DEPARTMENT OF FINANCIAL SERVICES
Division of Risk Management

STATE RISK MANAGEMENT TRUST FUND

Policy Number: CA-0281

Court Awarded Attorney Fees
Certificate of Coverage

Name Insured: University of South Florida

Court Awarded Attorney Fees provided pursuant to Chapter 284, Part II, Section 768.28, Florida Statutes, and any rules promulgated thereunder.

Court Awarded Attorney Fees

Liability **Unlimited** each person

Unlimited each occurrence

Inception Date: July 1, 2023

Expiration Date: July 1, 2024

DEPARTMENT OF FINANCIAL SERVICES
Division of Risk Management

STATE RISK MANAGEMENT TRUST FUND
COURT AWARDED ATTORNEY FEES
CERTIFICATE OF COVERAGE

In consideration of the provisions and stipulations contained herein or added hereto and for the premium charged, the State Risk Management Trust Fund, hereinafter referred to as the "Fund", certifies that the State department or agency named in this certificate is hereby provided court awarded attorney fees. Coverage shall be effective on the inception date at 12:01 a.m. standard time.

This certificate is comprised of the foregoing provisions and stipulations, together with such other provisions and stipulations as may be added hereto by the Fund in the future:

I. COVERAGE

To pay on behalf of the named insured, court awarded attorney fees and costs as set forth in Chapter 284, Part II, Florida Statutes, in other proceedings against the State, in which the State is not a prevailing party.

II. SETTLEMENT

The Department of Financial Services has the right to participate in the defense of any suit or appeal with respect to the payment of attorney fees.

III. DEFINITIONS

A. Named Insured: The department or agency named herein.

B. Attorney's fees and Costs: The reasonable and necessary attorney fees and costs incurred for all preparation, motions, hearings, trials, and appeals in a proceeding.

C. Prevailing Party: A party prevails when a final judgment or order has been entered in favor of the party, or partially in favor of the party, and such judgment or order has not been reversed on appeal or the time for seeking judicial review of the order has expired.

D. Other Proceedings against the State: All action against the State not related to the specific coverage accounts specified in Section 284.30 and 284.31, Florida Statutes.

IV. EXCLUSIONS

This certificate does not apply to:

(a) any attorney fees awarded by an Administrative Law Judge as a result of an administrative hearing or proceeding under Chapter 120, Florida Statutes

(b) no award of attorney fees shall be made in any case in which the State is a nominal party

(c) no attorney fees shall be paid if application for attorney fees has not been made in accordance with s.284.30, Florida Statutes

(d) no attorney fees shall be paid in those instances where the action is part of a regulatory process and a separate Fund has been established to provide for the payment of court awarded fees and costs to a prevailing party

(e) no award of attorney fees and costs will be paid due to inverse condemnation or eminent domain actions

(f) no award of attorney fees and costs relating to 42 USC 1983 Federal Civil Rights actions for injunctive and declaratory relief shall be paid

(g) no award of attorney fees and costs shall be paid due to actions arising from Employment Discrimination proceedings.

(h) No award of attorney fees and costs shall be paid if it is determined that the Insured's action that precipitated the legal action was a gross abuse of the Insured's discretion or was done for an improper purpose. "Improper purpose" means participation in a proceeding primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of litigation, licensing, or securing the approval of an activity.

(i) No award of attorney fees and costs shall be paid if such attorney fees and costs are awarded under Section 57.105, Florida Statutes.

V. CONDITIONS

A. A party to a suit in any court, entitled to have attorney fees paid by the State must serve a copy of the pleadings claiming the fees on the Department of Financial Services in accordance with s.284.30, Florida Statutes.

B. The Division of Risk Management shall assess the State agencies' premiums in accordance with the provisions as set forth in Chapter 284, Part II, Florida Statutes.

C. Audit

The Fund shall be permitted to examine and audit the insured's books and records at any time during the term of this certificate, as far as they relate to the premium bases or the subject matter of the certificate.

D. Insured's Duties in the Event of Claim

(1) Terms of Coverage

This certificate is issued for the purpose of confirming coverage as contemplated by Chapter 284, Part II, Florida Statutes. In the event of any conflict between provisions or coverages in this certificate and the provisions of any Florida Statutes or laws including, but not limited to the aforesaid, said statutes and laws shall control.

(2) Cancellation

Failure of the Fund to receive the amount of premiums billed to the insured agency within the time frames allowed by law may result in cancellation of the certificate of coverage. Payments must be made promptly from the insured's operating budget upon receipt of the premium bill as specified in Section 284.36, Florida Statutes, and lack of prompt payment will result in a request from the Fund to the Comptroller to transfer premiums from any available funds of the delinquent agency under the provisions of Section 284.44(7), Florida Statutes.

(3) Action against the Fund

No action shall lie against the Fund unless, as a condition precedent thereto, the insured has fully complied with all of the terms of this certificate and the provisions of Section 768.28, Florida Statutes.

(4) a. Assistance and Cooperation of the Insured

The insured shall cooperate with the Fund and, upon the Fund's request, assist in making settlements, make available all agency records pertaining to a specific claim, and shall attend hearings and trials. The insured shall not, except at his own cost, voluntarily make any payment, covered by this certificate.

b. Notice of Claim or Suit

If claim is made by suit brought against the insured, the insured shall immediately forward to the Fund

every demand, notice, summons, or other process received by the Insured. Failure by the Insured to advise the Fund of a claim or suit prior to a settlement agreement or the Insured otherwise obligating itself, shall void coverage by the Fund, for that claim.

If actions by the insured prevent or cause prejudice to defenses available to the Division, coverage shall be voided for that claim.

(5) Limits of Liability
The Fund's monetary limits of liability for this coverage shall be the same monetary limits as stated in Section 768.28, Florida Statutes.

E. Self-Insurance Coverage

Coverage for defending and paying claims under this certificate is provided under the authority of Chapter 284, Florida Statutes, wherein the state is authorized to administer a self-insurance program. Provision of this certificate does not constitute the issuance of insurance other than on a self-insurance basis, and payment of any covered claim obligations is contingent upon availability of legislative funding.