

1                                   A bill to be entitled  
 2       An act relating to reemployment services; repealing s.  
 3       440.491, F.S., relating to reemployment of injured  
 4       workers; repealing s. 1010.87, F.S., relating to the  
 5       Workers' Compensation Administration Trust Fund within  
 6       the Department of Education; terminating the trust  
 7       fund and transferring the balance remaining in, and  
 8       all revenues of, the terminated fund; requiring the  
 9       Division of Vocational Rehabilitation within the  
 10      Department of Education to pay any outstanding debts  
 11      or obligations of the terminated fund; requiring the  
 12      Chief Financial Officer to close out and remove the  
 13      terminated fund from the various state accounting  
 14      systems; amending s. 440.15, F.S.; providing when a  
 15      judge of compensation claims may adjudicate an injured  
 16      employee as permanently and totally disabled;  
 17      requiring employers and carriers to pay additional  
 18      training and education temporary total compensation  
 19      benefits to certain employees; conforming cross-  
 20      references; amending ss. 287.057, 402.7305, 427.0135,  
 21      440.33, and 440.50, F.S.; conforming cross-references;  
 22      providing effective dates.

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

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 26           Section 1. Section 440.491, Florida Statutes, is repealed.  
 27           Section 2. Effective June 30, 2013, section 1010.87,  
 28           Florida Statutes, is repealed.

29           Section 3. (1) The Workers' Compensation Administration  
 30 Trust Fund, FLAIR number 48-2-795, within the Department of  
 31 Education is terminated.

32           (2) The balance remaining in, and all revenues of, the  
 33 trust fund shall be transferred to the Workers' Compensation  
 34 Administration Trust Fund within the Department of Financial  
 35 Services.

36           (3) The Division of Vocational Rehabilitation within the  
 37 Department of Education shall pay any outstanding debts or  
 38 obligations of the terminated trust fund as soon as practicable,  
 39 and the Chief Financial Officer shall close out and remove the  
 40 terminated trust fund from the various state accounting systems  
 41 using generally accepted accounting principles concerning  
 42 warrants outstanding, assets, and liabilities.

43           (4) This section shall take effect June 30, 2013.

44           Section 4. Paragraph (f) of subsection (3) of section  
 45 287.057, Florida Statutes, is amended to read:

46           287.057 Procurement of commodities or contractual  
 47 services.—

48           (3) When the purchase price of commodities or contractual  
 49 services exceeds the threshold amount provided in s. 287.017 for  
 50 CATEGORY TWO, no purchase of commodities or contractual services  
 51 may be made without receiving competitive sealed bids,  
 52 competitive sealed proposals, or competitive sealed replies  
 53 unless:

54           (f) The following contractual services and commodities are  
 55 not subject to the competitive-solicitation requirements of this  
 56 section:

57 | 1. Artistic services. For the purposes of this subsection,  
58 | the term "artistic services" does not include advertising or  
59 | typesetting. As used in this subparagraph, the term  
60 | "advertising" means the making of a representation in any form  
61 | in connection with a trade, business, craft, or profession in  
62 | order to promote the supply of commodities or services by the  
63 | person promoting the commodities or contractual services.

64 | 2. Academic program reviews if the fee for such services  
65 | does not exceed \$50,000.

66 | 3. Lectures by individuals.

67 | 4. Legal services, including attorney, paralegal, expert  
68 | witness, appraisal, or mediator services.

69 | 5.a. Health services involving examination, diagnosis,  
70 | treatment, prevention, medical consultation, or administration.

71 | b. Beginning January 1, 2011, health services, including,  
72 | but not limited to, substance abuse and mental health services,  
73 | involving examination, diagnosis, treatment, prevention, or  
74 | medical consultation, when such services are offered to eligible  
75 | individuals participating in a specific program that qualifies  
76 | multiple providers and uses a standard payment methodology.

77 | Reimbursement of administrative costs for providers of services  
78 | purchased in this manner shall also be exempt. For purposes of  
79 | this sub-subparagraph, "providers" means health professionals,  
80 | health facilities, or organizations that deliver or arrange for  
81 | the delivery of health services.

82 | 6. Services provided to persons with mental or physical  
83 | disabilities by not-for-profit corporations which have obtained  
84 | exemptions under the provisions of s. 501(c)(3) of the United

85 States Internal Revenue Code or when such services are governed  
 86 by the provisions of Office of Management and Budget Circular A-  
 87 122. However, in acquiring such services, the agency shall  
 88 consider the ability of the vendor, past performance,  
 89 willingness to meet time requirements, and price.

90 7. Medicaid services delivered to an eligible Medicaid  
 91 recipient unless the agency is directed otherwise in law.

92 8. Family placement services.

93 9. Prevention services related to mental health, including  
 94 drug abuse prevention programs, child abuse prevention programs,  
 95 and shelters for runaways, operated by not-for-profit  
 96 corporations. However, in acquiring such services, the agency  
 97 shall consider the ability of the vendor, past performance,  
 98 willingness to meet time requirements, and price.

99 ~~10. Training and education services provided to injured~~  
 100 ~~employees pursuant to s. 440.491(6).~~

101 ~~10.11.~~ Contracts entered into pursuant to s. 337.11.

102 ~~11.12.~~ Services or commodities provided by governmental  
 103 agencies.

104 Section 5. Paragraph (a) of subsection (2) of section  
 105 402.7305, Florida Statutes, is amended to read:

106 402.7305 Department of Children and Family Services;  
 107 procurement of contractual services; contract management.-

108 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.-

109 (a) Notwithstanding s. 287.057(3)(f)11. ~~287.057(3)(f)12.~~,  
 110 whenever the department intends to contract with a public  
 111 postsecondary institution to provide a service, the department  
 112 must allow all public postsecondary institutions in this state

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113 that are accredited by the Southern Association of Colleges and  
114 Schools to bid on the contract. Thereafter, notwithstanding any  
115 other provision to the contrary, if a public postsecondary  
116 institution intends to subcontract for any service awarded in  
117 the contract, the subcontracted service must be procured by  
118 competitive procedures.

119 Section 6. Subsection (3) of section 427.0135, Florida  
120 Statutes, is amended to read:

121 427.0135 Purchasing agencies; duties and  
122 responsibilities.—Each purchasing agency, in carrying out the  
123 policies and procedures of the commission, shall:

124 (3) Not procure transportation disadvantaged services  
125 without initially negotiating with the commission, as provided  
126 in s. 287.057(3)(f)11. ~~287.057(3)(f)12.~~, or unless otherwise  
127 authorized by statute. If the purchasing agency, after  
128 consultation with the commission, determines that it cannot  
129 reach mutually acceptable contract terms with the commission,  
130 the purchasing agency may contract for the same transportation  
131 services provided in a more cost-effective manner and of  
132 comparable or higher quality and standards. The Medicaid agency  
133 shall implement this subsection in a manner consistent with s.  
134 409.908(18) and as otherwise limited or directed by the General  
135 Appropriations Act.

136 Section 7. Paragraph (g) is added to subsection (1) of  
137 section 440.15, Florida Statutes, and paragraph (c) of  
138 subsection (2) of that section is amended, to read:

139 440.15 Compensation for disability.—Compensation for  
140 disability shall be paid to the employee, subject to the limits

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141 provided in s. 440.12(2), as follows:

142 (1) PERMANENT TOTAL DISABILITY.—

143 (g) The judge of compensation claims may not adjudicate an  
 144 injured employee as permanently and totally disabled until or  
 145 unless the carrier is given the opportunity to provide a  
 146 reemployment assessment.

147 (2) TEMPORARY TOTAL DISABILITY.—

148 (c) Temporary total disability benefits paid pursuant to  
 149 this subsection shall include such period as may be reasonably  
 150 necessary for training in the use of artificial members and  
 151 appliances, and shall include such period as the employee may be  
 152 receiving training and education ~~under a program pursuant to s.~~  
 153 ~~440.491.~~ When an employee who has attained maximum medical  
 154 improvement is unable to earn at least 80 percent of the  
 155 compensation rate and requires training and education to obtain  
 156 suitable gainful employment, the employer or carrier shall pay  
 157 the employee additional training and education temporary total  
 158 compensation benefits while the employee receives such training  
 159 and education for a period not to exceed 26 weeks, which period  
 160 may be extended for an additional 26 weeks or less, if such  
 161 extended period is determined to be necessary and proper by a  
 162 judge of compensation claims. The benefits provided under this  
 163 paragraph shall not be in addition to the 104 weeks as specified  
 164 in paragraph (a). However, a carrier or employer is not  
 165 precluded from voluntarily paying additional temporary total  
 166 disability compensation beyond that period.

167 Section 8. Subsection (3) of section 440.33, Florida  
 168 Statutes, is amended to read:

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169 440.33 Powers of judges of compensation claims.—

170 (3) Before adjudicating a claim for permanent total  
 171 disability benefits, the judge of compensation claims may  
 172 request an evaluation ~~pursuant to s. 440.491(6)~~ for the purpose  
 173 of assisting the judge of compensation claims in the  
 174 determination of whether there is a reasonable probability that,  
 175 with appropriate training or education, the employee may be  
 176 rehabilitated to the extent that such employee can achieve  
 177 suitable gainful employment and whether it is in the best  
 178 interest of the employee to undertake such training or  
 179 education.

180 Section 9. Subsection (5) of section 440.50, Florida  
 181 Statutes, is amended to read:

182 440.50 Workers' Compensation Administration Trust Fund.—

183 (5) Funds appropriated by an operating appropriation or a  
 184 nonoperating transfer from the Workers' Compensation  
 185 Administration Trust Fund to ~~the Department of Education,~~ the  
 186 Agency for Health Care Administration, the Department of  
 187 Business and Professional Regulation, the Department of  
 188 Management Services, the First District Court of Appeal, and the  
 189 Justice Administrative Commission remaining unencumbered as of  
 190 June 30 or undisbursed as of September 30 each year shall revert  
 191 to the Workers' Compensation Administration Trust Fund.

192 Section 10. Except as otherwise expressly provided in this  
 193 act and except for this section, which shall take effect upon  
 194 this act becoming a law, this act shall take effect July 1,  
 195 2012.