

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 ss. 287.057, 402.7305, 427.0135,
 15 440.15, 440.33, and 440.50, F.S.; conforming cross-
 16 references; providing effective dates.

17
 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Section 440.491, Florida Statutes, is repealed.

21 Section 2. Effective June 30, 2013, section 1010.87,
 22 Florida Statutes, is repealed.

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

26 (2) The balance remaining in, and all revenues of, the
 27 trust fund shall be transferred to the Workers' Compensation

28 Administration Trust Fund within the Department of Financial
 29 Services.

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

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

38 Section 4. Paragraph (f) of subsection (3) of section
 39 287.057, Florida Statutes, is amended to read:

40 287.057 Procurement of commodities or contractual
 41 services.—

42 (3) When the purchase price of commodities or contractual
 43 services exceeds the threshold amount provided in s. 287.017 for
 44 CATEGORY TWO, no purchase of commodities or contractual services
 45 may be made without receiving competitive sealed bids,
 46 competitive sealed proposals, or competitive sealed replies
 47 unless:

48 (f) The following contractual services and commodities are
 49 not subject to the competitive-solicitation requirements of this
 50 section:

51 1. Artistic services. For the purposes of this subsection,
 52 the term "artistic services" does not include advertising or
 53 typesetting. As used in this subparagraph, the term
 54 "advertising" means the making of a representation in any form
 55 in connection with a trade, business, craft, or profession in

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56 | order to promote the supply of commodities or services by the
57 | person promoting the commodities or contractual services.

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

60 | 3. Lectures by individuals.

61 | 4. Legal services, including attorney, paralegal, expert
62 | witness, appraisal, or mediator services.

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

65 | b. Beginning January 1, 2011, health services, including,
66 | but not limited to, substance abuse and mental health services,
67 | involving examination, diagnosis, treatment, prevention, or
68 | medical consultation, when such services are offered to eligible
69 | individuals participating in a specific program that qualifies
70 | multiple providers and uses a standard payment methodology.
71 | Reimbursement of administrative costs for providers of services
72 | purchased in this manner shall also be exempt. For purposes of
73 | this sub-subparagraph, "providers" means health professionals,
74 | health facilities, or organizations that deliver or arrange for
75 | the delivery of health services.

76 | 6. Services provided to persons with mental or physical
77 | disabilities by not-for-profit corporations which have obtained
78 | exemptions under the provisions of s. 501(c)(3) of the United
79 | States Internal Revenue Code or when such services are governed
80 | by the provisions of Office of Management and Budget Circular A-
81 | 122. However, in acquiring such services, the agency shall
82 | consider the ability of the vendor, past performance,
83 | willingness to meet time requirements, and price.

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

86 8. Family placement services.

87 9. Prevention services related to mental health, including
88 drug abuse prevention programs, child abuse prevention programs,
89 and shelters for runaways, operated by not-for-profit
90 corporations. However, in acquiring such services, the agency
91 shall consider the ability of the vendor, past performance,
92 willingness to meet time requirements, and price.

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

95 ~~10.11.~~ Contracts entered into pursuant to s. 337.11.

96 ~~11.12.~~ Services or commodities provided by governmental
97 agencies.

98 Section 5. Paragraph (a) of subsection (2) of section
99 402.7305, Florida Statutes, is amended to read:

100 402.7305 Department of Children and Family Services;
101 procurement of contractual services; contract management.-

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

103 (a) Notwithstanding s. 287.057(3)(f)11. ~~287.057(3)(f)12.~~,
104 whenever the department intends to contract with a public
105 postsecondary institution to provide a service, the department
106 must allow all public postsecondary institutions in this state
107 that are accredited by the Southern Association of Colleges and
108 Schools to bid on the contract. Thereafter, notwithstanding any
109 other provision to the contrary, if a public postsecondary
110 institution intends to subcontract for any service awarded in
111 the contract, the subcontracted service must be procured by

112 competitive procedures.

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

115 427.0135 Purchasing agencies; duties and
 116 responsibilities.—Each purchasing agency, in carrying out the
 117 policies and procedures of the commission, shall:

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

130 Section 7. Paragraph (c) of subsection (2) of section
 131 440.15, Florida Statutes, is amended to read:

132 440.15 Compensation for disability.—Compensation for
 133 disability shall be paid to the employee, subject to the limits
 134 provided in s. 440.12(2), as follows:

135 (2) TEMPORARY TOTAL DISABILITY.—

136 (c) Temporary total disability benefits paid pursuant to
 137 this subsection shall include such period as may be reasonably
 138 necessary for training in the use of artificial members and
 139 appliances, ~~and shall include such period as the employee may be~~

140 ~~receiving training and education under a program pursuant to s.~~
 141 ~~440.491.~~

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

144 440.33 Powers of judges of compensation claims.—

145 ~~(3) Before adjudicating a claim for permanent total~~
 146 ~~disability benefits, the judge of compensation claims may~~
 147 ~~request an evaluation pursuant to s. 440.491(6) for the purpose~~
 148 ~~of assisting the judge of compensation claims in the~~
 149 ~~determination of whether there is a reasonable probability that,~~
 150 ~~with appropriate training or education, the employee may be~~
 151 ~~rehabilitated to the extent that such employee can achieve~~
 152 ~~suitable gainful employment and whether it is in the best~~
 153 ~~interest of the employee to undertake such training or~~
 154 ~~education.~~

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

157 440.50 Workers' Compensation Administration Trust Fund.—

158 (5) Funds appropriated by an operating appropriation or a
 159 nonoperating transfer from the Workers' Compensation
 160 Administration Trust Fund to ~~the Department of Education,~~ the
 161 Agency for Health Care Administration, the Department of
 162 Business and Professional Regulation, the Department of
 163 Management Services, the First District Court of Appeal, and the
 164 Justice Administrative Commission remaining unencumbered as of
 165 June 30 or undisbursed as of September 30 each year shall revert
 166 to the Workers' Compensation Administration Trust Fund.

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167 Section 10. Except as otherwise expressly provided in this
168 act and except for this section, which shall take effect upon
169 this act becoming a law, this act shall take effect July 1,
170 2012.