

HB 7155

2010

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,

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.

HB 7155

2010

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

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

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

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

84        (b) A list and total of all delinquent accounts that were

HB 7155

2010

85 not referred to a collection agency, the reasons for not  
86 referring those accounts, and the actions taken by the agency to  
87 collect.

88 (c) A list of all accounts or claims, including a  
89 description and the total amount of each account or claim, that  
90 were written off or waived by the agency for any reason during  
91 the prior fiscal year, the reason for being written off, and  
92 whether any of those accounts continue to be pursued by a  
93 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

HB 7155

2010

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.