

Bill No. SB 2186, 1st Eng.

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.

Senator Dyer moved the following amendment:

Senate Amendment (with title amendment)

On page 12, between lines 10 and 11,

insert:

Section 8. Section 45.062, Florida Statutes, is amended to read:

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

(1) In any civil action in which a state executive branch agency or officer is a party in state or federal court, the officer, agent, official, or attorney who represents or is acting on behalf of such agency or officer may not settle such action, consent to any condition, or agree to any order in connection therewith, if the settlement, condition, or order requires the expenditure of or the obligation to expend any state funds or other state resources, or the establishment of any new program, unless:

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

Bill No. SB 2186, 1st Eng.

Amendment No. ____

1 (b) Prior written notification is given within 5
2 business days of the date the settlement or presettlement
3 agreement or order is to be made final to the President of the
4 Senate, the Speaker of the House of Representatives, the
5 Senate and House minority leaders, and the Attorney General.
6 Such notification shall specify how the agency involved will
7 address the costs in future years within the limits of current
8 appropriations.

9 (2) The state executive branch agency or officer shall
10 negotiate a closure date as soon as possible for the civil
11 action.

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

15 (4) Any settlement that commits the state to spending
16 in excess of current appropriations or to policy changes
17 inconsistent with current state law shall be contingent upon
18 and subject to legislative appropriation or statutory
19 amendment. The state agency or officer may agree to use all
20 efforts to procure legislative funding or statutory amendment.

21 (5) When a state agency or officer settles an action
22 in which the state will receive moneys, the funds will be
23 placed unobligated in the General Revenue Fund or in the trust
24 fund which is associated with the agency's or official's
25 authority to pursue the legal action.

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

30 (a) Spend in excess of current appropriations, or

31 (b) Policy changes inconsistent with current state

Bill No. SB 2186, 1st Eng.

Amendment No. ____

1 law.

2

3 The state agency or officer shall provide periodic updates to
4 the appropriate legislative committees on these issues during
5 the settlement process.

6 Section 9. Subsection (8) is added to section 216.023,
7 Florida Statutes, to read:

8 216.023 Legislative budget requests to be furnished by
9 agencies.--

10 (8) As a part of the legislative budget request, the
11 head of each state agency shall include an inventory of all
12 litigation in which the agency is involved that may require
13 additional appropriations to the agency or amendments to the
14 law under which the agency operates. No later than March 1
15 following the submission of the legislative budget request,
16 the head of the state agency shall provide an update of any
17 additions or changes to the inventory. Such inventory shall
18 include:

19 (a) The names of the parties.

20 (b) The court with jurisdiction.

21 (c) A summary of the complaint.

22 (d) The amount of the claim.

23 (e) The specific laws challenged.

24 (f) The status of the case.

25 Section 10. Section 284.385, Florida Statutes, is
26 amended to read:

27 284.385 Reporting and handling of claims.--All
28 departments covered by the Florida Casualty Insurance Risk
29 Management Trust Fund under this part shall immediately report
30 all known or potential claims to the Department of Insurance
31 for handling, except employment complaints which have not been

Bill No. SB 2186, 1st Eng.

Amendment No. ____

1 filed with the Florida Human Relations Commission, Equal
2 Employment Opportunity Commission, or any similar agency.
3 When deemed necessary, the Department of Insurance shall
4 assign or reassign the claim to counsel. The assigned counsel
5 shall report regularly to the Department of Insurance and to
6 the covered department on the status of any such claims or
7 litigation as required by the Department of Insurance. No
8 such claim shall be compromised or settled for monetary
9 compensation without the prior approval of the Department of
10 Insurance and prior notification to the covered department.
11 All departments shall cooperate with the Department of
12 Insurance in its handling of claims. The Department of
13 Insurance, the Department of Management Services, and the
14 Department of Banking and Finance, with the cooperation of the
15 state attorneys and the clerks of the courts, shall develop a
16 system to coordinate the exchange of information concerning
17 claims for and against the state, its agencies, and its
18 subdivisions, to assist in collection of amounts due to them.
19 The covered department shall have the responsibility for the
20 settlement of any claim for injunctive or affirmative relief
21 under 42 U.S.C. s. 1983 or similar federal or state statutes.
22 The payment of a settlement or judgment for any claim covered
23 and reported under this part shall be made only from the
24 Florida Casualty Insurance Risk Management Trust Fund.

25
26 (Redesignate subsequent sections.)
27
28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 1, line 29, after the semicolon

Bill No. SB 2186, 1st Eng.

Amendment No. ____

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

20
21
22
23
24
25
26
27
28
29
30
31