

CHAPTER 6C-10 MISCELLANEOUS PROVISIONS

6C-10.001	Self-Insurance Programs.
6C-10.002	Environmental Health and Safety. (Repealed)
6C-10.003	Use of Human Subjects in Research. (Repealed)
6C-10.004	Educational Research Centers for Child Development.
6C-10.005	Display of Flag. (Repealed)
6C-10.006	Guest Admission to University Events. (Repealed)
6C-10.007	W. A. Shands Teaching Hospital and Clinics, Indigent Patients; Write-off of Accounts. (Repealed)
6C-10.008	S. U. S. Student Health Centers Trust Fund. (Repealed)
6C-10.009	Smoking in Public Buildings.
6C-10.010	University-Related Research Parks. (Repealed)
6C-10.011	Veterans' Benefits - Inmate Students. (Transferred to 6C-6.022)
6C-10.012	Special Continuing Programs. (Repealed)
6C-10.013	Certification of Residency for Appropriated Programs. (Repealed)
6C-10.014	Educational Attendance Requirements for Application, Suspension, and Reinstatement of a Driver's License. (Repealed)

6C-10.001 Self-Insurance Programs.

(1) University of Florida (UF) Self-Insurance Programs; and University of South Florida (USF) Self-Insurance Program.

(a) The UF is authorized to establish the J. Hillis Miller Health Center Self-Insurance Program and the University of Florida J. Hillis Miller Health Center/Jacksonville Self-Insurance Program, and the USF is authorized to establish the University of South Florida Health Sciences Center Self-Insurance Program for the purpose of providing comprehensive general liability protection, including professional liability protection, for the Board and other persons and entities as provided by law and as authorized by the Board or the Self-Insurance Program Councils. The Self-Insurance Programs shall be funded by contributions paid by or on behalf of protected persons and entities.

(b) 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 Health Center Self-Insurance Program Council. The Council shall consist of the following officers of UF: Vice President for Health Affairs, who shall serve as Chair; Vice President for Administrative Affairs; Associate Vice President for Health Affairs; Dean, College of Medicine; Dean, College of Dentistry; three members of the faculty of the College of Medicine appointed by the Dean, College of Medicine; the General Counsel; and the Self-Insurance Program Administrator; and such other persons as from time to time may be appointed to the Council by the Board or by the President of UF; and if Shands Teaching Hospital and Clinics, Inc. (Shands Hospital), participates in the Self-Insurance Program: the Chief Executive Officer and Executive Vice President of Shands Hospital; the Chief of Staff of Shands Hospital; and two members of the administrative staff of Shands Hospital to be appointed by the Chief Executive Officer and Executive Vice President of Shands Hospital.

2. The J. Hillis Miller Health Center/Jacksonville Self-Insurance Program shall be administered by the J. Hillis Miller Health Center/Jacksonville Self-Insurance Program Council. The Council shall consist of the following officers of UF: Senior Associate Dean and Assistant Vice President for Jacksonville Programs, who shall serve as Chair; two designees of the Dean, College of Medicine; Associate Vice President for Health Affairs for External Relations; three Associate Departmental Chairs of the College of Medicine appointed by the Senior Associate Dean and Assistant Vice President for Jacksonville Programs; the General Counsel; the Self-Insurance Program Administrator; and such other persons as from time to time may be appointed by the Board or by the President of UF; and if University Medical Center is protected by the Self-Insurance Program: the President and Chief Executive Officer of University Medical Center; the Chief-of-Staff of University Medical Center; and two members of the administrative staff of University Medical Center to be appointed by the President and Chief Executive Officer.

3. USF Health Sciences Center Self-Insurance Program shall be administered by the USF Health Sciences Center Self-Insurance Program Council. The Council shall consist of the following officers of USF: Vice President for Health Sciences (or his/her designee), who shall serve as Chair; a financial officer of the Health Sciences Center as designated by the Vice President for Health Sciences; four members of the faculty of the College of Medicine appointed by the Vice President for Health Sciences; the General Counsel; the Self-Insurance Program Administrator; and such other persons as from time to time may be appointed to the Council by the Board or by the President of USF; and if the H. Lee Moffitt Cancer Center and Research Institute, Inc. participates in the Self-Insurance Program, the Center Director (or his/her designee).

(c) The powers and duties of each Council shall be:

1. To administer the Self-Insurance Program in accordance with the laws of Florida, and the rules of the Board, the Department of Insurance, and the University;

2. To propose and submit an annual budget for the Self-Insurance Program through the University President to the Board;

3. To develop and propose to the Board a Memorandum of Protection which shall constitute the Self-Insurance Program's coverage document. The Memorandum of Protection shall contain the insuring agreements, exclusions, and other conditions applicable to persons and entities protected and shall be part of this Rule by reference. The Council shall extend by resolution the

protections described in the Memorandum of Protection to persons and entities as authorized by statute and establish the levels of liability protections extended to such persons and entities; however, the Council is not obligated to extend protection to persons and entities as may be authorized by Florida law, except as may be directed by the Board.

4. To contract with an independent casualty actuary to establish funding requirements necessary to maintain the fiscal integrity of the Self-Insurance Program;

5. To appoint a Self-Insurance Program Administrator who shall carry out the policies and directives of the Council;

6. To retain attorneys-at-law to represent the Board and persons and entities protected by the Self-Insurance Program and perform other legal services which are related to the Self-Insurance Program;

7. To establish committees and designate persons as necessary to assist in the performance of its duties, and may authorize such committees or persons to act for and on behalf of the Council. The Council shall establish a Risk Management Committee, which shall oversee the investigation and disposition of such claims and suits protected by the Self-Insurance Program, identify risk factors which cause such claims and suits, and develop and implement risk management programs to reduce or eliminate those risk factors. Such Risk Management Committee shall conduct reviews pursuant to the provisions of Section 766.106, Florida Statutes, and shall be deemed a medical review committee as defined in Section 766.101, Florida Statutes;

8. 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 claim 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 laws 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; and

9. To participate in other self-insuring mechanisms such as Risk Retention Groups or captive insurance companies, independently or in association with other compatible entities, subject to the approval of the Board.

10. To deposit Self-Insurance Program income in accounts approved by the Board and managed pursuant to the Self-Insurance Program's administrative and investment policies;

11. To establish an investment policy which shall be approved by the Board, and to maintain an investment account which shall optimize income for the support of the Self-Insurance Program;

12. To provide for an annual audit of the Self-Insurance Program's financial accounts by independent auditors. The annual audit report shall include a management letter and shall be submitted to the Board for review.

(2) Captive Insurance Companies.

(a) The Councils defined in (1)(b)1. and 2. are authorized to establish as part of the Board of Regents' self-insurance program a captive insurance company to be named the University of Florida Healthcare Education Insurance Company (HEIC) and the Council defined in (1)(b)3. is authorized to establish a captive insurance company to be named the University of South Florida Health Sciences Insurance Company (HSIC). Each captive (HEIC and HSIC) shall be wholly owned by the Board and established in a domestic or foreign domicile acceptable to the Board. The Articles of Incorporation and Bylaws of each captive are subject to the prior written approval of the Board. Each captive shall insure the Board and may insure any other entity or individual who is authorized by statute to purchase liability protection from a self-insurance program created pursuant to this Rule.

(b) Each captive shall provide liability protection as authorized by Section 240.213, Florida Statutes. The limits of liability protection to be provided for the Board shall be those described in Section 768.28, Florida Statutes, unless otherwise established pursuant to a written endorsement to the insurance policy issued by the captive. The limit of liability protection for insured entities and persons not described in Section 768.28, Florida Statutes, shall be as established by the respective Board of Directors.

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

1. HEIC shall be managed by a Board of Directors, constituted as follows: the Vice President for Health Affairs of UF, who shall serve as Chair; the Chair of the Board of Regents (or the Chair's designee); the Vice Chancellor for Health Affairs; the Dean of the College of Medicine; the Senior Associate Dean and Assistant Vice President for Jacksonville Programs; the Associate Vice President for UF Health Science Center Affiliations; the General Counsel of UF; the Self-Insurance Program Administrator who shall serve as President and Chief Executive Officer; and such persons who from time to time may be appointed by the President of UF; and if Shands Teaching Hospital and Clinic, Inc. (Shands) is insured, the Chief Executive Officer and Executive Vice President of Shands and one appointee of the Chief Executive Officer and Executive Vice President; and if University Medical Center (UMC) is insured, the President and Chief Executive Officer of UMC and one appointee of the President and Chief Executive Officer of UMC. The number of Board of Directors shall be a minimum of nine (9), and the maximum shall be fifteen (15); the majority shall be individuals who are not M.D.s.

2. HSIC shall be managed by a Board of Directors, constituted as follows: the Vice President for Health Sciences of USF, who shall serve as Chair; the Chair of the Board of Regents (or the Chair's designee); the Vice Chancellor for Health Affairs; the Dean of the College of Medicine (or his/her designee); the Executive Associate Vice President for Health Sciences USF; a financial officer of the Health Sciences Center as designated by the Vice President for Health Sciences; the General Counsel of USF; the Self-Insurance Program Administrator; who shall serve as President and Chief Executive Officer; and such persons who from time

to time may be appointed to the Board of Directors by the President of USF; and if the H. Lee Moffitt Cancer Center and Research Institute (Moffitt) is insured, the Center Director of Moffitt. The number of Board of Directors shall be a minimum of nine (9), and the maximum shall be fifteen (15); the majority shall be individuals who are not M.D.s.

(d) The Board of Directors of each captive shall carry out the purposes of the entity in compliance with its' Articles of Incorporation and Bylaws. These management responsibilities shall include:

1. To issue policies of insurance protection which shall establish the perils and risks to be protected and the limits of liability protection in excess of those amounts described in Section 768.28, Florida Statutes, to be underwritten by the captive. Such limits of liability protection may supplant or be in excess of those liability protections provided by the Self-Insurance Program(s);
2. To act as the underwriting committee;
3. To contract with the Self-Insurance Program(s) for administrative, risk management, claims and other related services. The Self-Insurance Program(s) and the captive shall share equitably in the administrative costs of the self-insurance programs;
4. To annually assess and collect premiums from insured entities and individuals. All premium income shall be deposited in accounts approved by the Board and shall be managed pursuant to the captive's administrative and investment policies;
5. To propose and submit an annual budget through the President to the Board;
6. To establish an investment policy which shall be approved by the Board, and to maintain an investment account which shall optimize income for the support of the captive;
7. To transfer any risks protected by the captive to commercial insurers through reinsurance, reciprocal or other risk sharing agreements with similar risk bearers;
8. To contract with an insurance management firm licensed in the selected domicile to serve as the registered office of the captive and to provide such services within the domicile as may be required by the insurance code or law of the selected domicile;
9. To accept the transfer of any contingent losses and loss reserves from the Self-Insurance Program(s) if requested by the Self-Insurance Council(s);
10. To contract with a casualty actuary, as defined by the insurance code or law of the domicile of the captive, to perform an annual review to recommend premium income levels to safeguard the fiscal integrity of the captive;
11. To provide for an annual audit of the captive's financial accounts by independent auditors approved by the selected domicile and the Board. The annual audit report shall include a management letter and shall be submitted to the Board for review.

Specific Authority 240.209(1), (3)(r), 240.213(5) FS. Law Implemented 240.209(1), 240.213, 240.512(3), 240.513(3)(d), 240.5135, 395.0197, 768.28, 766.101, 766.106 FS. History—Formerly 6C-3.01, 9-17-71, Amended and Renumbered 12-17-74, Amended 5-24-77, 9-8-77, 1-11-79, 12-11-79, 8-11-85, Formerly 6C-10.01, Amended 1-6-88, 10-15-90, 5-30-93, 3-16-95, 11-27-95.

6C-10.004 Educational Research Centers for Child Development.

(1) Each university may establish an Educational Research Center for Child Development in accordance with the provisions of Section 240.531, Florida Statutes.

(2) Each center shall give highest priority to serving the children of students, followed by the children of both staff and faculty.

(3) Funds appropriated for the Educational and General activities of the State University System shall not be used to staff and operate centers. Operations may be financed either through the capital improvement trust fund fee, activity and service fee allocations, user charges, grants and donations, or any combination of these sources. The use of capital improvement trust fund fees and activity and service fees to subsidize the cost of providing services to the children of staff and faculty shall be minimized. Funds subject to bond commitment may be used only to the extent that current bond obligations and the terms of the trust indenture are met.

(4) University facilities constructed for the accomplishment of the university's academic mission may be used for university research centers for child development provided that rent is charged, which may be minimal. Such centers will not generate a requirement for fixed capital outlay.

(5) The president shall be responsible for the operation and supervision of the educational research center for child development. The university shall promulgate rules for the operation of the educational research center for child development, including guidelines for the use and supervision of student interns, the receipt and monitoring of funds in accordance with the laws of the State of Florida and rules of the university and the Board, and participation by the student government association. It is recognized that an intent of this program is to provide research and training activities which are representative of a comprehensive scope of child development needs throughout the community. To this end, university rules shall include an admission process that provides for a student population of diverse race, ethnicity, socio-economic status, and mental and physical ability.

(6) Each university which establishes an educational research center for child development shall provide for a board of directors, in accordance with the law. The board of directors shall insure that the center is operated according to law and rules of the Board and the university.

(7) Each center is authorized to charge fees for child care and services. Fees should be set at the level required to support the cost of providing the service. Exceptions should be made for the children of students and may be made for low-income faculty and staff. These fees must be approved by the Board as required by law, and in accordance with subsection 6C-7.003(37), F.A.C.

Specific Authority 240.209(1), (3)(q), (4), 240.531(3), (4) FS. Law Implemented 240.209(1), 240.531 FS. History—Formerly 6C-2.79, Amended 10-7-74, Amended and Renumbered 12-17-74, Amended 2-18-80, 8-11-85, Formerly 6C-10.04, Amended 12-25-86, 11-29-94.

6C-10.009 Smoking in Public Buildings.

For the purpose of implementing Section 255.27, Florida Statutes, State policy concerning smoking in public buildings, and the enforcing guidelines set forth therein, the following persons are designated supervisors as contemplated by that law: the Chancellor for the offices of the Board and the presidents for buildings of the universities.

Specific Authority 240.209(1), (3)(m), 255.27 FS. Law Implemented 240.209(1), (3)(m), 255.27 FS. History—New 5-10-78, Amended 8-11-85, Formerly 6C-10.09.