



Insurance & Liability

EH&S Risk Management

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Overview

- General liability insurance
- Auto liability insurance
- County and State employees
- Events
- Q&A

Florida Statute 768.28



THE
FLORIDA SENATE

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2011 Florida Statutes

Title XLV TORTS	Chapter 768 NEGLIGENCE Entire Chapter	SECTION 28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.
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768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(1) In accordance with s. 13, Art. X of the State Constitution, the state, for itself and for its agencies or subdivisions, hereby waives sovereign immunity for liability for torts, but only to the extent specified in this act. Actions at law against the state or any of its agencies or subdivisions to recover damages in tort for money damages against the state or its agencies or subdivisions for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee's office or employment under circumstances in which the state or

Florida Statute 768.28

Who: State BOT, counties and municipalities

What: \$200k per person / \$300k per claim, 3 years

You cannot be held personally liable for your actions as a state or county employee*

Note: Cannot have a contract between state and county that requires one party to indemnify or insure the other party, assume their negligence or liability.

General Liability

Goals:

- Learn who and what general liability insurance covers
- How does the coverage apply
- Loss prevention
- What happens when there is a claim or lawsuit

Who is covered?



Employee

- Negligence during the course and scope of their employment/responsibilities

Volunteer

- Any person who of their own free will, provides goods or services to the named insured, with no monetary or material compensation as defined in Chapter 110, Part IV, Florida Statutes.

Students

- Not covered unless an employee or volunteer

What does it cover?

Injury, death, or loss of property caused by the negligence of employees and volunteers while acting within the course and scope of their employment or responsibilities.

Premises and operations

Personal injury: Libel, slander, invasion of privacy.

Professional liability

What is excluded

Liability assumed by the insured under any contract or agreement

Punitive damages

Actions committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property



Loss Prevention

Premises – Safety and premises issue reporting

Risk Management:

Identify exposures: buildings, classes, security, public facilities

Avoidance, retention, transfer (insurance), general loss prevention and reduction

Loss prevention measures – training and procedures, inspections, internal controls, communication, supervision, culture of safety, proactive

Auto Liability

Goals:

- Learn who and what auto liability insurance covers
- How does the coverage apply
- Loss prevention

Who is covered?



Employee

- Negligence operating a vehicle during the course and scope of their employment/responsibilities

Volunteer

- Any person who of their own free will, provides goods or services to the named insured, with no monetary or material compensation as defined in Chapter 110, Part IV, Florida Statutes.
- <https://hr.ufl.edu/manager-resources/volunteer-coordination/>

Students

- Not covered unless an employee or volunteer

Loss Prevention

TOP 10

- Seat belts
- Cell phones
- Crowded areas: stop, look, listen
- Red light runners
- 10 second rule for long distance driving
- Tailgating - Drive at a safe distance from vehicles
- Distracted driving
- Drowsy driving
- Reduce speed in adverse weather
- Using spotters when backing up

County and State

- Covered by the same statute
- Counties are managed individually
- Mutually beneficial relationship



Events

Event Liability



Who is organizing the event?

Where is the event being held?

What type of event is it?

Who will attend or participate?



Q&A
