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Proposed Committee Substitute by the Committee on General  
Government Appropriations

1                                   A bill to be entitled  
2           An act relating to state risk management programs;  
3           amending s. 284.01, F.S.; requiring that certain  
4           premiums charged to state agencies for coverage by the  
5           State Risk Management Trust Fund use a retrospective  
6           rating arrangement based upon actual losses accruing  
7           to the fund and loss prevention results; amending s.  
8           284.36, F.S.; requiring that premiums charged to all  
9           departments of the state be computed on a  
10          retrospective rating arrangement based on such  
11          factors; amending s. 284.50, F.S.; requiring that all  
12          agencies that are provided workers' compensation  
13          insurance coverage by the fund and that employ more  
14          than a specified minimum number of full-time employees  
15          establish and maintain return-to-work programs for  
16          employees receiving workers' compensation benefits;  
17          providing goals for such programs; specifying  
18          conditions under which a worker shall be deemed able  
19          to fully perform the same work duties as performed  
20          before sustaining the injury for which benefits are  
21          sought; requiring that the Division of Risk Management  
22          of the Department of Financial Services evaluate each  
23          agency's risk management programs at specified  
24          intervals; requiring that the division provide reports  
25          of such evaluations to the head of the agency being  
26          evaluated, the Chief Financial Officer, and the  
27          director of the Division of Risk Management; requiring



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28           that the agency head provide a response to such report  
29           within a specified period after receiving the findings  
30           of the report; requiring that the division submit the  
31           evaluation report to the chairs of the appropriation  
32           committees of the Senate and the House of  
33           Representatives under certain circumstances; requiring  
34           that the division include specified information in its  
35           report beginning in a specified year; providing an  
36           effective date.

37

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

39

40           Section 1. Subsection (5) of section 284.01, Florida  
41           Statutes, is amended to read:

42           284.01 State Risk Management Trust Fund; coverages to be  
43           provided.—

44           (5) Premiums charged to agencies for coverage shall be  
45           promulgated on a retrospective rating arrangement based upon  
46           actual losses accruing to the fund and loss prevention results,  
47           taking into account reasonable expectations, maintenance, and  
48           stability of the fund and cost of reinsurance.

49           Section 2. Section 284.36, Florida Statutes, is amended to  
50           read:

51           284.36 Appropriation deposits; premium payment.—Premiums  
52           for coverage by the State Risk Management Trust Fund as  
53           calculated on all coverages shall be billed and charged to each  
54           state agency according to coverages obtained by the fund for  
55           their benefit, and such obligations shall be paid promptly by  
56           each agency from its operating budget upon presentation of a



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57 bill therefor. After the first year of operation, premiums to be  
58 charged to all departments of the state are to be computed on a  
59 retrospective rating arrangement based upon actual losses  
60 accruing to the fund and loss prevention results, taking into  
61 account reasonable expectations, the maintenance and stability  
62 of the fund, and the cost of insurance.

63 Section 3. Section 284.50, Florida Statutes, is amended to  
64 read:

65 284.50 Loss prevention program; safety coordinators;  
66 Interagency Advisory Council on Loss Prevention; employee  
67 recognition program; return-to-work program.-

68 (1) The head of each department of state government, except  
69 the Legislature, shall designate a safety coordinator. Such  
70 safety coordinator must be an employee of the department and  
71 must hold a position that ~~which~~ has responsibilities comparable  
72 to those of an employee in the Senior Management System. The  
73 Department of Financial Services shall provide appropriate  
74 training to the safety coordinators to permit them to  
75 effectively perform their duties within their respective  
76 departments. Each safety coordinator shall, at the direction of  
77 his or her department head:

78 (a) Develop and implement the loss prevention program, a  
79 comprehensive departmental safety program which shall include a  
80 statement of safety policy and responsibility.

81 (b) Provide for regular and periodic facility and equipment  
82 inspections.

83 (c) Investigate job-related employee accidents of his or  
84 her department.

85 (d) Establish a program to promote increased safety



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86 awareness among employees.

87 (2) There shall be an Interagency Advisory Council on Loss  
88 Prevention composed of the safety coordinators from each  
89 department and representatives designated by the Division of  
90 State Fire Marshal and the Division of Risk Management. The  
91 chair of the council shall be the Director of the Division of  
92 Risk Management or his or her designee. The council shall meet  
93 at least quarterly to discuss safety problems within state  
94 government, to attempt to find solutions for these problems,  
95 and, when possible, to assist in the implementation of the  
96 solutions. If the safety coordinator of a department or office  
97 is unable to attend a council meeting, an alternate, selected by  
98 the department head or his or her designee, shall attend the  
99 meeting to represent and provide input for that department or  
100 office on the council. The council is further authorized to  
101 provide for the recognition of employees, agents, and volunteers  
102 who make exceptional contributions to the reduction and control  
103 of employment-related accidents. The necessary expenses for the  
104 administration of this program of recognition shall be  
105 considered an authorized administrative expense payable from the  
106 State Risk Management Trust Fund.

107 (3) The council and each department head shall report  
108 annually to the Governor by January 15 preceding any regular  
109 legislative session any actions taken to prevent job-related  
110 employee accidents, together with suggestions of safeguards and  
111 improvements.

112 (4) All agencies that are provided workers' compensation  
113 insurance coverage by the fund and that employ more than 2,500  
114 full-time employees shall establish and maintain return-to-work



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115 programs for employees receiving workers' compensation benefits.  
116 Such programs shall have the primary goal of enabling injured  
117 workers to remain at work or return to work to perform job  
118 duties within the physical or mental functional limitations and  
119 restrictions established by the worker's treating physician. If  
120 no such limitations or restrictions are established in writing  
121 by a treating physician, the worker shall be deemed able to  
122 fully perform the same work duties as performed before  
123 sustaining the injury.

124 (5) The Division of Risk Management shall evaluate each  
125 agency's risk management programs, including, but not limited  
126 to, return-to-work, safety, and loss prevention programs at  
127 least once every 5 years. Reports resulting from these  
128 evaluations, including any recommended corrective action, shall  
129 be provided to the head of the agency being evaluated, the Chief  
130 Financial Officer, and the director of the Division of Risk  
131 Management. The agency head must provide to the division a  
132 response to all report recommendations within 45 days after  
133 receiving such recommendations, and must provide a plan to  
134 implement any corrective actions to be taken as part of the  
135 response. If the agency disagrees with any recommendations in a  
136 final report, including any recommended corrective action, or if  
137 the agency fails to implement any recommended corrective action  
138 within a reasonable period after receiving such recommendation,  
139 the division shall submit the evaluation report to the chairs of  
140 the appropriation committees of the Senate and the House of  
141 Representatives. Beginning in 2012, the division shall include  
142 in its annual report an analysis of agency return-to-work  
143 efforts, including agency return-to-work program performance



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144 metrics and a status report on participating agency return-to-  
145 work programs.

146 Section 4. This act shall take effect July 1, 2010.