risk management and loss prevention programs for use by both protected and non-protected entities under such terms, conditions and reimbursement rates as the Council may deem appropriate;
11. To purchase excess insurance on behalf of persons and entities protected by the Self-Insurance Program for claims which exceed the level of protection provided by the Self-Insurance Program, including claims bills, to award compensation in amounts which exceed the protection provided by the Self-Insurance Program or by commercial insurance; to assist entities not described in section 768.28, Florida Statutes, which are authorized and approved as allowed by Florida law to be protected by the Self-Insurance Program, in the procurement of insurance for losses which exceed the levels of protection provided by the Self-Insurance Program as established by the Council, but the Council is not authorized to purchase such insurance with Self-Insurance Program assets;



768.28, Florida Statutes, shall be as established by the respective Board of Directors of the captive.

(c) Each captive shall be managed by a Board of Directors.

and the captive shall share equitably in the administrative costs of the Self-