

FLORIDA'S SOVEREIGN IMMUNITY LAW

Sovereign Immunity and Florida's Limited Waiver of Sovereign Immunity

- Sovereign immunity is a common law doctrine with its roots in England. The doctrine precludes bringing suit against the government without its consent. The public policy supporting immunity is the protection of public funds and the orderly administration of public services. Recognizing the need to balance public policy interests with the interests of individuals, the government enacted limited waivers of the immunity.
- In 1973, the Florida Legislature adopted what is called the "Florida Waiver of Sovereign Immunity Act. The Act provides a limited waiver sovereign immunity for all governmental entities for tort claims within certain monetary limitations. Since 1984, the Act has been held applicable to public hospitals in the State.
 - ◆ Damages are limited to \$200,000 for an individual claimant and \$300,000 for all claimants whose claims arise out of the same event.
 - ◆ In addition, all suits for ordinary negligence must be brought against the governmental agency and not against any of its individual officers, agents or employees.

Lee Memorial Health System – A Special District

- Lee Memorial Health System is a public health care system, created by special act of the Florida Legislature. Lee Memorial Health System is classified as an independent special district under the laws of Florida. A "special district" is a governmental entity which has a special purpose. Lee Memorial's special purpose relates to the delivery of health care services to the community in Southwest Florida. Although Lee Memorial has provided hospital services in the community since 1916, the special district was created in 1963.
- Lee Memorial Health System's governmental structure is similar to a city, county or other special districts such as fire departments, in that Lee Memorial is governed by a publicly-elected board which meets at publicly-noticed meetings and maintains records open for public inspection. Similar to other governmental entities, all LMHS employees are public employees. While cities and counties operate pursuant to state statutes and local ordinances, Lee Memorial operates pursuant to the enabling legislation which created the district, as amended over the years.
- Lee Memorial is unlike other governmental entities in that it does not have taxing authority, nor does it receive tax support from other state or local governments. LMHS does not levy taxes in any form and does not have a millage (tax rate).

Safety Net Provider

- Lee Memorial's mission, energy, motivation and focus is to make sure we have sufficient funds to:
 - ◆ provide services to patients in our community who cannot afford care, and
 - ◆ establish and maintain services which are needed in the community but lose money
- Roughly 78% of Lee Memorial patients over the past three fiscal years were provided services for which Lee Memorial received reimbursement below the cost of providing such care or no reimbursement at all.
- Lee Memorial Health System is one of 15 major safety net health systems in Florida that ensure needy and uninsured patients receive high-quality health care, regardless of ability to pay.
- Safety net hospitals represent just 11.5 percent of the state's hospitals, but provide half of charity care, 43 percent of all Medicaid care, and 60 percent of all COVID hospitalizations in the state.
- Lee Memorial's safety net includes specific services such as the only state designated Level II Trauma Center in Trauma Service Area 15 encompassing Lee, Collier, Hendry, Glades, and Charlotte counties, as well as access to a full range of health care services for the uninsured with a cost of \$69.9 million.
- Florida's limited waiver of sovereign immunity helps make it possible for the health system to provide these needed services to our community.