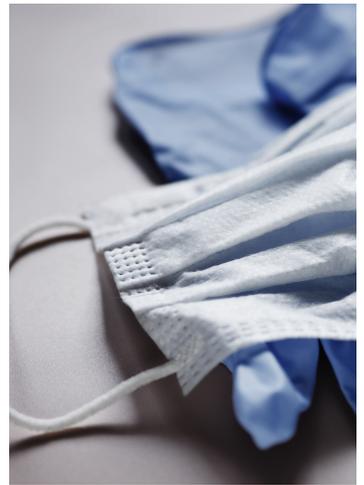


Division of  
**Risk Management**  
Fiscal Year 2021 Annual Report



Florida Department of Financial Services



## A MESSAGE FROM CFO JIMMY PATRONIS

### Dear Colleagues:

We are pleased to present you the Division of Risk Management's Fiscal Year 2020-21 Annual Report. Our program continues its efforts in gaining efficiencies and effectiveness in administering state agency claims, reducing the number of claims and their associated costs in our program. This report highlights our initiatives and successes over this past year.

As the insurer of state-owned buildings across Florida, the Division of Risk Management's operations continue to be impacted by the costs of hurricanes and tropical storms in recent years. In fiscal year 2020-21, the Division paid \$6.1 million in losses related to Hurricane Sally, which struck near Gulf Shores, Alabama in September 2020 and significantly impacted the western panhandle of Florida. The Division also paid \$445,000 in losses related to Tropical Storm Eta, which struck Florida in November 2020.

The state's excess property insurance experienced pricing increases for a fourth consecutive year, again resulting in a reduction in the amount of coverage the state was able to purchase. Recent hurricane property losses and other world-wide events have resulted in a hard market for property excess coverage over the past five years. The Division maximized the amount of excess insurance coverage that could be purchased within available budget; however, this was a \$5.25 million reduction in total coverage for named wind and flood from \$62.75 million per storm for the policy year beginning February 15, 2020, to \$57.5 million per storm for the policy year beginning February 15, 2021. Despite the price increases for named wind and flood coverage, the Division successfully secured the same level of coverage for all other perils for the policy year beginning February 15, 2021, as compared to the prior policy year.

The Workers' Compensation program was significantly impacted by COVID-19 during fiscal year 2020-21. In March of 2020, I directed the Division of Risk Management to provide workers' compensation coverage to our frontline state employees most at risk of contracting COVID-19 while performing their duties for Florida's citizens. As a result of this directive, the Division provided indemnity and medical benefits to thousands of frontline state employees who contracted COVID-19. Overall, the program experienced a 41.9 percent increase in the number of new claims filed, with 45 percent of all claims related to COVID-19. Overall workers' compensation costs increased \$14 million over the prior fiscal year as a direct result of COVID-19 claims. Due to the increase in teleworking during the pandemic, however, claims other than COVID-19 claims were down significantly.

The Division continued to improve workers' compensation claims fraud prevention and detection through extensive collaboration with Division adjusters, defense attorneys, and the Division's contracted Special Investigative Unit. These initiatives resulted in over \$3.1 million saved in future claims costs due to claims closures and reduced settlements. This report contains a more in-depth analysis of workers' compensation costs, as well as the program's other lines of coverage.

We appreciate your interest in our risk management program and hope the information provided in this report is beneficial.



Jimmy Patronis  
Chief Financial Officer  
State of Florida



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## OVERVIEW

*The Division of Risk Management (Division) works to ensure that participating state of Florida agencies and universities receive assistance in managing risk and quality workers' compensation, liability, federal civil rights, automobile liability, and property insurance coverage at reasonable rates by providing self-insurance, purchase of insurance, and claims administration.*

The Division is comprised of three bureaus: Risk Financing and Loss Prevention, State Employee Workers' Compensation Claims, and State Liability and Property Claims. The Bureau of Risk Financing and Loss Prevention provides administrative support to the Division, including the cash management for the Division's \$230 million annual budget, calculation of casualty and property premiums for the state agencies and universities, monitoring the Division's contracts, and providing data management and IT support. This bureau also contains the Loss Prevention Section, which provides training and consultative services to agency safety coordinators, conducts agency risk management program evaluations, monitors agency return-to-work programs, and provides administrative support to the Interagency Advisory Council on Loss Prevention.

The Bureau of State Employee Workers' Compensation Claims is responsible for the administration of all workers' compensation claims filed by state and university employees and volunteers who are injured on the job. This bureau typically receives approximately 12,000 new claims each year. It is primarily responsible for ensuring that covered individuals receive timely benefits, while safeguarding the state from instances of fraud, waste, and abuse.

The Bureau of State Liability and Property Claims is responsible for the investigation and resolution of liability and property claims involving or against state agencies and universities. Coverage types provided by the Division include the following:

- Property
- General Liability
- Fleet Automobile Liability
- Federal Civil Rights/Employment Discrimination
- Court-Awarded Attorney Fees

### LOSS PREVENTION SERVICES

**Data Analytics** — The Division of Risk Management produces several regularly-distributed data reports to participating agencies and universities. The "Six Months at a Glance" report is sent to agency heads and agency risk managers and is a snapshot of agency claims performance over a six-month period. It provides claims frequency and cost information and includes a data trending section that covers a period of three years. This report provides agency heads with a high-level overview of claims to assist them in effective decision-making and monitoring claims activity within their respective agencies.

Quarterly and monthly reports are also distributed to all agency risk managers. Quarterly reports cover the development and cost growth of open claims and allow for a three-month valuation date on the claims. The report enables agencies to focus their loss prevention efforts on areas that will have the largest impact on claims reduction. Monthly reports inform agencies of casualty claims designated to their agency from the preceding month. This allows agencies to verify that all claims have been properly entered, including correct cause and location codes. Using this information, agencies can also further pinpoint concerns and take corrective actions as needed.

Fiscal Year Trending Reports are distributed annually and show three and one-half years of agency claims performance data. These reports give agencies the tools to conduct trend analyses and track their performance across time.

Agency risk managers also have the ability to conduct advanced searches and create customized reports within restricted parameters through the Division's Insurance Management System (IMS). When a more specialized report is needed, the Bureau of Risk Financing and Loss Prevention can assist agency risk managers in developing customized ad-hoc reports to meet their specific needs.

**Training and Publications** – The Division provides training services for all agencies in the disciplines of occupational health and safety, loss prevention, and risk management. During the 2020-21 fiscal year, the Division facilitated training for 1,708 agency employees, including supervisors, workers' compensation coordinators, and safety program personnel. Training options include online learning courses, training materials, instructor-led courses, and training webinars, the majority of which were developed within the Division.

The Division also develops and publishes a quarterly newsletter titled *Safety & Loss Prevention Outlook*. This newsletter includes risk management industry trends, occupational health and safety news, interviews with fellow risk managers from around the state, and links to informational resources. The Division distributes this educational awareness tool to core safety personnel at all state agencies and universities for dissemination among employees.

**Consulting Services and Technical Assistance** – Division staff works directly with agencies to assist with program development and implementation of loss prevention industry best practices. Assistance may involve travel to a site or location, meeting with headquarter officials, discussing inquiries on the telephone, or providing educational materials and resources. Due to the specialized nature of safety and loss prevention consulting, only Division staff with expertise in occupational safety, workers' compensation, or data analytics provide this service. For specific situations, the Division also uses contracted consultants to support agency loss prevention efforts. The Division conducted 593 consultations during the 2020-21 fiscal year.

**Agency Risk Management Program Evaluation** – The Division conducts evaluations of agency risk management programs and maintains a Return-to-Work (RTW) Dashboard Evaluation System. As required by section 284.50(4), Florida Statutes, agency risk management program evaluations are conducted on a five-year cycle for state agencies and universities. Assessment of agency programs promotes recognition of best practices and individual program strengths that can be shared across agencies. The Division utilizes a standard review methodology that covers the Agency Risk Management Program Evaluation Guidelines provided to all agencies and assesses agency adoption of best practices to improve program effectiveness. The evaluation process further assists agencies in enhancing their respective programs through the identification of systems, policies, and procedures that may benefit from further development. The RTW Dashboard Evaluation System collects monthly data from the Department of Financial Services and agencies with more than 3,000 full-time employees. The Division uses this data set, along with data extracted from the IMS, to analyze agency RTW program performance and to determine the status of program implementation.

**Awards and Recognition** – In conjunction with the Interagency Advisory Council on Loss Prevention (IAC), the Division is authorized to recognize individuals that make a significant contribution to their agency safety and loss prevention program. This recognition process – an initiative that began in the 2016-17 fiscal year – provides funds to each agency for the procurement of awards to commend employees, agents, and volunteers who make an exceptional contribution to the reduction and control of employment-related accidents.

## CLAIMS MANAGEMENT AND RESOLUTION

**General Liability and Automobile Liability** – The Division manages general liability and automobile liability claims for the state, including claims for bodily injury, property damage, or death resulting from negligence of a state employee conducting state business or while driving a vehicle. The Division also pays legal costs awarded as a result of lawsuits against agencies.

**Workers' Compensation** – The Division administers workers' compensation claims for Florida's agencies and universities. The Division received 16,173 new workers' compensation claims and paid \$120.5 million in medical and indemnity benefits during the 2020-21 fiscal year.

**Employment Discrimination and Federal Civil Rights** – The Division also administers employment discrimination and civil rights claims. As an insurer of approximately 200,000 employees and having custody over countless individuals in the prison system and other capacities, claims can arise from those custodial relationships. The Division insures employees acting under color of Florida state law for alleged constitutional deprivations of civil rights. Employment discrimination claims can arise from all aspects of the employee-employer relationship under both state and federal laws.

## PROTECTING STATE FACILITIES

With responsibility for insuring Florida's approximately 17,700 state-owned buildings ranging from storage sheds to the Capitol buildings in Tallahassee and ranging in complexity from beachfront tiki huts at Florida state parks to the magnetic laboratory on Florida State University's campus, the Division is at the forefront of protecting Florida's assets. The Division also administers coverage for state-owned business equipment and furnishings contained in buildings not owned by the state.

All agencies are exposed to such perils as fire, storm damage, flood, wind, and sinkholes. The Division administers Florida's self-insurance property program through the State Risk Management Trust Fund and purchases additional insurance coverage for catastrophic losses.

# PROGRAM HIGHLIGHTS & ACCOMPLISHMENTS

## BUREAU OF STATE LIABILITY AND PROPERTY CLAIMS

There were two significant storm events in fiscal year 2020-21. The Bureau of State Liability and Property Claims' Property Section handled claims from Hurricane Sally and Tropical Storm Eta, which caused losses for our insured agencies. The Bureau worked a total of 489 property claims in fiscal year 2020-21. The Division successfully utilized contract adjusters to handle the field adjusting for the storms and to supplement internal property staff to ensure claims were adjusted and resolved in a timely manner.

The Division's Origami Insurance Management System (IMS) continued to be optimized to improve efficiency in the handling of property claims. The annual property coordinator training was held for the first time virtually due to the COVID-19 pandemic, ensuring all agencies could attend safely and without the need to travel.

The Division's excess property insurance was renewed on February 14, 2021. Recent hurricane property losses and other worldwide events have resulted in a hard market for property excess coverage over the past five years. As a result of market conditions, the Division was unable to purchase the same amount of insurance for named windstorm and flood events as purchased in the prior year. The Division secured limits of \$57.5 million for named wind and flood coverage, which is a reduction of \$5.25 million compared to the prior fiscal year. The Division was able to maintain the purchase of \$225 million in coverage for all other perils for the February 2021 placement. The Division maximized the amount of coverage that could be purchased with the available budget.

### Hurricanes

Hurricane Sally hit Florida during the 2020 hurricane season. Total losses to state property from Hurricane Sally in fiscal year 2020-21 were \$6.1 million with 296 claims reported. Claims adjusting will continue into fiscal year 2021-22 for these claims as supplemental requests are addressed and as claims are reopened to assist agencies with claims made to FEMA. Currently less than four percent of claims attributed to Sally are open.

Hurricane Eta made landfall across sections of Central America in early November of 2020 before weakening into a tropical storm and making landfall in Florida. Tropical Storm Eta became the first storm since Mitch in 1998 to make landfall in Florida in November. The storm generated 59 claims and \$444,949 in losses during fiscal year 2020-21.

**BENEFIT TO FLORIDIANS:** Enhanced claims management systems provide interdepartmental claims efficiencies to reduce the amount of time claims are open. These efficiencies resulted in more rapid claim reimbursements, allowing state facilities to restore and resume business operations in a timely manner. Excess insurance coverage can be purchased to protect state-owned buildings and property, reducing the amount of tax dollars spent on replacing or repairing state of Florida buildings and their contents.

## INSURANCE MANAGEMENT SYSTEM ENHANCEMENTS

The Division continues to enhance the Origami IMS to better suit its needs and the needs of its customers. During fiscal year 2020-21, the Division continued working towards its goals of automating and streamlining processes, utilizing the IMS to improve workflows and reduce the potential for human error. Automation efforts centered on improving the Electronic Data Interchange (EDI) reporting functionality between the Division and the Department's Division of Workers' Compensation (DWC). Enhancements will allow the IMS to autogenerate reports based upon claim updates and submit each report directly to DWC.

Additional enhancement efforts focused on the areas of workers' compensation benefit management and Centers for Medicare & Medicaid Services (CMS) reporting. The IMS benefits module was updated to combine the scheduling and editing functionality for workers' compensation benefits. During fiscal year 2020-21, the Division began evaluating the CMS reporting process to identify areas for possible system edits and views for the claims adjusters review.

**BENEFIT TO FLORIDIANS:** The IMS is critical to the Division's ability to efficiently and effectively process claims against participating state agencies and perform its statutory duties.

## AGENCY RISK MANAGEMENT PROGRAM EVALUATIONS

Florida law requires that the Division evaluate each agency's risk management program at least once every five years. The Division developed and initiated the agency evaluation process in 2011, completing 41 program evaluations during the first five-year cycle. During the 2015-16 fiscal year, the Division worked in conjunction with departmental legal professionals, subject-matter experts, and the Interagency Advisory Council on Loss Prevention to conduct an extensive review of the State Loss Prevention Standards. This review resulted in the redevelopment of the Agency Risk Management Program Evaluation Guidelines (Guidelines) for use as an assessment tool in the Division's evaluation process. The Guidelines represent a basic framework of best practices for program development that allows the Division to identify and share successful risk management models across agencies.

Utilizing the Guidelines for the evaluation framework, the Division initiated the second five-year cycle of risk management program evaluations in the Fall of 2017. The second cycle of evaluations incorporates assessment of the areas of employment discrimination, federal civil rights, and liability loss prevention in addition to the administrative, safety, and workers' compensation elements that were reviewed during the first cycle of program evaluations. In the Winter of 2019, the Division implemented a re-engineered program evaluation process which places the evaluative emphasis on risk assessment and risk mitigation. Using the re-designed report, Division analysts continued to evaluate agency and university risk management programs throughout the 2020-21 fiscal year.

**BENEFIT TO FLORIDIANS:** The Division's agency risk management program evaluation component promotes positive loss prevention outcomes by assisting agencies in identifying and building upon the comprehensive program elements outlined in the Agency Risk Management Program Evaluation Guidelines. Assessment of agency risk management programs additionally contributes to the cross-agency sharing of training, safety awareness, claims loss strategies, and other processes designed to reduce costs.

## SAFETY & LOSS PREVENTION TRAINING

The Division continues to develop the loss prevention training program for state agencies and universities. Training offered to agency and university personnel includes various loss prevention courses developed in-house on topics that include workers' compensation, return to work, facility and equipment inspections, job safety analysis, employee accident investigations, and property coordinator training, as well as relevant courses developed by external partners in subjects such as fire drills and evacuation planning, liability claims, and defensive driving. In 2017, the Division implemented a rotating schedule of online webinars for

safety coordinators and other agency safety personnel throughout the State of Florida. During the 2020-21 fiscal year, the Division continued to provide online webinars, and a total of 480 safety professionals participated in 21 webinars offered by the Division's Loss Prevention Section.

**BENEFIT TO FLORIDIANS:** In addition to providing targeted training to state agency employees designed to reduce and/or eliminate specific claims losses, the Division coordinates a variety of loss prevention training directly to the agency safety coordinators, who in turn educate and disseminate this information to the employees in their respective departments.

## RETURN-TO-WORK PROGRAMS

All agencies that are provided workers' compensation insurance coverage by the State Risk Management Trust Fund and employ more than 3,000 full-time employees are required to establish and maintain return-to-work (RTW) programs for employees who are receiving workers' compensation benefits. The programs have the primary goal of enabling injured workers to remain at work or return to work to perform job duties that are within the physical or mental functional limitations and restrictions established by the workers' treating physicians. If no limitation or restriction is established in writing by a worker's treating physician, the worker is deemed to be able to fully perform the same work duties he or she performed before the injury.

Throughout the year, the Division gathers data from participating agencies in support of statutory reporting requirements related to agency RTW programs. The information submitted by agency risk managers includes, but is not limited to, agency RTW program efforts, the number of claims in which accommodation was provided for injured workers' work restrictions, and the number of work days accommodated.

**BENEFIT TO FLORIDIANS:** The monitoring of agency RTW programs, along with frequent collaboration between the Division and agency workers' compensation personnel, works to advocate for the successful reintegration of injured employees back into the workforce. Effective RTW practices promote lowered medical and indemnity costs and improve employee morale by maintaining work conditioning and reducing the need to replace and/or retrain personnel.

This annual report includes an analysis of agency RTW program efforts including, but not limited to, agency RTW program performance metrics and a status report on participating RTW programs. The analysis of agency RTW programs begins on page 13 of this annual report.

## INTERAGENCY ADVISORY COUNCIL

The Interagency Advisory Council on Loss Prevention (IAC) serves as an important venue for agency safety coordinators to discuss statewide loss prevention issues, share resources, and collaborate on interagency initiatives. Quarterly IAC meetings held throughout fiscal year 2020-21 included presentations on topics covering the COVID-19 pandemic and workplace safety protocols; workplace considerations in the evolving pandemic; and an overview of Division operations in the previous fiscal year. The roundtable discussion component that was previously introduced to the IAC meetings in November 2020, allowing for agency safety coordinators to share their program successes and challenges, was temporarily discontinued as meetings transitioned to an online format.

Quarterly IAC meetings also involved discussions on subjects such as the impact of the pandemic on agencies and universities and pandemic reemployment fraud claims victimizing state agencies and universities and their employees, with Council members continuing to provide suggestions and feedback on loss prevention training materials.

**BENEFIT TO FLORIDIANS:** The IAC brings together agency safety and loss prevention personnel from around the state and allows them to communicate program concerns with each other and the Division on a regular basis. These quarterly meetings allow newly-appointed safety personnel to interact directly with veteran safety coordinators to share successful approaches to program implementation.

## BUREAU OF STATE EMPLOYEE WORKERS' COMPENSATION CLAIMS

The Bureau received 16,173 new claims and made 148,060 payments, including both medical and indemnity benefits. The COVID-19 pandemic impacted workers' compensation claims in this fiscal year. In CHIEF FINANCIAL OFFICER DIRECTIVE 2020-05, the CFO directed the Division of Risk Management to provide workers' compensation coverage for state employees whose responsibilities require them to interface with individuals who are potentially infected with the coronavirus. The Bureau received 7,317 COVID claims in fiscal year 2020-21, contributing to an overall increase of 41.9 percent in the number of new claims received in comparison to fiscal year 2019-20.

In conjunction with the Division's registered nurses, the Bureau continues to convene regular utilization committee meetings, during which claims are reviewed to determine whether physicians are treating injured workers within acceptable treatment guidelines.

Additionally, the Bureau continues to experience significant savings in claims costs as a result of effective investigations and settlements. During the 2020-21 fiscal year, the Bureau settled 35.8 percent of all cases mediated. The Bureau also achieved an estimated \$3.1 million in cost savings during the 2020-21 fiscal year that would not have occurred without the benefit of surveillance or other investigative methods, with a savings of nearly \$35.6 million over the last eight years. These results were only possible due to extensive collaboration between Bureau adjusters and the Division's contracted Special Investigative Unit (SIU), as well as contracted defense counsel.

**BENEFIT TO FLORIDIANS:** Expanding utilization review will reduce unnecessary treatment costs and improve treatment to injured workers. An effective fraud program not only reduces claims costs, but deters fraudulent activity, avoiding unnecessary claims expense.

## CONTRACT ADMINISTRATION, PROCUREMENT, AND MANAGEMENT

The Division's Contract Management Section coordinates the administration, procurement, and management of the Division's contracts. This section has continued to build upon recent improvements in contract administration and looks for areas where contracted services can maximize value to the state. During fiscal year 2020-21, the Division continued to utilize the retroactive application of preferred provider organization (PPO) network discounts to reduce medical costs and initiated the procurement for Pharmacy Benefit Management services and for Medicare Set-Aside services. The procurement for Medicare Set-Aside services was completed with a contract executed in January 2021. Additionally, new contracts were executed with a total of five private defense attorney law firms to assist the Division in defense litigation. The Division renewed the medical bill review services contract and the medical case management services contract for the provision of workers' compensation services.

**BENEFIT TO FLORIDIANS:** Improved oversight of the Division's contracts is critical to controlling workers' compensation claims and more effective negotiations of large medical bills. The savings to the state from the application of PPO discounts to medical bills reviewed resulted in a net cost savings of \$3 million in fiscal year 2020-21.

# GENERAL FUNDING INFORMATION

A Legislative Revenue Estimating Conference establishes the program’s funding needs for each fiscal year. During fiscal year 2020-21, the Division invoiced, processed, and deposited \$195.9 million in premiums: \$183.7 million in casualty premiums and \$12.2 million in property premiums. Only the estimated expenses required to pay all insurance claims and Division operational expenses projected for the fiscal year are funded. Although the funding is determined by coverage line, funds are pooled to provide flexibility in assuring all insurance claims are paid timely. No funding is provided to meet sudden adverse loss trends or unexpected large insurance claims obligations. This is called cash flow funding. This type of funding requires continuous, careful monitoring of the trust fund’s cash flow so that all obligations can be paid.

Because of cash flow funding, an unfunded liability exists each year for financial obligations owed in the future. The chart below illustrates the cash flow funding methodology’s impact. It demonstrates that if the program ceased operations as of June 30, 2021, participating agencies would have an estimated \$1.17 billion in existing insurance claims obligations payable in future years. This estimated liability consists of the following claims obligations by insurance type and is based on a June 30, 2021, actuarial analysis:

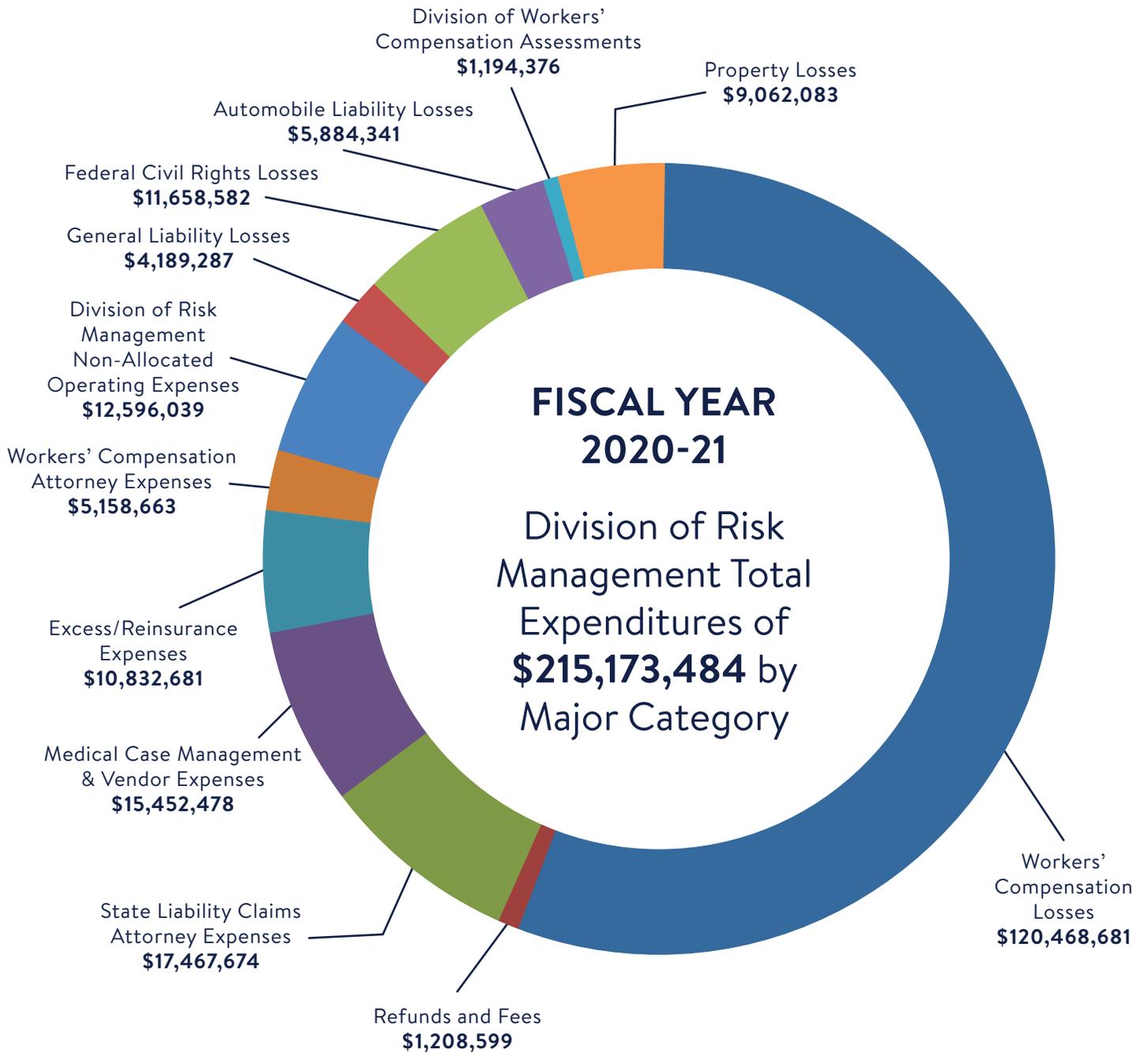
Workers’ Compensation	\$1,094.3 million
Federal Civil Rights	\$38.0 million
General Liability	\$21.3 million
Automobile Liability	\$11.5 million
Property	\$1.3 million
<b>Total</b>	<b>\$1.17 billion</b>

## Risk Management Program Funding

Program	Number of Covered Employees or Property	Number of Claims Reported FY 20-21	Agency Premiums
Workers’ Compensation	202,046	16,173	\$155,389,614
State Property	20,719 Property Locations	418	\$12,195,647
Auto Liability <sup>(1)</sup>	25,413 (State-titled motor vehicles)	478	\$7,602,755
General Liability	211,879	2,588	\$7,562,450
Court-Awarded Attorney Fees	N/A	0	Included in General Liability Funding
Federal Civil Rights/Employment	204,084	433	\$13,111,024

<sup>(1)</sup> Automobile liability coverage is also extended to state employees driving their personal vehicle on state business.

The following chart denotes the total expenditures for the Division of Risk Management by major category during the 2020-21 fiscal year.



# LINES OF INSURANCE COVERAGE

*Performance & Results*  
*FY 2020-21*

# WORKERS' COMPENSATION CLAIMS AND EXPENSES

## WORKERS' COMPENSATION

The Bureau of State Employee Workers' Compensation Claims is responsible for adjusting claims for state employees who are injured on the job. This includes payment of medical, indemnity, and death benefits; determination of compensability; and litigation management of workers' compensation claims. Field investigations, surveillance, and investigations of suspected cases of workers' compensation fraud are performed by Sedgwick Claims Management Services, Inc. Defense of litigated claims is provided by contracted law firms.

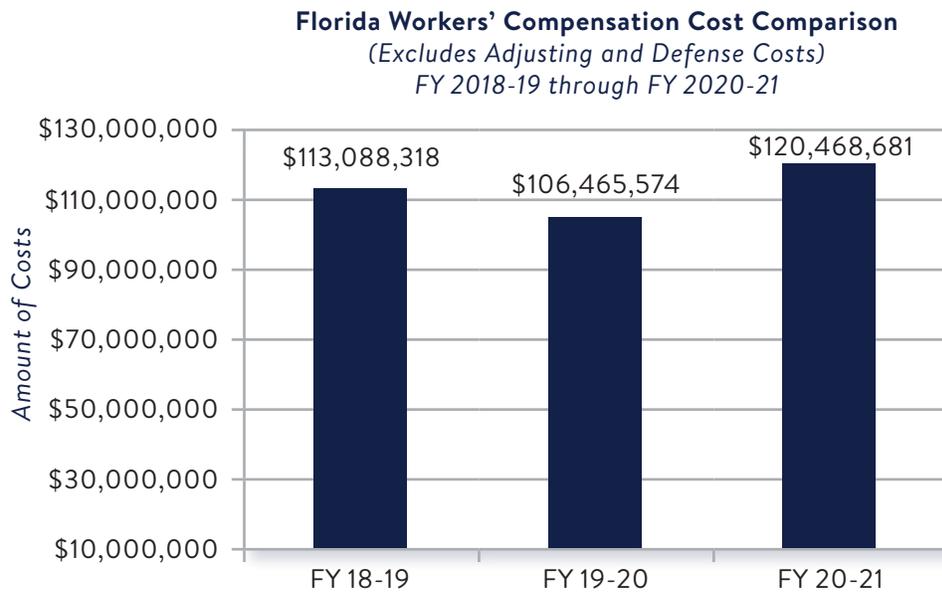
Pending claims administered by the Division are covered under the self-insurance program or by private commercial insurance as follows:

Commencement Date	Coverage Period	Coverage Provider
Prior to January 1, 1998	Accident date before January 1, 1998	Self-insured
January 1, 1998	Accident date on or after January 1, 1998, through February 9, 2002	North American Specialty Insurance Company (NASIC) with a large deductible
February 10, 2002	Accident date on or after February 10, 2002, through February 9, 2005	Hartford Casualty Insurance Company with a \$15M deductible, plus three years of medical services
February 10, 2005	Accident date on or after February 10, 2005	Self-insured

### Medical Case Management:

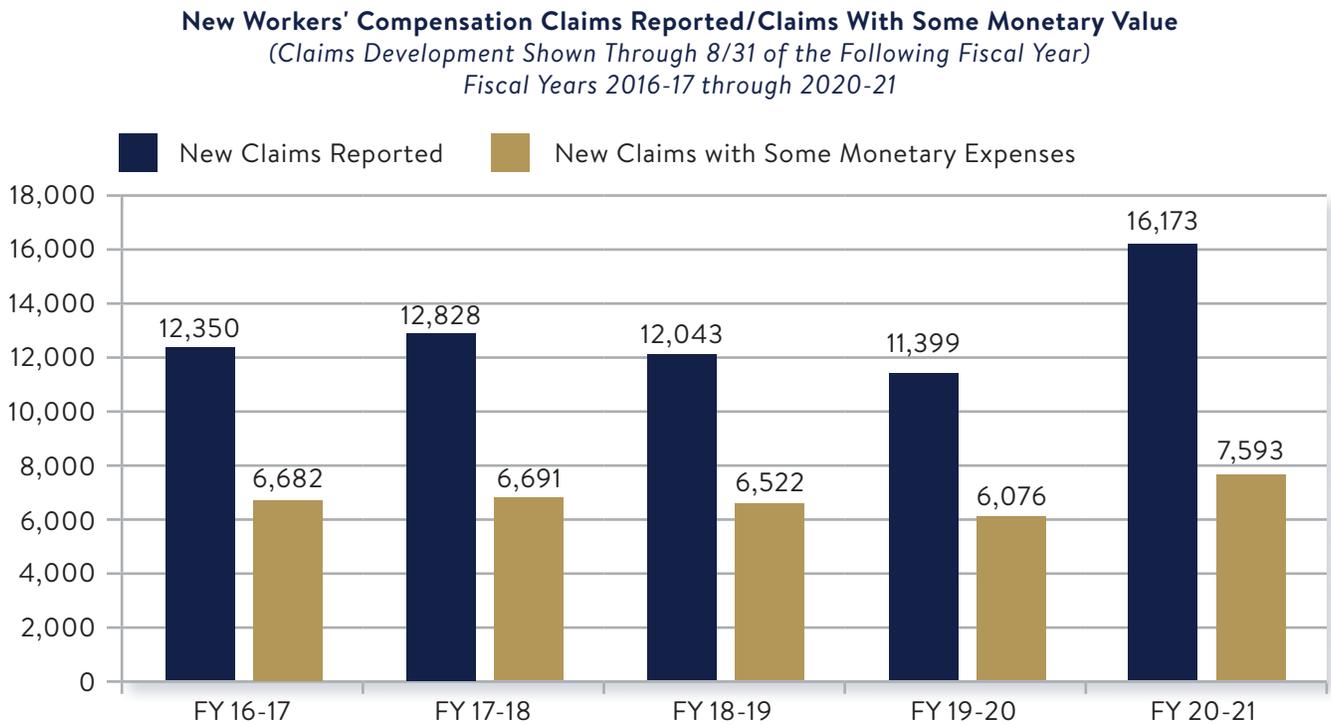
The self-insurance program contracts with vendors to provide medical care services. Medical care is "managed" by medical case managers who are registered nurses, or are supervised by registered nurses, in conjunction with either a medical network or panel of clinicians. USIS, Inc., doing business as AmeriSys, has provided the medical case management services since January 1, 2014. The Division's contract vendor, Genex, reviews and reprices medical bills, provides hospital pre-certification, and continued-stay review services.

The chart below reflects the claims costs for the preceding three years:



Overall workers' compensation claims costs increased \$14 million during the 2020-21 fiscal year, totaling \$120.5 million compared to \$106.5 million during the prior fiscal year. Workers' compensation medical costs increased \$6.5 million (9.6 percent) while indemnity costs increased \$7.5 million (19.4 percent) during the 2020-21 fiscal year. Increases in workers' compensation claims costs in fiscal year 2020-21 were a direct result of COVID-19 claims. The Division paid \$10.6 million in medical and \$8.8 million in indemnity, totaling \$19.4 million for COVID-19 claims.

The following chart reflects the number of new claims reported and the number of new claims with some monetary expense for the prior five-year period:



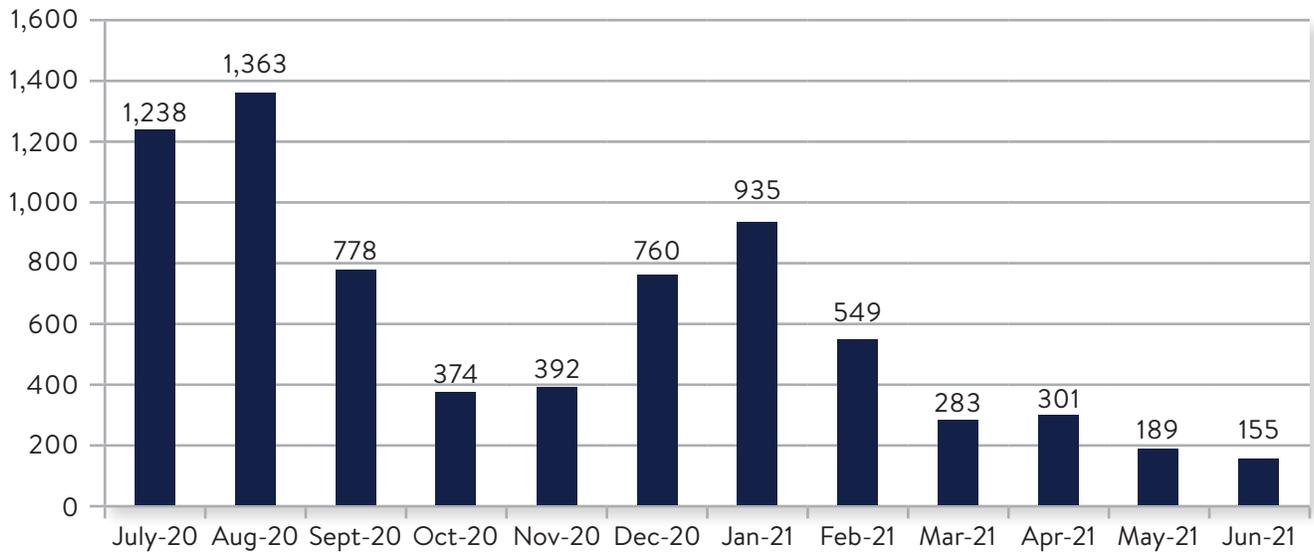
The Risk Management Program averaged 12,959 new workers' compensation insurance claims with dates of accident occurring during each of the past five fiscal years. As of August 31, 2021, this program received 16,173 claims that occurred in the 2020-21 fiscal year. Of those, 7,593 had some monetary expense associated with them (benefits paid or reserves established in anticipation of payment). For the 2020-21 fiscal year, 34.31 percent of the total new claims received were determined to be "lost-time claims," with employees unable to work for a time due to their job-related injury. Twenty-six job-related deaths occurred during the 2020-21 fiscal year. Twenty-five of the deaths were due to COVID-19.

The Risk Management Program had been experiencing a decline in workers' compensation claims over the previous years; however, this year the program was significantly impacted by COVID-19 claims. Of the 16,173 claims reported in fiscal year 2020-21, 7,317 (45%) were claims due to COVID-19. Eighty-nine percent, or 6,492 of the COVID-19 claims were compensable and 84 percent, or 6,125 were lost-time claims with indemnity benefits paid. The large number of COVID-19 claims filed during the 2020-21 fiscal year, most of which were lost-time claims, drove up the overall lost-time claim percentage significantly to 34.31 percent, compared to 8.4 percent in the previous year.

Due to the increase in teleworking during the pandemic, non-COVID-19 claims were down significantly.

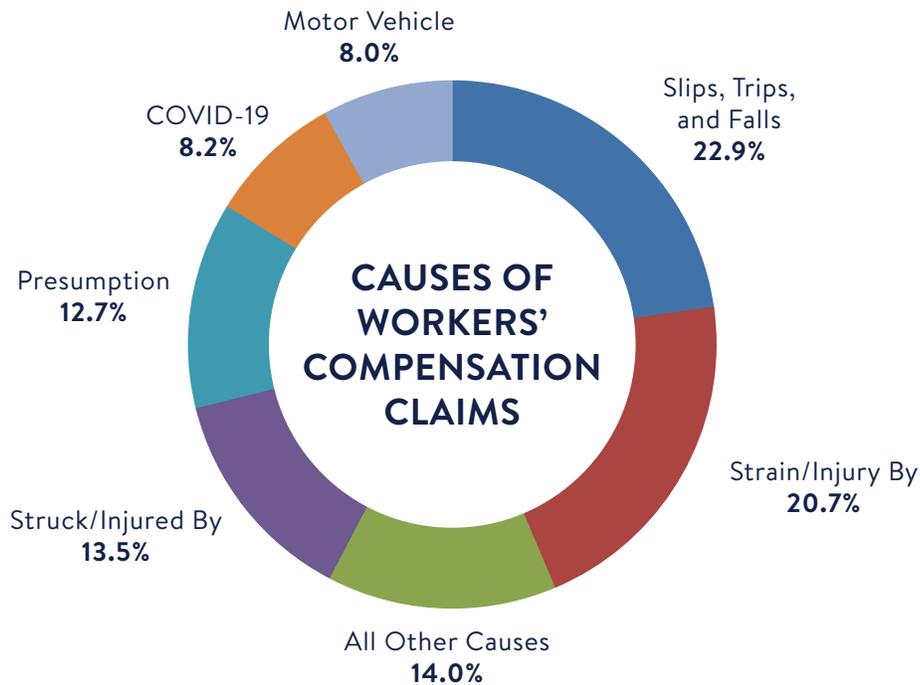
The chart below reflects the number of COVID-19 claims received each month of the fiscal year:

**COVID-19 Claims Reported by Month for Fiscal Year 2020-21**



### Causes of Workers' Compensation Claims

The following chart denotes the causes of workers' compensation claims that represent the highest percentage of benefit payments during the 2020-21 fiscal year:



COVID-19 claims represented 8.2 percent of workers' compensation benefit payments in fiscal year 2020-21.

# RETURN-TO-WORK PROGRAM

## Background Information

The Division of Risk Management continues its mission to aid agencies and universities in improving their return-to-work (RTW) programs. Pursuant to section 284.50(3), Florida Statutes, “the Department of Financial Services and all agencies that are provided workers’ compensation insurance coverage by the State Risk Management Trust Fund and employ more than 3,000 full-time employees shall establish and maintain return-to-work programs for employees who are receiving workers’ compensation benefits. The programs shall have the primary goal of enabling injured workers to remain at work or return to work to perform job duties within the physical or mental functional limitations and restrictions established by the workers’ treating physicians. If no limitation or restriction is established in writing by a worker’s treating physician, the worker shall be deemed to be able to fully perform the same work duties he or she performed before the injury.”

The Division maintains RTW guidelines developed by its Loss Prevention Section and the RTW Ad Hoc Committee of the Interagency Advisory Council on Loss Prevention to provide agencies with a model written RTW policy that can be adapted to each agency’s unique needs. Historically, RTW programs have been an effective tool in reducing workers’ compensation and disability costs. In addition, RTW programs provide a safe and timely transition back to work, maintain productivity in the workplace, and promote the employee’s rapid recovery from injuries and illness.

## Statutory Reporting Requirement for Return-to-Work Programs

Chapter 284, Florida Statutes, requires the Division to include a report on agency and university RTW programs within the Division’s annual report. Per section 284.42(1) (b), Florida Statutes, “beginning January 1, 2013, the Division of Risk Management shall include in its annual report an analysis of agency return-to-work efforts, including, but not limited to, agency return-to-work program performance metrics and a status report on participating return-to-work programs. The report shall specify benchmarks, including, but not limited to, the average lost-time claims per year, per agency; the total number of lost-time claims; and specific agency measurable outcomes indicating the change in performance from year to year.”

There are two disability categories commonly referred to as “lost-time claims.” The first is Temporary Partial Disability (TPD); the second is Temporary Total Disability (TTD). Claimants in TPD status can return to work as long as they operate within the restrictions provided by their physician. The agencies and universities required by statute to maintain a RTW program work closely with the Division to reduce the number of claims receiving TPD payments by creating and/or maintaining alternate-duty positions to allow employees to return to work within their medical restrictions rather than remaining out of work due to their injury or illness. Claimants in TTD status cannot be returned to work under any capacity since the worker is designated as totally disabled. Due to the inability of the employer to return a TTD claimant to work, TTD claims are only included in one benchmark (percentage of workers’ compensation claims that are lost-time claims, per fiscal year). However, TTD claims data is included in Charts 1 and 2 on pages 17-18 of this report, which present lost-time claims counts and total costs of lost-time claims.

An important component in RTW programs is the provision of documentation by the treating physician outlining an employee’s functional limitations and restrictions so the employer can make the determination as to whether it can accommodate the restrictions, allowing the employee to return to work in an alternate duty position. The treating physician is required to provide this documentation by completing and submitting a DWC-25 form to the injured worker’s employer. Many times, the employee is not returned to an alternate-duty position due to the medical provider’s inadequate definition of restrictions provided on the DWC-25. In order to accommodate an employee, a clear definition of restrictions is paramount. The ultimate goal is to return all employees to work as soon as medically possible to reduce the overall cost of workers’ compensation claims.

The Division’s IMS does not maintain data regarding the number of days an injured employee spends out of work for the initial 40 hours or data on whether the injured employee is working reduced hours; therefore, the Division depends upon the agencies and universities to provide information on the exhaustion of disability leave and modified or alternate-duty provisions. As the data is self-reported by agencies and universities, there may be reporting inconsistencies. This affects the ability of the Division to compile accurate data for benchmarking purposes. Return-to-Work data on the Public Defender and State Attorney offices, which are administratively housed within the Justice Administrative Commission, have been removed from this report due to the independent operational structure of the organization.

The agencies/universities that reported more than 3,000 full-time equivalent (FTE) employees to the Division are listed below. These agencies/universities are required by Florida law to establish and maintain a RTW Program:

Agency/University	WC Covered FTEs
Agency for Persons with Disabilities*	2,711
Department of Agriculture & Consumer Services	3,874
Department of Children & Families	13,471
Department of Corrections	26,183
Department of Education	3,585
Department of Environmental Protection	4,347
Department of Financial Services**	2,692
Department of Health	13,221
Department of Highway Safety & Motor Vehicles	4,645
Department of Juvenile Justice	3,326
Department of Revenue	5,030
Department of Transportation	6,236
Florida Atlantic University	5,430
Florida International University	7,445
Florida State University	9,541
State Courts System	4,435
University of Central Florida	9,083
University of Florida	22,515
University of South Florida	10,504

\*The Agency for Persons with Disabilities dropped below 3,000 FTEs in fiscal year 2020-21, but is presented because it still participates in the RTW program.

\*\*The Department of Financial Services is also required to participate in the program per section 284.50(3), F.S., even though it has less than 3,000 FTEs.

## Summary of Results

These summary results represent all state agencies and universities required to have a return-to-work program:

- The total cost of lost-time claims increased by over \$11.1 million compared to the previous fiscal year, with other costs and recoveries increasing over \$5 million as reflected in Chart 2 on page 18. Increases were primarily driven by increases in medical and indemnity costs due to COVID-19.
- The number of lost-time claims increased as compared to the previous fiscal year, with 6,471 lost-time claims reported in the 2020-21 fiscal year as compared to 1,331 lost-time claims reported in the 2019-20 fiscal year.
- The percentage of workers' compensation claims that are lost-time claims increased by over eight percent, with 17.88% of claims being lost-time claims in fiscal year 2020-21 compared to 9.61% in fiscal year 2019-20. This increase was primarily due to lost-time COVID-19 claims received during the fiscal year.
- The number of Temporary Partial Disability claims increased by 13.55% compared to the previous fiscal year.
- Temporary Partial Disability claims costs increased by 12.17% compared to the previous fiscal year.

Injured state employees were at work (in some type of return-to-work program) for 48,038 days rather than at home collecting benefits.

## Return-to-Work Benchmarks

The following benchmarks have been selected to analyze agency RTW efforts:

Benchmark #	Description of Benchmark
1	The average cost of TPD claims per year (includes claims with an accident date between July 1 and June 30 that received TPD payments through September 30 of the following fiscal year).
2	The total number of TPD claims per year (includes claims with an accident date between July 1 and June 30 that received TPD payments through September 30 of the following fiscal year).
3	The number of alternate-duty claims assignments per agency/university (total number of claims reported by the agency between July 1 and June 30 that were provided accommodations based on restrictions documented on the DWC-25 by the claimant's treating physician, regardless of accident date).
4	The number of alternate-duty days of work per each agency/university (the total number of work days between July 1 and June 30 reported by the agency during which accommodations were provided to claimants based on restrictions listed on the DWC-25 by the claimant's treating physician, regardless of accident date).
5	The total cost of TPD claims paid per year (includes claims with an accident date between July 1 and June 30 that received TPD payments through September 30 of the following fiscal year).
6	The percentage change in the average TPD claims cost per year as compared to the preceding fiscal year (with claims costs valued as of September 30 of the following fiscal year)
7	The percentage of change in the number of TPD claims as compared to the preceding fiscal year (includes claims with an accident date between July 1 and June 30 that received TPD payments through September 30 of the following fiscal year).
8	The percentage of workers' compensation claims that are lost-time claims, per fiscal year (includes claims with an accident date between July 1 and June 30 that received TTD and/or TPD payments through September 30 following each fiscal year).

As previously discussed, claimants in TPD status can return to work as long as they operate within the restrictions provided by their physician. However, claimants in TTD status cannot be returned to work under any capacity. Therefore, agency RTW efforts can impact TPD claims and costs, and are more effective for benchmarking. Benchmark 8, the percentage of workers' compensation claims that are lost-time claims, includes both TPD and TTD claims. Benchmark 8 was impacted in fiscal year 2020-21

by COVID-19 claims. Because employees infected with COVID-19 were quarantined, the majority of these claims were TTD claims. Due to the large number of COVID-19 claims filed, this significantly impacted TTD claim statistics.

Data for Benchmarks 3 and 4 are provided by the state agencies and universities that are required to have RTW programs under Florida Statutes. Data for all other benchmarks are provided by the Division's IMS.

## RETURN-TO-WORK BENCHMARKS

Fiscal Year 2020-21 Agency/University	BENCHMARK NUMBER																							
	1			6			2			7			3			4			5			8		
	Average TPD Claims Cost			Total TPD Claims			Total Alternate Duty Claim Assignments in FY 20/21	Total Alternate Duty Days of Work FY 20/21	Total TPD Claims Cost			% of WC Claims that are Lost-Time Claims												
FY 19/20	FY 20/21	% Change	FY 19/20	FY 20/21	% Change	FY 19/20			FY 20/21	% Change	FY 19/20	FY 20/21	% Change	FY 19/20	FY 20/21	% Change								
Agency for Persons with Disabilities	\$9,849	\$11,216	13.88%	58	70	20.69%	92	3,518	\$571,245	\$785,148	37.45%	21.11%	49.36%	28.25%										
Dept. of Agriculture and Consumer Services	\$21,534	\$35,796	66.23%	5	7	40.00%	50	1,749	\$107,672	\$250,569	132.72%	6.35%	17.41%	11.05%										
Dept. of Children and Families	\$17,662	\$14,284	-19.12%	70	63	-10.00%	117	4,679	\$1,236,318	\$899,904	-27.21%	11.19%	35.56%	24.37%										
Dept. of Corrections	\$22,037	\$19,301	-12.42%	74	158	113.51%	618	15,950	\$1,630,752	\$3,049,489	87.00%	16.05%	58.87%	42.82%										
Dept. of Education	\$7,785	\$4,825	-38.02%	4	5	25.00%	22	1,472	\$31,139	\$24,126	-22.52%	5.43%	11.76%	6.33%										
Dept. of Environmental Protection	\$45,355	\$11,983	-73.58%	4	1	-75.00%	49	796	\$181,420	\$11,983	-93.40%	3.20%	1.48%	-1.72%										
Dept. of Financial Services	\$15,897	\$7,109	-55.28%	1	1	0.00%	11	459	\$15,897	\$7,109	-55.28%	2.74%	16.67%	13.93%										
Dept. of Health	\$14,026	\$30,361	116.47%	6	9	50.00%	134	5,321	\$84,154	\$273,252	224.70%	8.03%	8.52%	0.49%										
Dept. of Highway Safety and Motor Vehicles	\$30,672	\$37,023	20.70%	11	3	-72.73%	50	1,060	\$337,396	\$111,069	-67.08%	11.92%	30.30%	18.38%										
Dept. of Juvenile Justice	\$15,872	\$16,087	1.35%	45	44	-2.22%	128	4,054	\$714,247	\$707,829	-0.90%	19.68%	20.84%	1.17%										
Dept. of Revenue	\$0	\$22,828	100.00%	0	1	100.00%	18	985	\$0	\$22,828	100.00%	4.95%	7.32%	2.37%										
Dept. of Transportation	\$22,524	\$21,583	-4.18%	19	19	0.00%	34	1,421	\$427,954	\$410,086	-4.18%	17.55%	16.89%	-0.66%										
Florida Atlantic University	\$1,564	\$25,631	1538.59%	1	4	300.00%	10	251	\$1,564	\$102,523	6454.35%	4.88%	10.00%	5.12%										
Florida International University	\$21,227	\$21,589	1.70%	11	10	-9.09%	23	1,471	\$233,499	\$215,887	-7.54%	14.17%	18.29%	4.12%										
Florida State University	\$10,687	\$11,947	11.79%	22	13	-40.91%	33	1,268	\$235,104	\$155,310	-33.94%	13.43%	8.67%	-4.75%										
State Courts System	\$0	\$0	0.00%	0	0	0.00%	6	211	\$0	\$0	0.00%	0.00%	4.76%	4.76%										
University of Central Florida	\$7,159	\$13,134	83.47%	15	15	0.00%	19	476	\$107,381	\$197,008	83.47%	9.24%	12.23%	3.00%										
University of Florida	\$19,169	\$15,245	-20.47%	44	32	-27.27%	86	1,712	\$843,427	\$487,846	-42.16%	6.11%	6.90%	0.79%										
University of South Florida	\$10,406	\$9,482	-8.88%	16	6	-62.50%	47	1,185	\$166,495	\$56,892	-65.83%	6.49%	3.83%	-2.67%										
<b>Totals</b>	<b>\$17,058</b>	<b>\$16,852</b>	<b>-1.21%</b>	<b>406</b>	<b>461</b>	<b>13.55%</b>	<b>1,547</b>	<b>48,038</b>	<b>\$6,925,664</b>	<b>\$7,768,856</b>	<b>12.17%</b>	<b>9.61%</b>	<b>17.88%</b>	<b>8.27%</b>										

## Return-to-Work Program – Fiscal Year Comparisons of Lost-time Claims and Cost

The following section contains data for lost-time claims and costs, which includes both TPD and TTD claims. Although benchmarking in the previous section primarily includes TPD costs, analyzing data on all lost-time claims is beneficial for risk management programs.

The following two charts provide fiscal year comparisons of all lost-time claims (including TPD and TTD claims) in two key areas:

- **Chart 1** provides a fiscal year comparison of total lost-time (TPD and TTD) claims counts.
- **Chart 2** provides a fiscal year cost comparison that details indemnity costs, medical and legal costs, other costs, and total costs.

### Chart 1: Fiscal Year Comparison of Lost-Time (TPD and TTD) Claims For State Agencies and Universities Participating in the Return-to-Work Program

*Claims Counts for FY 2019-20 and 2020-21*

Agency/University	Lost-Time Claim Count		
	FY 19/20	FY 20/21	Difference
Agency for Persons with Disabilities	129	348	219
Department of Agriculture and Consumer Services	19	47	28
Department of Children and Families	125	730	605
Department of Corrections	687	4,890	4,203
Department of Education	5	8	3
Department of Environmental Protection	12	4	(8)
Department of Financial Services	2	4	2
Department of Health	31	31	0
Department of Highway Safety and Motor Vehicles	51	183	132
Department of Juvenile Justice	73	79	6
Department of Revenue	5	3	(2)
Department of Transportation	33	25	(8)
Florida Atlantic University	4	5	1
Florida International University	18	15	(3)
Florida State University	38	17	(21)
State Courts System	0	1	1
University of Central Florida	23	23	0
University of Florida	56	50	(6)
University of South Florida	20	8	(12)
<b>Totals</b>	<b>1,331</b>	<b>6,471</b>	<b>5,140</b>

In fiscal year 2020-21, agencies required to have RTW programs had an increase in the number of lost-time claims as compared to fiscal year 2019-20 (5,140 more claims reported in 2020-21). This increase is primarily due to 5,602 lost-time COVID-19 claims received in fiscal year 2020-21 for these agencies, which required the claimants to be off from work while quarantining at home. Of the 19 agencies presented in the chart above, seven had a decrease in lost-time claims.

## Chart 2: Fiscal Year Comparison - Indemnity, Medical/Legal, and Other Costs for State Agencies and Universities Participating in the Return-to-Work Program

*All Lost-Time Claims (TPD and TTD Claims), FY 2019-20 and FY 2020-21*

Agency/University	Indemnity Costs			Medical & Legal Costs			Other Costs & Recoveries <sup>(1)</sup>			Total Lost-Time Claims Cost		
	FY 19/20	FY 20/21	Difference	FY 19/20	FY 20/21	Difference	FY 19/20	FY 20/21	Difference	FY 19/20	FY 20/21	Difference
Agency for Persons with Disabilities	\$350,904	\$853,859	\$502,955	\$480,939	\$707,478	\$226,539	\$(80,080)	\$(359,342)	(\$279,262)	\$751,763	\$1,201,995	\$450,232
Dept. of Agriculture and Consumer Services	\$87,466	\$176,913	\$89,448	\$264,976	\$330,175	\$65,200	\$(30,111)	\$(58,817)	(\$28,707)	\$322,331	\$448,271	\$125,940
Dept. of Children and Families	\$685,829	\$1,510,396	\$824,567	\$1,315,909	\$2,059,760	\$743,851	\$(54,588)	\$(703,190)	(\$648,602)	\$1,947,149	\$2,866,966	\$919,817
Dept. of Corrections	\$2,509,488	\$8,510,189	\$6,000,700	\$4,433,405	\$12,495,809	\$8,062,404	\$(1,135,677)	\$(5,158,593)	(\$4,022,917)	\$5,807,216	\$15,847,404	\$10,040,188
Dept. of Education	\$15,987	\$13,024	(\$2,963)	\$33,589	\$39,266	\$5,677	\$1,922	\$(15)	(\$1,936)	\$51,498	\$52,276	\$778
Dept. of Environmental Protection	\$41,336	\$8,082	(\$33,254)	\$295,088	\$162,872	(\$132,216)	\$3,372	\$(953)	(\$4,326)	\$339,796	\$170,001	(\$169,796)
Dept. of Financial Services	\$2,437	\$10,940	\$8,503	\$16,453	\$30,351	\$13,898	\$(1,877)	\$(1,883)	(\$6)	\$17,013	\$39,407	\$22,395
Dept. of Health	\$106,883	\$162,375	\$55,492	\$656,362	\$857,420	\$201,058	\$(24,866)	\$(44,957)	(\$20,090)	\$738,379	\$974,839	\$236,460
Dept. of Highway Safety and Motor Vehicles	\$323,423	\$400,622	\$77,198	\$1,024,962	\$765,745	(\$259,217)	\$(121,239)	\$(284,129)	(\$162,890)	\$1,227,146	\$882,237	(\$344,909)
Dept. of Juvenile Justice	\$262,657	\$438,125	\$175,468	\$687,696	\$872,780	\$185,084	\$(64,159)	\$(50,671)	\$13,488	\$886,195	\$1,260,234	\$374,040
Dept. of Revenue	\$14,975	\$17,768	\$2,794	\$75,305	\$77,824	\$2,519	\$(3,871)	\$2,949	\$6,820	\$86,409	\$98,541	\$12,133
Dept. of Transportation	\$268,121	\$162,813	(\$105,308)	\$851,858	\$285,989	(\$565,868)	\$(20,605)	\$(14,901)	\$5,704	\$1,099,374	\$433,902	(\$665,472)
Florida Atlantic University	\$15,482	\$43,233	\$27,751	\$85,102	\$100,513	\$15,411	\$(9,871)	\$(1,852)	\$8,018	\$90,713	\$141,893	\$51,180
Florida International University	\$126,726	\$68,425	(\$58,302)	\$392,194	\$413,933	\$21,739	\$(23,123)	\$(7,129)	\$15,994	\$495,797	\$475,229	(\$20,568)
Florida State University	\$163,464	\$64,346	(\$99,118)	\$375,627	\$166,890	(\$208,736)	\$(25,168)	\$(7,003)	\$18,165	\$513,923	\$224,233	(\$289,689)
State Courts System	\$6,258	\$3,730	(\$2,528)	\$4,302	\$16,881	\$12,579	\$301	\$(7)	(\$308)	\$10,861	\$20,604	\$9,743
University of Central Florida	\$33,060	\$103,768	\$70,708	\$99,412	\$129,996	\$30,583	\$(2,991)	\$(20,424)	(\$17,432)	\$129,481	\$213,340	\$83,859
University of Florida	\$232,586	\$238,636	\$6,050	\$855,843	\$1,772,011	\$916,168	\$(31,244)	\$(15,063)	\$16,180	\$1,057,185	\$1,995,584	\$938,399
University of South Florida	\$109,496	\$30,474	(\$79,022)	\$662,571	\$60,094	(\$602,477)	\$(12,850)	\$(4,651)	\$8,199	\$759,217	\$85,917	(\$673,300)
<b>Totals</b>	<b>\$5,356,579</b>	<b>\$12,817,718</b>	<b>\$7,461,139</b>	<b>\$12,611,591</b>	<b>\$21,345,788</b>	<b>\$8,734,197</b>	<b>\$(1,636,726)</b>	<b>\$(6,730,633)</b>	<b>(\$5,093,907)</b>	<b>\$16,331,444</b>	<b>\$27,432,873</b>	<b>\$11,101,429</b>

Note<sup>(1)</sup>: “Other Costs & Recoveries” columns include all other claims-related costs, such as administration cost for medical expense, as well as recoveries such as claim overpayment reimbursements and receipts for subrogation. The significant increase in “Other Costs & Recoveries” in fiscal year 2020-21 is primarily due to the increase in TTD reimbursements under section 284.44, Florida Statutes, from state agencies impacted by COVID-19 claims.

# PROPERTY CLAIMS AND EXPENSES

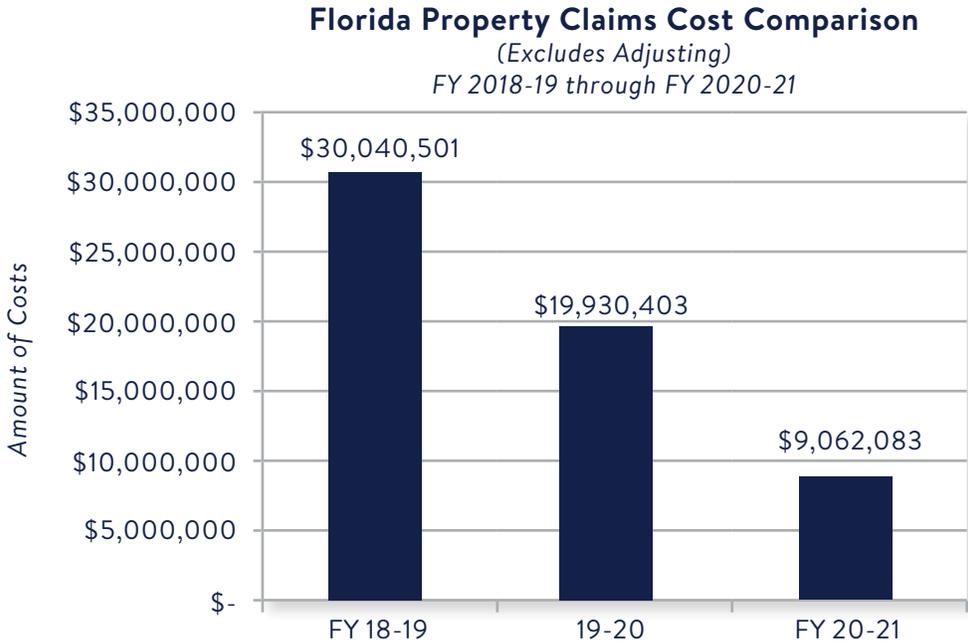
## PROPERTY

The Property program provides property coverage through the State Risk Management Trust Fund. The state offers actual cash value coverage for damages to covered property caused by specific insured perils such as fire, wind, and lightning. Replacement cost coverage is provided for flood damage that is identical to the National Flood Insurance Program. The self-insurance coverage includes:

- Buildings
- Contents
- Loss of rental income when the coverage is required by bonding or revenue certificates or resolutions
- Non-owned, state-leased real property covered if an approved lease provides and conforms to the coverage under the property policy

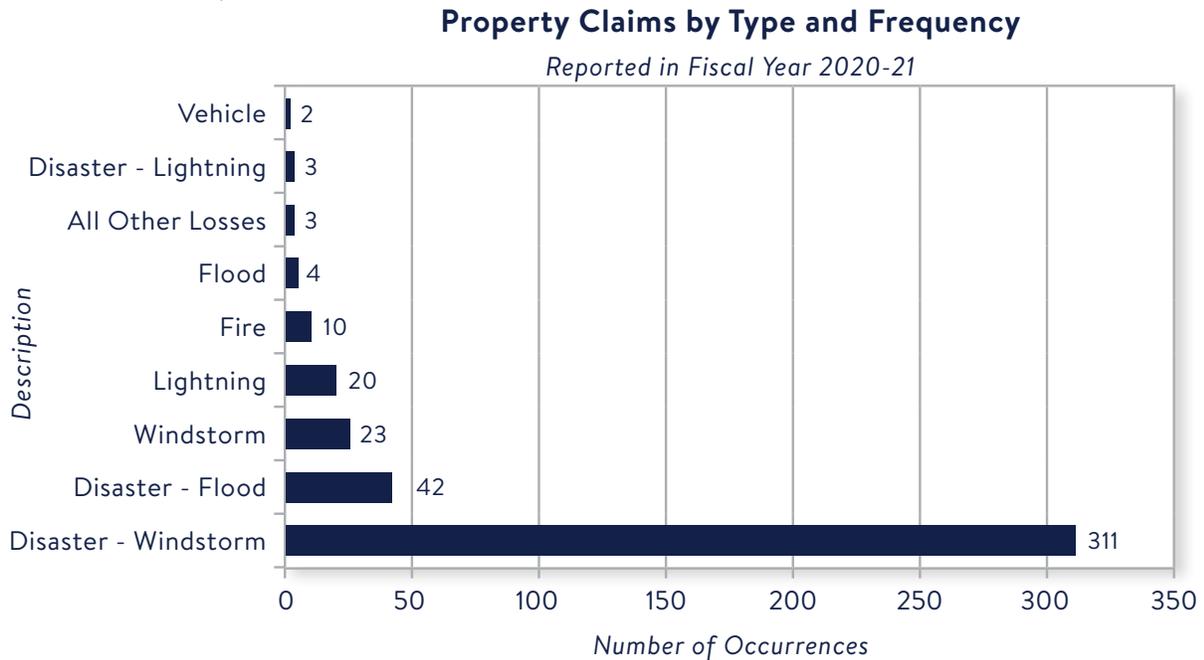
This program is responsible for investigating, evaluating, negotiating, and settling covered property claims. Investigations are conducted by staff and/or in concert with a contracted adjusting service.

Program property claims costs for the prior three-year period are illustrated in the graph below:



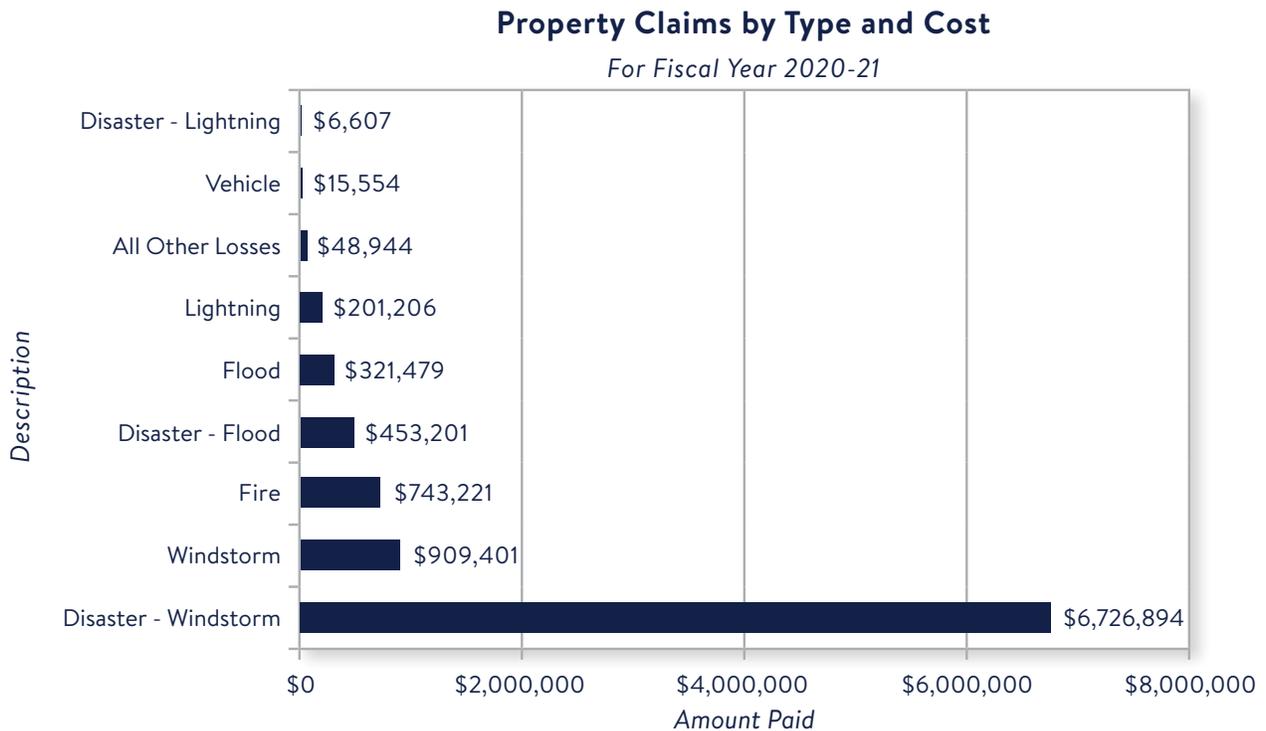
The program continues to be impacted by hurricane losses in the past three fiscal years. Property losses totaled \$9.1 million during fiscal year 2020-21, a decrease of \$10.8 million from the 2019-20 fiscal year. For the 2020-21 fiscal year, the Division paid losses of \$6.1 million from Hurricane Sally, \$444,949 from Tropical Storm Eta, \$11,016 from Hurricane Irma and \$160,750 from Hurricane Michael, totaling \$6.7 million in hurricane losses paid. The Division paid \$2.4 million in non-hurricane related losses in fiscal year 2020-21. Additional information on the impact of hurricane losses can be found on page 4 of this report.

Property losses are caused by a variety of covered perils, such as wind, lightning, flood, and fire. The types and frequency of property claims reported in the 2020-21 fiscal year are included in the following graph:



During the 2020-21 fiscal year, 418 property claims were reported compared to 116 claims reported during the 2019-20 fiscal year, an increase of 302 claims. The primary cause of property losses continues to be damage caused by hurricanes and tropical storms. Windstorm loss by a declared disaster was the most frequent type of loss to the property program in the 2020-21 fiscal year.

Reported property claims for the 2020-21 fiscal year are shown by type and cost in the graph below:



Property claims are tracked by the type of peril that caused the damage. For fiscal year 2020-21, disaster-related windstorm losses were the costliest peril for which claims have been paid, followed by windstorm claims. These losses were predominantly caused by hurricanes and tropical storms which occurred in the 2020-21 fiscal year.

# INSPECTIONS OF STATE BUILDINGS, ACTIONS TAKEN TO DECREASE FIRE HAZARDS, AND RECOMMENDATIONS

The following report regarding inspections of state-owned buildings and insurable properties is provided pursuant to section 284.06, Florida Statutes, for the 2020-21 fiscal year.

## Inspections Performed During Fiscal Year 2020-21

The State Fire Marshal’s Office inspected 13,684 state-owned buildings during the fiscal year.

## Actions Taken to Decrease the Fire Hazard of State Properties

Pursuant to section 633.218, Florida Statutes, the State Fire Marshal’s Office, within seven days of each inspection, is required to submit a report of such inspection to the head of state government responsible for the building. The department head responsible for the inspected building is also responsible for ensuring that any deficiencies noted in the inspection are corrected as soon as practicable. If necessary, each department shall include in its annual budget request sufficient funds to correct any fire safety deficiencies noted by the State Fire Marshal.

Recommendations to Decrease the Fire Hazard to State Properties:

- We recommend that a month within the calendar year be designated as “Fire Awareness and Prevention Month” and that the leadership of state government actively support this issue with the intent of reducing the fire hazards imperiling state-owned properties.
- We recommend that all agency heads file an annual report to the Governor and to the State Fire Marshal listing all fire safety deficiencies reported to their agency, and the number of deficiencies corrected. This report should also include a listing of any deficiencies reported but not corrected, and the agency’s intended actions and anticipated time to correct those deficiencies.
- We recommend that special consideration is made to fund all budget requests intended to correct any fire safety deficiencies noted by the State Fire Marshal.
- We recommend that the leadership of state government encourage and promote fire safety training opportunities offered to all state employees and give special consideration to fund all budget requests regarding the expansion of those training efforts.

Detailed information regarding the individual building inspections and recommendations may be obtained from the Office of the State Fire Marshal, Department of Financial Services.



# AUTOMOBILE LIABILITY CLAIMS AND EXPENSES

## AUTOMOBILE LIABILITY

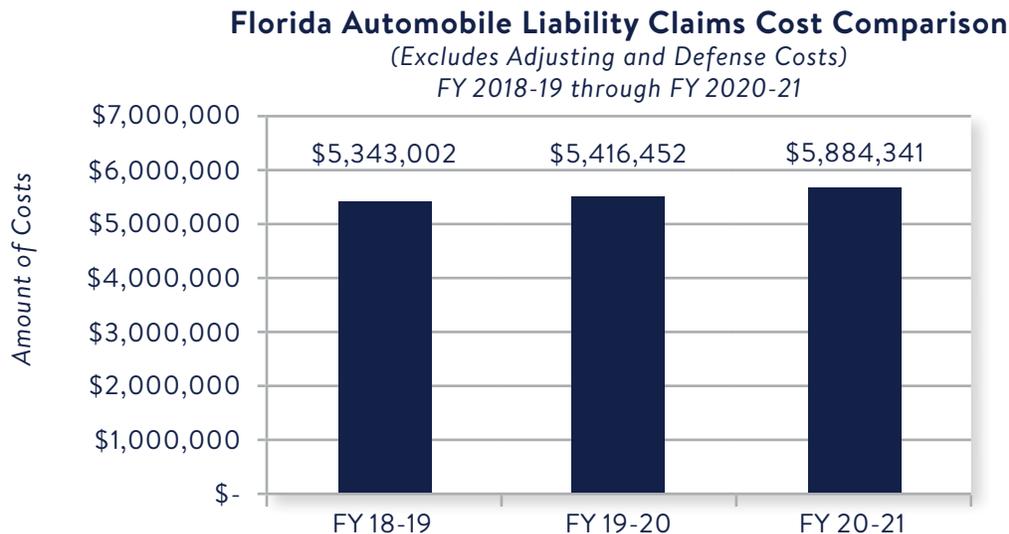
The Automobile Liability program provides automobile liability insurance through the State Risk Management Trust Fund for claims arising out of the ownership, maintenance, or use of an automobile by an employee, agent, or volunteer of the state, while acting within the course and scope of his or her office or employment. This includes loading or unloading of any owned, hired, or non-owned automobiles.

This program is responsible for investigating, evaluating, negotiating and making appropriate disposition of any automobile claims and lawsuits filed against the State of Florida. Claims investigations are conducted by staff and/or in concert with a contracted adjusting service. Defense of litigated claims is provided by the Attorney General's Office, contracted law firms, or state agency attorneys.

In accordance with section 768.28, Florida Statutes, the current limits of liability (under the waiver of sovereign immunity law) for which the state may be sued are \$200,000 per person's claim and \$300,000 for all claims arising from a single incident.

As of July 1, 2004, the Division has offered coverage for property damage to state vehicles sustained when these vehicles are used for approved off-duty use by a law enforcement officer. The Division establishes a premium each year for this coverage and there is a \$100 deductible per incident for the 2020-21 fiscal year if the law enforcement officer is determined to be at fault.

Automobile liability claims costs for the prior three-year period are detailed in the following chart:

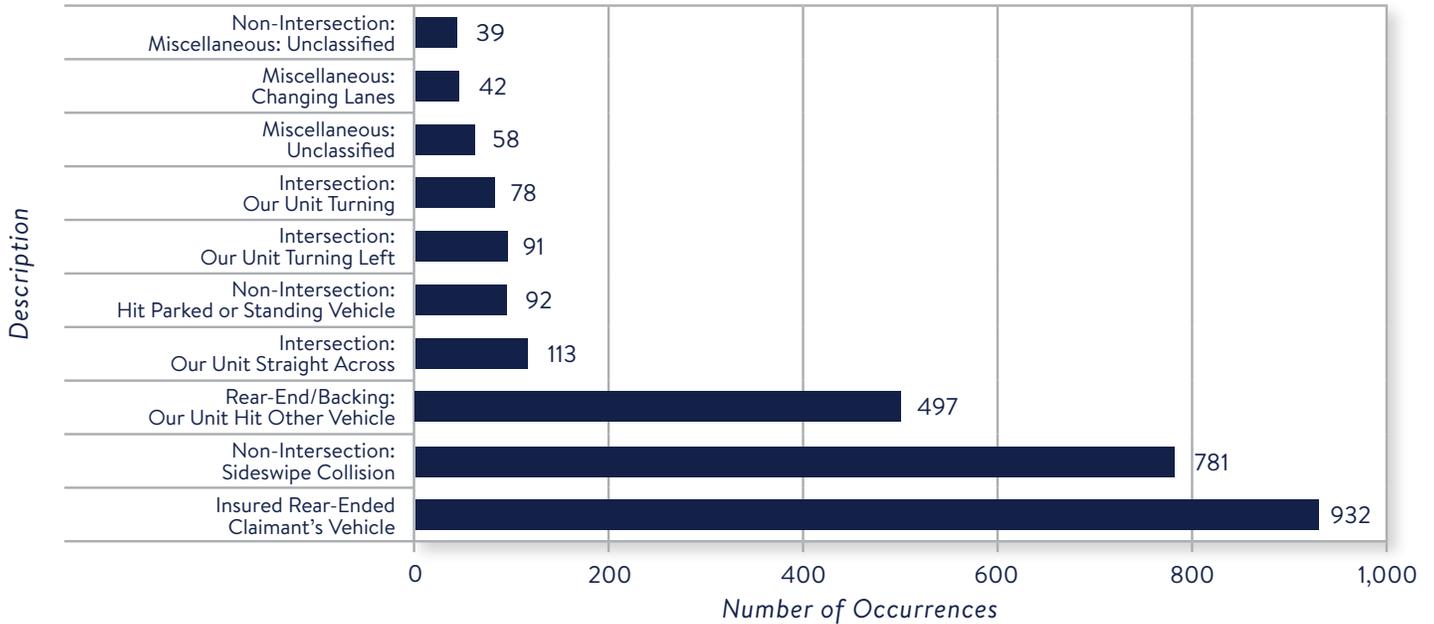


Automobile liability claims costs increased from the prior fiscal year. Claims costs increased 9 percent in fiscal year 2020-21 compared to the 2019-20 fiscal year. The number of claims decreased from 572 in fiscal year 2019-20 to 478 in the current fiscal year, representing a 16.4 percent decrease in new claims.

The state of Florida tracks automobile accidents in five-year increments by the type of accident that has occurred. For example, “Intersection – Our Unit Turning Left” refers to claims in which the state was negligent when its driver made a left turn at an intersection. The frequency of reported automobile accidents for the prior five-year period by type is illustrated in the following graph:

### Frequency of Automobile Liability Claims: Top 10 Categories

Reported for the Period 7/1/16-6/30/21



The most frequent type of accident and resulting claim was from state drivers hitting another vehicle from behind, followed by side-swipe collisions.

The state of Florida also tracks the cost of automobile accidents by cause and related cost, as shown in the chart below:

### Cost of Automobile Liability Claims: Top 10 Categories

For the Period 7/1/16-6/30/21



Again, automobile accidents are tracked in five-year increments; and the costliest category of these accident claims is our insured driver hitting another vehicle from behind.

# GENERAL LIABILITY CLAIMS AND EXPENSES

## GENERAL LIABILITY

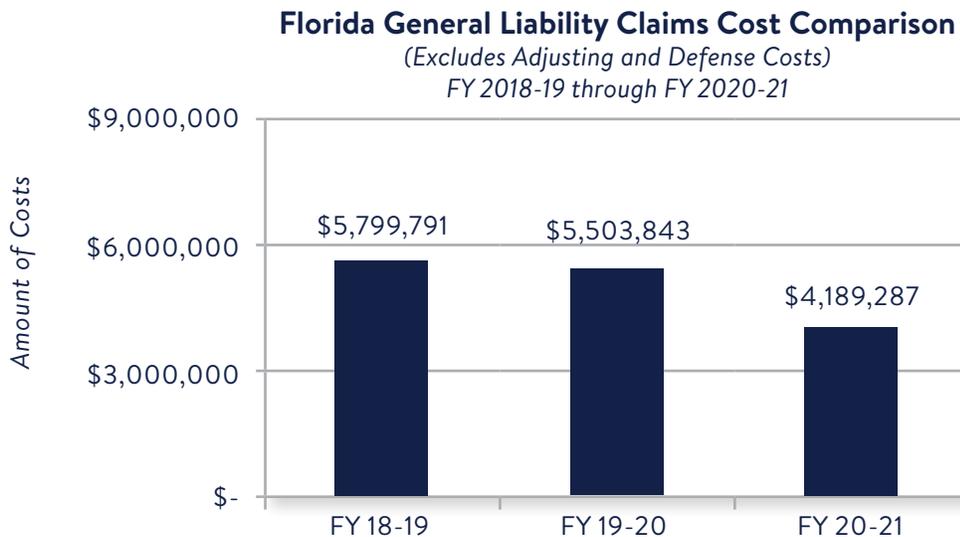
The General Liability program provides general liability claims coverage through the State Risk Management Trust Fund. The state is liable for damages for injury, death, or loss of property caused by the negligence of its employees, agents, or volunteers while acting within the course and scope of their employment or responsibilities. The self-insurance coverage includes premises and operations, personal injury, and professional liability.

This program has the responsibility of investigating, evaluating, negotiating, defending, and making appropriate disposition of claims/lawsuits filed against the state due to the negligent act or omission of a state employee, agent, or volunteer. Claims investigations are conducted by staff and/or in concert with a contracted adjusting service. Defense of litigated claims is provided by the Attorney General's Office, contracted law firms, or state agency attorneys.

In accordance with section 768.28, Florida Statutes, the current limits of liability (under the waiver of sovereign immunity law) are \$200,000 per person's claim and \$300,000 for all claims arising from a single incident.

This program also provides court-awarded attorney fee coverage through the State Risk Management Trust Fund. The self-insurance coverage pays, on behalf of the State of Florida, court-awarded attorney fees and costs in other proceedings (for which coverage is not afforded under section 284.30, Florida Statutes) in which the state is not a prevailing party. The Division has the right to participate in the defense of any suit or appeal with respect to the payment of attorney fees.

The Division continues to work closely with state agencies to control claims costs. The chart below depicts the general liability claims costs for the previous three years:

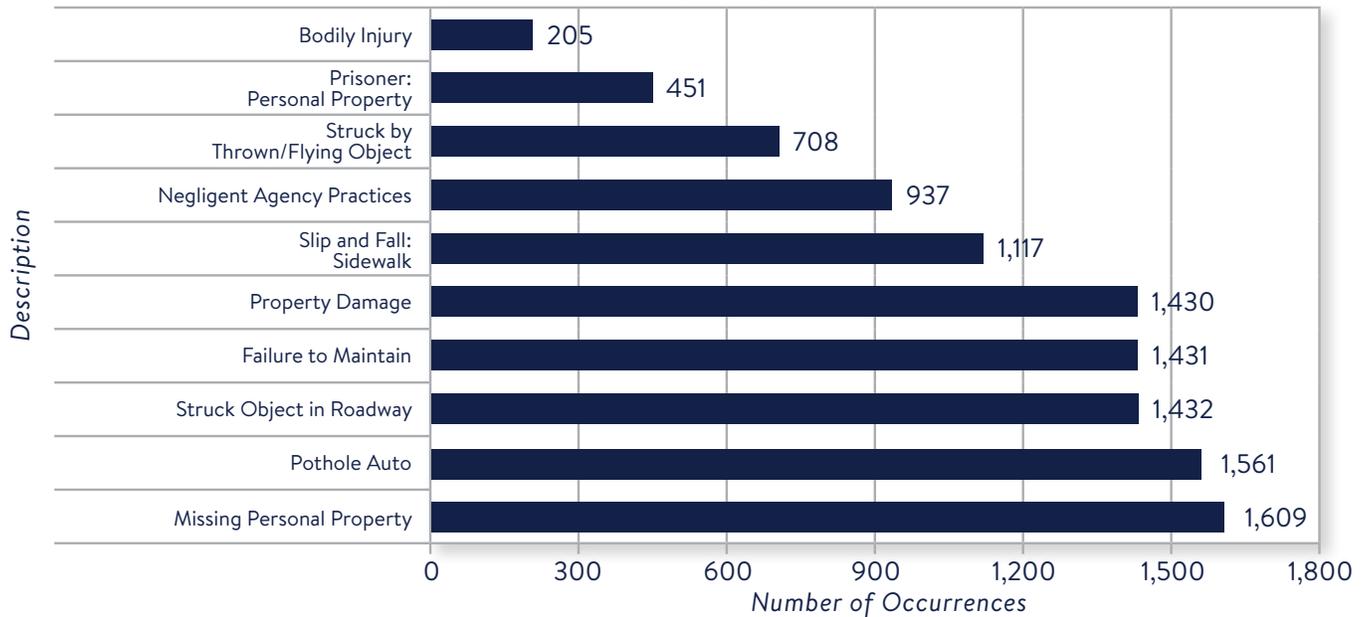


Overall, state liability claims costs decreased 23.9 percent in fiscal year 2020-21 compared to the 2019-20 fiscal year. The number of claims increased from 2,474 to 2,588, a 4.6 percent increase over the prior fiscal year.

General liability claims are claims of negligence other than automobile liability, and are tracked in five-year increments as seen in the following graph:

### Frequency of General Liability Claims: Top 10 Categories

Reported for the Period 7/1/16-6/30/21



Missing personal property of persons in the state’s custody are the most frequent general liability claims followed by pothole automobile damage claims.

The cost of general liability claims is also tracked in five-year increments. Depicted below are the top ten categories of general liability claims reported in the prior five-year period by cost:

### Cost of General Liability Claims: Top 10 Categories

For the Period 7/1/16-6/30/21



The costliest categories of general liability claims paid by the state of Florida are for negligent agency practices followed by slip and fall claims on state properties.

# FEDERAL CIVIL RIGHTS CLAIMS AND EXPENSES

## FEDERAL CIVIL RIGHTS/EMPLOYMENT DISCRIMINATION

The Federal Civil Rights/Employment Discrimination Program provides federal civil rights and employment discrimination claims coverage through the State Risk Management Trust Fund. This coverage includes:

- Federal civil rights actions filed under 42 U.S.C. 1983 (and other similar federal statutes)
- Plaintiff attorney fees/awards (where so provided by the covered federal statutes)
- Employment discrimination actions filed under 42 U.S.C. 2000e, Title VII of the 1964 Civil Rights Act
- The Civil Rights Act of 1991
- Florida Civil Rights Act of 1992, and other similar employment discrimination acts and statutes

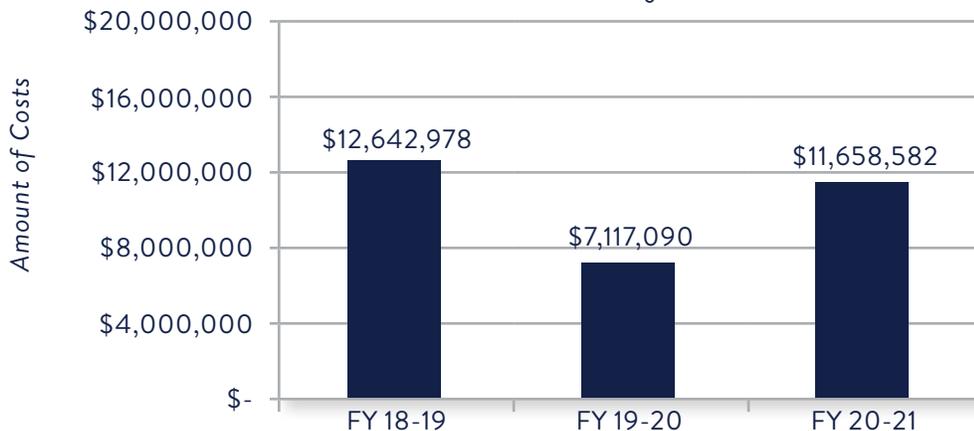
This program has the responsibility for investigating, evaluating, negotiating, defending, and making appropriate disposition of any covered action filed against state agencies, their employees, agents, or volunteers. Claims investigations are conducted by staff and/or in concert with contracted adjusting services. Defense of litigated claims is provided by the Attorney General's Office, contracted law firms, or state agency attorneys.

There are no monetary liability caps associated with federal civil rights actions. Title VII has a \$300,000 cap for the compensatory damages portion of the available relief. The Florida Civil Rights Act of 1992 has a total cap of \$200,000. In addition to these amounts, front pay, back pay, and plaintiff attorney fees are available to the plaintiffs in these and other similar employment discrimination acts and statutes. Front pay is the responsibility of the individual insured rather than the Division of Risk Management. Punitive damages, although available under 42 USC 1983, are specifically excluded under Risk Management coverage.

Below is a chart that provides the Florida Federal Civil Rights/Employment Discrimination claims costs for the preceding three years:

### Florida Federal Civil Rights/Employment Discrimination Claims Cost Comparison

*(Excludes Adjusting and Defense Costs)  
FY 2018-19 through FY 2020-21*

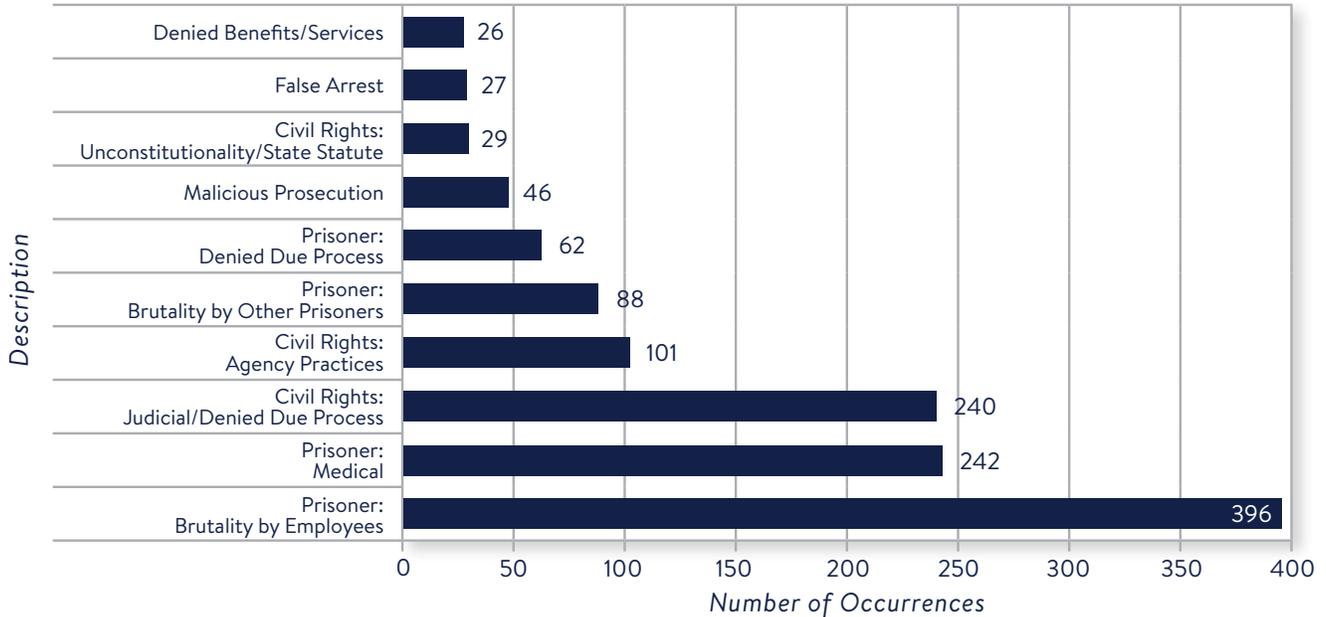


Claims costs increased approximately \$4.5 million this fiscal year compared to fiscal year 2019-20. This increase in fiscal year 2020-21 was due to the settlement and payment of one large federal civil rights claim for \$4.65 million. The number of claims increased from 427 in fiscal year 2019-20 to 433 in fiscal year 2020-21, a 1.4 percent increase.

The state of Florida has custody over many individuals, including foster children, prisoners, juveniles, and the elderly and infirm housed in state-owned facilities. Federal civil rights claims arise from complaints that the state violated a person’s federal constitutional rights while the person was in state custody or control or interacting with state employees. The frequency of federal civil rights claims is tracked in five-year increments, as seen below:

### Frequency of FCR (Non-Employment) Claims: Top 10 Categories

Reported for the Period 7/1/16-6/30/21



The most frequent federal civil rights claims are for alleged employee brutality of prisoners while the prisoner is in state custody, followed by claims by prisoners relating to medical care.

The cost of federal civil rights claims is also tracked in five-year increments, as seen below:

### Cost of FCR (Non-Employment) Claims: Top 10 Categories

For the Period 7/1/16-6/30/21

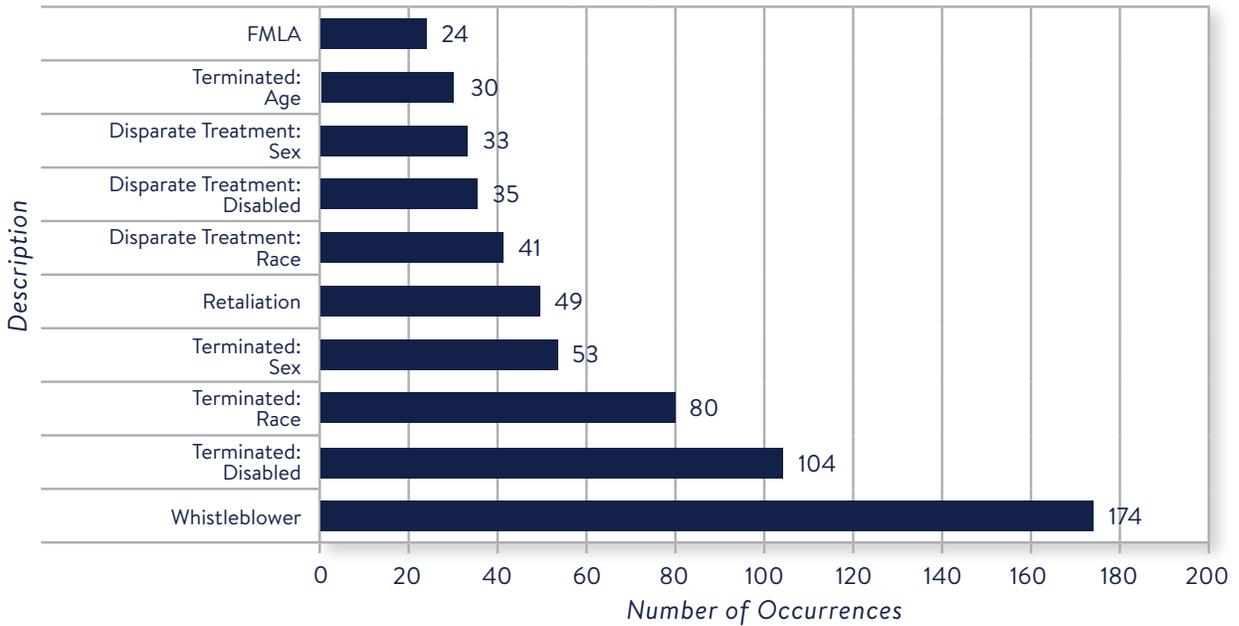


The costliest federal civil rights claims for the five-year period are alleged employee brutality of prisoners followed by civil rights – agency practices.

As the largest employer in the state, the state of Florida has broad exposure to employment discrimination claims. Employment discrimination claims frequency is tracked by the type of claim and in five-year increments, as seen below:

### Frequency of Employment Claims: Top 10 Categories

Reported for the Period 7/1/16-6/30/21



Whistleblower and terminated due to disability claims are the most frequently occurring employment claims.

Employment discrimination claims costs are also tracked by the type of claim and in five-year increments, as seen below:

### Cost of Employment Claims: Top 10 Categories

For the Period 7/1/16-6/30/21



The costliest category of employment discrimination claims is for whistleblower claims, followed by termination due to disability claims.

# Division of Risk Management Florida Department of Financial Services



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