

Bill No. CS for SB 2610

Barcode 124406

CHAMBER ACTION

Senate

House

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Senators Carlton and Pruitt moved the following amendment:

Senate Amendment (with title amendment)

On page 11, line 8, through page 13, line 28, delete those lines

and insert: state funds or other state resources, exceeding \$1 million, the refund or future loss of state revenues exceeding \$10 million, or the establishment of any new program, unless:

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

(b) At the time settlement negotiations are begun in earnest, written notification is given to the President of the Senate, the Speaker of the House of Representatives, the Senate and House minority leaders, the chairs of the appropriations committees of the Legislature, and the Attorney General; and

(c)(b) Prior written notification is given at least within 5 business days or as soon thereafter as practicable, before of the date the settlement or presettlement agreement

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1 or order is to be made final to the President of the Senate,
 2 the Speaker of the House of Representatives, the Senate and
 3 House minority leaders, the chairs of the appropriations
 4 committees of the Legislature, and the Attorney General. Such
 5 notification shall specify how the agency involved will
 6 address the costs in future years within the limits of current
 7 appropriations.

8 1. The Division of Risk Management need not give the
 9 notification required by this paragraph when settling any
 10 claim covered by the state self-insurance program for an
 11 amount less than \$250,000.

12 2. The notification specified in this paragraph is not
 13 required if:

14 a. The only settlement obligation of the state
 15 resulting from the claim is to pay court costs in an amount
 16 less than \$10,000;

17 b. Notification would preclude the state's
 18 participation in multi-state litigation;

19 c. Notification is precluded by federal law or
 20 regulation; or

21 d. Notification is precluded by court rule or
 22 sanction.

23 (2) The state executive branch agency or officer shall
 24 negotiate a closure date as soon as possible for the civil
 25 action.

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

29 (4) Any settlement that commits the state to spending
 30 in excess of current appropriations or to policy changes
 31 inconsistent with current state law shall be contingent upon

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1 and subject to legislative appropriation or statutory
2 amendment. The state agency or officer may agree to use all
3 efforts to procure legislative funding or statutory amendment.

4 (5) When a state agency or officer settles an action
5 or legal claim in which the state asserted a right to recover
6 money, all moneys paid to the state by a party in full or
7 partial exchange for a release of the state's claim shall be
8 placed into the General Revenue Fund or the appropriate trust
9 fund.

10 ~~(6)(5)~~ State executive branch agencies and officers
11 shall report to each substantive and fiscal committee of the
12 Legislature having jurisdiction over the reporting agency on
13 all potential settlements that may commit the state to:

- 14 (a) Spend in excess of current appropriations; or
- 15 (b) Make policy changes inconsistent with current
- 16 state law.

17
18 The state executive branch agency or officer shall provide
19 periodic updates to the appropriate legislative committees on
20 these issues during the settlement process.

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22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, lines 15 - 28, delete those lines

26
27 and insert:

28 presettlement agreements or orders; providing
29 certain exceptions; requiring that moneys paid
30 in settlement of a legal action be placed into
31 the General Revenue Fund or an appropriate

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