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CS/HB 785, Engrossed 1

2014 Legislature

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 2 An act relating to workers' compensation; amending s.
 3 440.13, F.S.; providing that oral vitamins, nutrient
 4 preparations, dietary supplements, and certain medical
 5 food are not reimbursable; amending s. 627.072, F.S.;
 6 authorizing employers to negotiate the retrospectively
 7 rated premium with insurers under certain conditions;
 8 providing an exemption; providing requirements for the
 9 filing and approval of such plans and associated
 10 forms; providing requirements for insurers engaging in
 11 the negotiation of premiums with eligible employers;
 12 providing applicability; providing construction with
 13 respect to the passage of similar legislation;
 14 amending s. 627.281, F.S.; conforming a cross-
 15 reference; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Paragraph (k) is added to subsection (3) of
 20 section 440.13, Florida Statutes, to read:

21 440.13 Medical services and supplies; penalty for
 22 violations; limitations.—

23 (3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

24 (k) Reimbursement shall not be made for oral vitamins,
 25 nutrient preparations, or dietary supplements. Reimbursement



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26 shall not be made for medical food, as defined in 21 U.S.C. s.
27 360ee(b) (3), unless the self-insured employer or the carrier in
28 its sole discretion authorizes the provision of such food. Such
29 authorization may be limited by frequency, type, dosage, and
30 reimbursement amount of such food as part of a proposed written
31 course of medical treatment.

32 Section 2. Subsections (2), (3), and (4) of section
33 627.072, Florida Statutes, are renumbered as subsections (3),
34 (4), and (5), respectively, and a new subsection (2) is added to
35 that section, to read:

36 627.072 Making and use of rates.—

37 (2) A retrospective rating plan may contain a provision
38 that allows for negotiation of a premium between the employer
39 and the insurer for employers having exposure in more than one
40 state and an estimated annual standard premium in this state of
41 \$100,000 or more and an estimated annual countrywide standard
42 premium of \$750,000 or more for workers' compensation.
43 Provisions within a retrospective rating plan authorizing
44 negotiated premiums are exempt from subsection (1). Such plans
45 and associated forms must be filed by a rating organization and
46 approved by the office. However, a premium negotiated between
47 the employer and the insurer pursuant to an approved
48 retrospective rating plan is not subject to this part. Only
49 insurers having at least \$500 million in surplus as to
50 policyholders may engage in the negotiation of premiums with



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51 | eligible employers.

52 | Section 3. If this act and CS/CS/HB 565, 1st Eng., 2014
53 | Regular Session, or similar legislation are adopted in the same
54 | legislative session or an extension thereof and become law, and
55 | the respective provisions of such acts adding a new subsection
56 | (2) to s. 627.072, Florida Statutes, differ, it is the intent of
57 | the Legislature that the amendments made by this act to s.
58 | 627.072, Florida Statutes, shall control over the language of
59 | CS/CS/HB 565, 1st Eng., or similar legislation, regardless of
60 | the order in which they are enacted.

61 | Section 4. Subsection (2) of section 627.281, Florida
62 | Statutes, is amended to read:

63 | 627.281 Appeal from rating organization; workers'
64 | compensation and employer's liability insurance filings.—

65 | (2) If such appeal is based upon the failure of the rating
66 | organization to make a filing on behalf of such member or
67 | subscriber which is based on a system of expense provisions
68 | which differs, in accordance with the right granted in s.
69 | 627.072(3) ~~627.072(2)~~, from the system of expense provisions
70 | included in a filing made by the rating organization, the office
71 | shall, if it grants the appeal, order the rating organization to
72 | make the requested filing for use by the appellant. In deciding
73 | such appeal, the office shall apply the applicable standards set
74 | forth in ss. 627.062 and 627.072.

75 | Section 5. This act shall take effect July 1, 2014.