

Bill No. CS for SB 1092, 1st Eng.

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5	<hr/>		
6			
7			
8			
9			
10	<hr/>		
11	Senator Latvala moved the following amendment to House		
12	amendment (923447):		
13			
14	Senate Amendment (with title amendment)		
15	On page 1, line 17, through page 4, line 22, delete		
16	those lines		
17			
18	and insert:		
19	Section 1. Paragraph (f) of subsection (1) of section		
20	440.15, Florida Statutes, is amended, and subsection (14) is		
21	added to said section, to read:		
22	440.15 Compensation for disability.--Compensation for		
23	disability shall be paid to the employee, subject to the		
24	limits provided in s. 440.12(2), as follows:		
25	(1) PERMANENT TOTAL DISABILITY.--		
26	(f)1. If permanent total disability results from		
27	injuries that occurred subsequent to June 30, 1955, and for		
28	which the liability of the employer for compensation has not		
29	been discharged under s. 440.20(12), the injured employee		
30	shall receive additional weekly compensation benefits equal to		
31	5 percent of her or his weekly compensation rate, as		

Bill No. CS for SB 1092, 1st Eng.

Amendment No. ____

1 established pursuant to the law in effect on the date of her
2 or his injury, multiplied by the number of calendar years
3 since the date of injury. The weekly compensation payable and
4 the additional benefits payable under this paragraph, when
5 combined, may not exceed the maximum weekly compensation rate
6 in effect at the time of payment as determined pursuant to s.
7 440.12(2). Entitlement to these supplemental payments shall
8 cease at age 62 if the employee is eligible for social
9 security benefits under 42 U.S.C. s. ss-402 or s. and 423,
10 whether or not the employee has applied for such benefits.
11 These supplemental benefits shall be paid by the division out
12 of the Workers' Compensation Administration Trust Fund when
13 the injury occurred subsequent to June 30, 1955, and before
14 July 1, 1984. These supplemental benefits shall be paid by the
15 employer when the injury occurred on or after July 1, 1984.
16 Supplemental benefits are not payable for any period prior to
17 October 1, 1974.

18 2.a. The division shall provide by rule for the
19 periodic reporting to the division of all earnings of any
20 nature and social security income by the injured employee
21 entitled to or claiming additional compensation under
22 subparagraph 1. Neither the division nor the employer or
23 carrier shall make any payment of those additional benefits
24 provided by subparagraph 1. for any period during which the
25 employee willfully fails or refuses to report upon request by
26 the division in the manner prescribed by such rules.

27 b. The division shall provide by rule for the periodic
28 reporting to the employer or carrier of all earnings of any
29 nature and social security income by the injured employee
30 entitled to or claiming benefits for permanent total
31 disability. The employer or carrier is not required to make

Bill No. CS for SB 1092, 1st Eng.

Amendment No. ____

1 any payment of benefits for permanent total disability for any
2 period during which the employee willfully fails or refuses to
3 report upon request by the employer or carrier in the manner
4 prescribed by such rules or if any employee who is receiving
5 permanent total disability benefits refuses to apply for or
6 cooperate with the employer or carrier in applying for social
7 security benefits.

8 3. When an injured employee receives a full or partial
9 lump-sum advance of the employee's permanent total disability
10 compensation benefits, the employee's benefits under this
11 paragraph shall be computed on the employee's weekly
12 compensation rate as reduced by the lump-sum advance.

13 (14) COORDINATION OF BENEFITS.--Unless otherwise
14 specifically provided by contract, workers' compensation
15 benefits that are otherwise payable under this chapter must be
16 reduced to the extent the combination of workers' compensation
17 benefits and social security benefits under 42 U.S.C. s. 402
18 or s. 423, and employer-funded benefits, including retirement
19 benefits, disability benefits, and any other payment of wages
20 by the employer during the period of disability, provided to
21 the employee and his or her dependents exceeds 100 percent of
22 the employee's average weekly wage at the time of injury. A
23 benefit shall be considered employer funded when the employer
24 has contributed more than 50 percent of the cost of the
25 benefit. "Workers' compensation benefits" excludes
26 supplemental payments for permanent total disability pursuant
27 to paragraph (1)(f).

28
29

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

Bill No. CS for SB 1092, 1st Eng.

Amendment No. ____

1 On page 27, lines 7-10, delete those lines
2
3 and insert:
4 amending s. 440.15, F.S.; providing a
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31