

By the Committees on Judiciary, General Appropriations and Representative Pruitt

1 A bill to be entitled
2 An act relating to lawsuits involving the
3 executive branch; amending s. 45.062, F.S.;
4 providing additional requirements with respect
5 to notification of certain settlements or
6 orders; providing that certain settlements or
7 orders shall be contingent upon and subject to
8 legislative appropriation or statutory
9 amendment; providing for the disposition of
10 funds; providing legislative intent; amending
11 s. 216.023, F.S.; providing for an inventory of
12 all litigation in which an agency is involved
13 that may require additional appropriations to
14 the agency or amendments to the law under which
15 the agency operates as a part of legislative
16 budget requests; amending s. 284.385, F.S.;
17 revising language with respect to the reporting
18 and handling of claims by the Department of
19 Insurance covered by the Florida Casualty
20 Insurance Risk Management Trust Fund; providing
21 an effective date.

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

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25 Section 1. Section 45.062, Florida Statutes, is
26 amended to read:

27 45.062 Settlements, conditions, or orders when an
28 agency of the executive branch is a party.--

29 (1) In any civil action in which a state executive
30 branch agency or officer is a party in state or federal court,
31 the officer, agent, official, or attorney who represents or is

1 acting on behalf of such agency or officer may not settle such
2 action, consent to any condition, or agree to any order in
3 connection therewith, if the settlement, condition, or order
4 requires the expenditure of or the obligation to expend any
5 state funds or other state resources, or the establishment of
6 any new program, unless:

7 (a) The expenditure is provided for by an existing
8 appropriation or program established by law; and

9 (b) Prior written notification is given within 5
10 business days of the date the settlement or presettlement
11 agreement or order is to be made final to the President of the
12 Senate, the Speaker of the House of Representatives, the
13 Senate and House minority leaders, and the Attorney General.
14 Such notification shall specify how the agency involved will
15 address the costs in future years within the limits of current
16 appropriations.

17 (2) The state executive branch agency or officer shall
18 negotiate a closure date as soon as possible for the civil
19 action.

20 (3) The state executive branch agency or officer may
21 not pledge any current or future action of another branch of
22 state government as a condition for settling the civil action.

23 (4) Any settlement that commits the state to spending
24 in excess of current appropriations or to policy changes
25 inconsistent with current state law shall be contingent upon
26 and subject to legislative appropriation or statutory
27 amendment. The state agency or officer may agree to use all
28 efforts to procure legislative funding or statutory amendment.

29 (5) When a state agency or officer settles an action
30 in which the state will receive moneys, the funds will be
31 placed unobligated in the General Revenue Fund or in the trust

1 fund which is associated with the agency's or official's
2 authority to pursue the legal action.

3 (6) State agencies and officers shall report to each
4 substantive and fiscal committee of the Legislature having
5 jurisdiction over the reporting agency on all potential
6 settlements which may commit the state to:

7 (a) Spend in excess of current appropriations, or
8 (b) Policy changes inconsistent with current state
9 law.

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11 The state agency or officer shall provide periodic updates to
12 the appropriate legislative committees on these issues during
13 the settlement process.

14 Section 2. Subsection (8) is added to section 216.023,
15 Florida Statutes, to read:

16 216.023 Legislative budget requests to be furnished by
17 agencies.--

18 (8) As a part of the legislative budget request, the
19 head of each state agency shall include an inventory of all
20 litigation in which the agency is involved that may require
21 additional appropriations to the agency or amendments to the
22 law under which the agency operates. No later than March 1
23 following the submission of the legislative budget request,
24 the head of the state agency shall provide an update of any
25 additions or changes to the inventory. Such inventory shall
26 include:

27 (a) The names of the parties.

28 (b) The court with jurisdiction.

29 (c) A summary of the complaint.

30 (d) The amount of the claim.

31 (e) The specific laws challenged.

1 (f) The status of the case.
2 Section 3. Section 284.385, Florida Statutes, is
3 amended to read:
4 284.385 Reporting and handling of claims.--All
5 departments covered by the Florida Casualty Insurance Risk
6 Management Trust Fund under this part shall immediately report
7 all known or potential claims to the Department of Insurance
8 for handling, except employment complaints which have not been
9 filed with the Florida Human Relations Commission, Equal
10 Employment Opportunity Commission, or any similar agency.
11 When deemed necessary, the Department of Insurance shall
12 assign or reassign the claim to counsel. The assigned counsel
13 shall report regularly to the Department of Insurance and to
14 the covered department on the status of any such claims or
15 litigation as required by the Department of Insurance. No
16 such claim shall be compromised or settled for monetary
17 compensation without the prior approval of the Department of
18 Insurance and prior notification to the covered department.
19 All departments shall cooperate with the Department of
20 Insurance in its handling of claims. The Department of
21 Insurance, the Department of Management Services, and the
22 Department of Banking and Finance, with the cooperation of the
23 state attorneys and the clerks of the courts, shall develop a
24 system to coordinate the exchange of information concerning
25 claims for and against the state, its agencies, and its
26 subdivisions, to assist in collection of amounts due to them.
27 The covered department shall have the responsibility for the
28 settlement of any claim for injunctive or affirmative relief
29 under 42 U.S.C. s. 1983 or similar federal or state statutes.
30 The payment of a settlement or judgment for any claim covered
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1 and reported under this part shall be made only from the
2 Florida Casualty Insurance Risk Management Trust Fund.
3 Section 4. This act shall take effect July 1, 2000.
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