

1 A bill to be entitled
2 An act relating to the Department of Financial Services;
3 amending s. 17.04, F.S.; authorizing the Division of
4 Insurance Fraud and the Office of Fiscal Integrity to
5 conduct certain enforcement investigations; amending s.
6 20.121, F.S.; transferring the Office of Fiscal Integrity
7 of the Division of Accounting and Auditing of the
8 Department of Financial Services to the department's
9 Division of Insurance Fraud; amending ss. 284.01 and
10 284.36, F.S.; revising criteria for premiums charged to
11 agencies and departments for purposes of the State Risk
12 Management Trust Fund; amending s. 284.42, F.S.; revising
13 reporting requirements on the state insurance program;
14 requiring the Division of Risk Management to analyze and
15 report on certain agency return-to-work programs and
16 activities; amending s. 284.50, F.S.; requiring certain
17 agencies to establish and maintain return-to-work programs
18 for certain employees; providing program goals; providing
19 construction; requiring the Division of Risk Management to
20 evaluate agency risk management programs; requiring
21 reports; requiring agencies to respond to the division's
22 evaluation and recommendations; requiring the division to
23 submit the evaluation report to the legislative
24 appropriations committees; amending s. 440.50, F.S.;
25 providing for reversion of certain unencumbered and
26 undisbursed funds to the Workers' Compensation
27 Administration Trust Fund; providing an effective date.
28

29 Be It Enacted by the Legislature of the State of Florida:

30
 31 Section 1. Section 17.04, Florida Statutes, is amended to
 32 read:

33 17.04 To audit and adjust accounts of officers and those
 34 indebted to the state.—The Chief Financial Officer, using
 35 generally accepted auditing procedures for testing or sampling,
 36 shall examine, audit, adjust, and settle the accounts of all the
 37 officers of this state, and any other person in anywise
 38 entrusted with, or who may have received any property, funds, or
 39 moneys of this state, or who may be in anywise indebted or
 40 accountable to this state for any property, funds, or moneys,
 41 and require such officer or persons to render full accounts
 42 thereof, and to yield up such property or funds according to
 43 law, or pay such moneys into the treasury of this state, or to
 44 such officer or agent of the state as may be appointed to
 45 receive the same, and on failure so to do, to cause to be
 46 instituted and prosecuted proceedings, criminal or civil, at law
 47 or in equity, against such persons, according to law. The
 48 Division of Accounting and Auditing and the Office of Fiscal
 49 Integrity within the Division of Insurance Fraud may conduct
 50 investigations within or outside of this state as it deems
 51 necessary to aid in the enforcement of this section. If during
 52 an investigation either ~~the~~ division or the office has reason to
 53 believe that any criminal statute of this state has or may have
 54 been violated, such ~~the~~ division or the office shall refer any
 55 records tending to show such violation to state or federal law
 56 enforcement or prosecutorial agencies and shall provide

57 | investigative assistance to those agencies as required.

58 | Section 2. Paragraphs (a) and (e) of subsection (2) of
 59 | section 20.121, Florida Statutes, are amended to read:

60 | 20.121 Department of Financial Services.—There is created
 61 | a Department of Financial Services.

62 | (2) DIVISIONS.—The Department of Financial Services shall
 63 | consist of the following divisions:

64 | (a) The Division of Accounting and Auditing, which shall
 65 | include ~~the following bureau and office:~~

66 | 1. ~~the Bureau of Unclaimed Property.~~

67 | 2. ~~The Office of Fiscal Integrity which shall function as~~
 68 | ~~a criminal justice agency for purposes of ss. 943.045-943.08 and~~
 69 | ~~shall have a separate budget. The office may conduct~~
 70 | ~~investigations within or outside this state as the bureau deems~~
 71 | ~~necessary to aid in the enforcement of this section. If during~~
 72 | ~~an investigation the office has reason to believe that any~~
 73 | ~~criminal law of this state has or may have been violated, the~~
 74 | ~~office shall refer any records tending to show such violation to~~
 75 | ~~state or federal law enforcement or prosecutorial agencies and~~
 76 | ~~shall provide investigative assistance to those agencies as~~
 77 | ~~required.~~

78 | (e) The Division of Insurance Fraud, which shall include
 79 | the Office of Fiscal Integrity. The office shall function as a
 80 | criminal justice agency for purposes of ss. 943.045-943.08 and
 81 | shall have a separate budget. The office may conduct
 82 | investigations within or outside this state as the division
 83 | deems necessary to aid in the enforcement of this section. If
 84 | during an investigation the office has reason to believe that

85 any criminal law of this state has or may have been violated,
 86 the office shall refer any records tending to show such
 87 violation to state or federal law enforcement or prosecutorial
 88 agencies and shall provide investigative assistance to those
 89 agencies as required.

90 Section 3. Subsection (5) of section 284.01, Florida
 91 Statutes, is amended to read:

92 284.01 State Risk Management Trust Fund; coverages to be
 93 provided.—

94 (5) Premiums charged to agencies for coverage shall be
 95 adopted ~~promulgated~~ on a retrospective rating arrangement based
 96 upon actual losses accruing to the fund and loss prevention
 97 results, taking into account reasonable expectations,
 98 maintenance, and stability of the fund and cost of reinsurance.

99 Section 4. Section 284.36, Florida Statutes, is amended to
 100 read:

101 284.36 Appropriation deposits; premium payment.—Premiums
 102 for coverage by the State Risk Management Trust Fund as
 103 calculated on all coverages shall be billed and charged to each
 104 state agency according to coverages obtained by the fund for
 105 their benefit, and such obligations shall be paid promptly by
 106 each agency from its operating budget upon presentation of a
 107 bill therefor. After the first year of operation, premiums to be
 108 charged to all departments of the state are to be computed on a
 109 retrospective rating arrangement based upon actual losses
 110 accruing to the fund and loss prevention results, taking into
 111 account reasonable expectations, the maintenance and stability
 112 of the fund, and the cost of insurance.

113 Section 5. Subsection (1) of section 284.42, Florida
 114 Statutes, is amended to read:

115 284.42 Reports on state insurance program.—

116 (1) (a) The Department of Financial Services, with the
 117 Department of Management Services, shall conduct ~~make~~ an
 118 analysis of the state insurance program each year and submit the
 119 results on or before January 1 in a report to the Governor, the
 120 President of the Senate, and the Speaker of the House of
 121 Representatives annually, which shall include:

122 1. (a) Complete underwriting information as to the nature
 123 of the risks accepted for self-insurance and those risks that
 124 are transferred to the insurance market.

125 2. (b) The funds allocated to the Florida Casualty Risk
 126 Management Trust Fund and premiums paid for insurance through
 127 the market.

128 3. (c) The method of handling legal matters and the cost
 129 allocated.

130 4. (d) The method and cost of handling inspection and
 131 engineering of risks.

132 5. (e) The cost of risk management service purchased.

133 6. (f) The cost of managing the State Insurance Program by
 134 the Department of Financial Services and the Department of
 135 Management Services.

136 (b) Beginning January 1, 2012, the Division of Risk
 137 Management shall include in its annual report an analysis of
 138 agency return-to-work efforts, including, but not limited to,
 139 agency return-to-work program performance metrics and a status
 140 report on participating return-to-work programs. The report

141 shall specify benchmarks, including, but not limited to, the
 142 average lost-time claims per year, per agency; the total number
 143 of lost claims; and specific agency measurable outcomes
 144 indicating the change in performance from year to year.

145 Section 6. Subsections (4) and (5) are added to section
 146 284.50, Florida Statutes, to read:

147 284.50 Loss prevention program; safety coordinators;
 148 Interagency Advisory Council on Loss Prevention; employee
 149 recognition program.—

150 (4) All agencies that are provided workers' compensation
 151 insurance coverage by the State Risk Management Trust Fund that
 152 employ more than 6,000 full-time employees shall establish and
 153 maintain return-to-work programs for employees who are receiving
 154 workers' compensation benefits. Such programs shall have the
 155 primary goal of enabling injured workers to remain at work or
 156 return to work to perform job duties within the physical or
 157 mental functional limitations and restrictions established by
 158 the workers' treating physicians. If no such limitations or
 159 restrictions are established in writing by a worker's treating
 160 physician, the worker shall be deemed to be able to fully
 161 perform the same work duties he or she performed prior to the
 162 injury.

163 (5) The Division of Risk Management shall evaluate each
 164 agency's risk management programs, including, but not limited
 165 to, return-to-work, safety, and loss prevention programs, at
 166 least once every 5 years. Reports, including, but not limited
 167 to, any recommended corrective action, resulting from such
 168 evaluations shall be provided to the head of the agency being

PCB GOA 10-02

Redraft - C

2010

169 evaluated, the Chief Financial Officer, and the Director of the
 170 Division of Risk Management. The agency head must provide to the
 171 Division of Risk Management a response to all report
 172 recommendations within 45 days and a plan to implement any
 173 corrective action to be taken as part of the response. If the
 174 agency disagrees with any final report recommendations,
 175 including, but not limited to, any recommended corrective
 176 action, or if the agency fails to implement any recommended
 177 corrective action within a reasonable time, the division shall
 178 submit the evaluation report to the legislative appropriations
 179 committees.

180 Section 7. Subsection (5) is added to section 440.50,
 181 Florida Statutes, to read:

182 440.50 Workers' Compensation Administration Trust Fund.—

183 (5) Funds appropriated by operating appropriation or
 184 nonoperating transfer from the Workers' Compensation
 185 Administration Trust Fund to the Department of Education, the
 186 Agency for Health Care Administration, the Department of
 187 Business and Professional Regulation, the Department of
 188 Management Services, the First District Court of Appeal, and the
 189 Justice Administrative Commission remaining unencumbered as of
 190 June 30 or undisbursed as of September 30 each year shall revert
 191 to the Workers' Compensation Administration Trust Fund.

192 Section 8. This act shall take effect July 1, 2010.