

RULES OF
DEPARTMENT OF EDUCATION
DIVISION OF UNIVERSITIES
UNIVERSITY OF FLORIDA

6C1-7.0041 Academic Affairs; College of Medicine; Clinical Faculty Teaching
Appointments; Restrictive Covenants.

(1) The University recognizes that a faculty physician appointment to the faculty of the College of Medicine involves both academic and clinical responsibilities, and that these responsibilities are interlinked and performed at affiliated hospitals and/or clinics. Furthermore, the University recognizes that medical clinical practice competition by a faculty physician within two years of termination, discharge or cessation of employment and within a fifty-mile radius of the situs of the faculty physician's major clinical teaching assignment would have a negative impact on the University's College of Medicine teaching programs at the major affiliated hospital and/or clinic, impair the operation and quality of its affiliation and erode the patient population and economic base necessary to support the mission of the University's College of Medicine.

(2) The College of Medicine is authorized to include, as a condition of appointment to a faculty teaching position requiring clinical practice, a restrictive covenant in the faculty contract and/or letter of appointment. Such a restrictive covenant shall limit the faculty physician from entering into a community based clinical practice within a radius of no more than fifty miles from the situs of any primary faculty clinical teaching assignment during the previous two years, for a period of no more than two years following termination, discharge or cessation of employment. If the University, through its College of Medicine, elects to require such a restrictive covenant for one faculty physician, it shall require a restrictive covenant of all new

faculty physicians whose major clinical teaching assignment is located at the same affiliated hospital and/or clinic.

(3) Remedies for breach of this restrictive covenant shall be limited to all available remedies provided by law and equity, including but not limited to those remedies provided by Section 542.33(2)(a), F.S.

(4) Faculty physicians who at the time of their academic appointment are engaged in a medical clinical practice within a fifty-mile radius of the situs of the faculty physician's major clinical teaching assignment shall, upon termination, discharge or cessation of employment, be exempt from the provisions of the restrictive covenant rule. Faculty physicians who are exempt from the restrictive covenant rule shall be notified by the University of such exemption at the time of their appointment.

Specific Authority 240.227(1) FS.

Law Implemented 240.227(5), 542.33(2)(a), 542.331, 542.335 FS.

History--New 5-21-89, Amended 5-23-96.