



540208

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Appropriations (Perry) recommended the following:

1 **Senate Amendment to Amendment (489504) (with title**
2 **amendment)**

3
4 Between lines 20 and 21
5 insert:

6 Section 2. Section 284.30, Florida Statutes, is amended to
7 read:

8 284.30 State Risk Management Trust Fund; coverages to be
9 provided.—A state self-insurance fund, designated as the "State
10 Risk Management Trust Fund," is created to be set up by the



540208

11 Department of Financial Services and administered with a program
12 of risk management, which fund is to provide insurance, as
13 authorized by s. 284.33, for workers' compensation, general
14 liability, fleet automotive liability, federal civil rights
15 actions under 42 U.S.C. s. 1983 or similar federal statutes,
16 benefits payable under s. 112.1816(2), and court-awarded
17 attorney ~~attorney's~~ fees in other proceedings against the state
18 except for such awards in eminent domain or for inverse
19 condemnation or for awards by the Public Employees Relations
20 Commission. A party to a suit in any court, to be entitled to
21 have his or her attorney ~~attorney's~~ fees paid by the state or
22 any of its agencies, must serve a copy of the pleading claiming
23 the fees on the Department of Financial Services; and thereafter
24 the department shall be entitled to participate with the agency
25 in the defense of the suit and any appeal thereof with respect
26 to such fees.

27 Section 3. Section 284.31, Florida Statutes, is amended to
28 read:

29 284.31 Scope and types of coverages; separate accounts.—The
30 Insurance Risk Management Trust Fund shall, unless specifically
31 excluded by the Department of Financial Services, cover all
32 departments of the State of Florida and their employees, agents,
33 and volunteers and shall provide separate accounts for workers'
34 compensation, general liability, fleet automotive liability,
35 federal civil rights actions under 42 U.S.C. s. 1983 or similar
36 federal statutes, benefits payable under s. 112.1816(2), and
37 court-awarded attorney ~~attorney's~~ fees in other proceedings
38 against the state except for such awards in eminent domain or
39 for inverse condemnation or for awards by the Public Employees



540208

40 Relations Commission. Unless specifically excluded by the
41 Department of Financial Services, the Insurance Risk Management
42 Trust Fund shall provide fleet automotive liability coverage to
43 motor vehicles titled to the state, or to any department of the
44 state, when such motor vehicles are used by community
45 transportation coordinators performing, under contract to the
46 appropriate department of the state, services for the
47 transportation disadvantaged under part I of chapter 427. Such
48 fleet automotive liability coverage shall be primary and shall
49 be subject to the provisions of s. 768.28 and parts II and III
50 of chapter 284, and applicable rules adopted thereunder, and the
51 terms and conditions of the certificate of coverage issued by
52 the Department of Financial Services.

53 Section 4. Section 284.385, Florida Statutes, is amended to
54 read:

55 284.385 Reporting and handling of claims.—

56 (1) All departments covered by the State Risk Management
57 Trust Fund under this part shall immediately report all known or
58 potential claims to the Department of Financial Services for
59 handling, except employment complaints which have not been filed
60 with the Florida Human Relations Commission, Equal Employment
61 Opportunity Commission, or any similar agency. When deemed
62 necessary, the Department of Financial Services shall assign or
63 reassign the claim to counsel. The assigned counsel shall report
64 regularly to the Department of Financial Services or to the
65 covered department on the status of any such claims or
66 litigation as required by the Department of Financial Services.
67 No such claim shall be compromised or settled for monetary
68 compensation without the prior approval of the Department of



540208

69 Financial Services and prior notification to the covered
70 department. All departments shall cooperate with the Department
71 of Financial Services in its handling of claims. The Department
72 of Financial Services and the Department of Management Services,
73 with the cooperation of the state attorneys and the clerks of
74 the courts, shall develop a system to coordinate the exchange of
75 information concerning claims for and against the state, its
76 agencies, and its subdivisions, to assist in collection of
77 amounts due to them. The covered department shall have the
78 responsibility for the settlement of any claim for injunctive or
79 affirmative relief under 42 U.S.C. s. 1983 or similar federal or
80 state statutes. The payment of a settlement or judgment for any
81 claim covered and reported under this part shall be made only
82 from the State Risk Management Trust Fund.

83 (2) Benefits provided under s. 112.1816(2) may not be paid
84 from the fund until each request for any out-of-pocket
85 deductible, copayment, or coinsurance costs and one-time cash
86 payout has been validated and approved by the Department of
87 Management Services.

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete line 1032

92 and insert:

93 Division of Public Assistance Fraud; amending s.
94 284.30, F.S.; requiring the State Risk Management
95 Trust Fund to provide insurance for certain
96 firefighter cancer-related benefits; amending s.
97 284.31, F.S.; requiring the Insurance Risk Management



540208

98 Trust Fund to provide a separate account for certain
99 firefighter cancer-related benefits; amending s.
100 284.385, F.S.; specifying a condition that must be met
101 before such benefits may be paid from the State Risk
102 Management Trust Fund; creating s.