

BILL

ORIGINAL

YEAR

1                                   A bill to be entitled  
 2           An act relating to claims for collections due the state;  
 3           amending s. 17.20, F.S.; providing that each agency is  
 4           responsible for exercising due diligence in securing  
 5           payment for all accounts receivable and other claims due  
 6           the state; creating requirements for agencies for purposes  
 7           of reporting delinquent accounts receivable; requiring  
 8           agencies to report annually to the Legislature and Chief  
 9           Financial Officer on accounts receivable and other claims  
 10          due the state; requiring the Chief Financial Officer to  
 11          report annually to the Governor and Legislature on claims  
 12          for collections due the state; providing an effective  
 13          date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Section 17.20, Florida Statutes, is amended to  
 18           read:

19           17.20 Assignment of claims for collection.—

20           (1) The Chief Financial Officer shall charge the state  
 21           attorneys with the collection of all claims that are placed in  
 22           their hands for collection of money or property for the state or  
 23           any county or special district, or that it otherwise requires  
 24           them to collect. The charges are evidence of indebtedness of a  
 25           state attorney against whom any charge is made for the full  
 26           amount of the claim, until the charges have been collected and  
 27           paid into the treasury of the state or of the county or special  
 28           district or the legal remedies of the state have been exhausted,

BILL

ORIGINAL

YEAR

29 or until the state attorney demonstrates to the Chief Financial  
 30 Officer that the failure to collect the charges is not due to  
 31 negligence and the Chief Financial Officer has made a proper  
 32 entry of satisfaction of the charge against the state attorney.

33 (2) The Chief Financial Officer may assign the collection  
 34 of any claim to a collection agent or agents who are ~~is~~  
 35 registered and in good standing pursuant to chapter 559, if the  
 36 Chief Financial Officer determines the assignation to be cost-  
 37 effective. The Chief Financial Officer may ~~pay an agent from any~~  
 38 ~~amount collected under the claim a fee that the Chief Financial~~  
 39 ~~Officer and the agent have agreed upon; may authorize the agent~~  
 40 ~~to deduct the fee from the amount collected; may require the~~  
 41 ~~appropriate state agency, county, or special district to pay the~~  
 42 ~~agent the fee from any amount collected by the agent on its~~  
 43 ~~behalf; or may authorize the agent~~ or agents ~~to add~~ a ~~the~~ fee to  
 44 the amount to be collected.

45 (3) Each agency shall be responsible for exercising due  
 46 diligence in securing full payment of all accounts receivable  
 47 and other claims due the state.

48 (a) No later than 120 days after the date on which the  
 49 account or other claim was due and payable, unless another  
 50 period is approved by the Chief Financial Officer, and after  
 51 exhausting other lawful measures available to the agency, each  
 52 agency shall report the delinquent accounts receivable as  
 53 directed by the Chief Financial Officer to the appropriate  
 54 collection agent for further action, excluding those agencies  
 55 that collect delinquent accounts with independent statutory  
 56 authority.

BILL

ORIGINAL

YEAR

57 (b) An agency that has delinquent accounts receivable,  
 58 which it considers such accounts to be of a nature that  
 59 assignment to a collection agency would be inappropriate, may  
 60 request in writing an exemption for those accounts. The request  
 61 shall fully explain the nature of the delinquent accounts  
 62 receivable and the reasons the agency believes such accounts  
 63 would be precluded from being assigned to a collection agency.  
 64 The Chief Financial Officer shall disapprove the request in  
 65 writing unless it is shown that a demonstrative harm to the  
 66 State will occur as a result of assignment to a collection  
 67 agency.

68 (c) Agencies that have delinquent accounts receivable,  
 69 which accounts are of such a nature that it would not be  
 70 appropriate to transfer collection of those delinquent accounts  
 71 to the Chief Financial Officer within 120 days from the date  
 72 they are due and payable, may request in writing a different  
 73 period of time for transfer of collection of such accounts. The  
 74 request shall fully explain the nature of the delinquent  
 75 accounts receivable and include a recommendation as to an  
 76 appropriate period.

77 (4) Beginning October 1, 2010 and each October 1  
 78 thereafter, each agency shall submit a report to the President  
 79 of the Senate, the Speaker of the House of Representatives, and  
 80 the Chief Financial Officer. The report shall include:

81 (a) A detailed list and total of all accounts that were  
 82 referred for collection and the status of such accounts,  
 83 including the date referred, any amounts collected, and the  
 84 total that remains uncollected;

BILL

ORIGINAL

YEAR

85 (b) A list and total of all delinquent accounts that were  
 86 not referred to a collection agency, the reasons for not  
 87 referring those accounts, and the actions taken by the agency to  
 88 collect; and

89 (c) A list, total and description of all accounts or  
 90 claims that were written off or waived by the agency for any  
 91 reason during the prior fiscal year, the reason for the write  
 92 off, and whether any of those accounts continue to be pursued by  
 93 a collection agent.

94 (5) Beginning December 1, 2010 and each December 1  
 95 thereafter, the Chief Financial Officer shall provide to the  
 96 Governor, the President of the Senate, and the Speaker of the  
 97 House of Representatives a report that details the following  
 98 information for any contracted collection agent:

99 (a) The amount of claims referred for collection by each  
 100 agency, cumulatively and annually.

101 (b) The number of accounts by age and amount.

102 (c) A listing of those agencies that failed to report  
 103 known claims to the Chief Financial Officer in a timely manner  
 104 as prescribed in subsection (3).

105 (d) The total amount of claims collected, cumulatively and  
 106 annually.

107 ~~(6)(3)~~ Notwithstanding any other provision of law, in any  
 108 contract providing for the location or collection of unclaimed  
 109 property, the Chief Financial Officer may authorize the  
 110 contractor to deduct its fees and expenses for services provided  
 111 under the contract from the unclaimed property that the  
 112 contractor has recovered or collected under the contract. The

BILL

ORIGINAL

YEAR

113 Chief Financial Officer shall annually report to the Governor,  
114 President of the Senate, and the Speaker of the House of  
115 Representatives the total amount collected or recovered by each  
116 contractor during the previous fiscal year and the total fees  
117 and expenses deducted by each contractor.

118 Section 2. This act shall take effect July 1, 2010.