

1                   A bill to be entitled  
2           An act relating to workers' compensation;  
3           amending s. 440.15, F.S.; revising eligibility  
4           requirements for supplemental payments;  
5           providing a method for calculating workers'  
6           compensation benefits based on the aggregate  
7           amount of those benefits and other specified  
8           benefits payable to the employee; providing  
9           that certain supplemental payments are not  
10          workers' compensation benefits; providing an  
11          effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Paragraph (f) of subsection (1) of section  
16   440.15, Florida Statutes is amended, and subsection (14) is  
17   added to that section, to read:

18           440.15 Compensation for disability.--Compensation for  
19   disability shall be paid to the employee, subject to the  
20   limits provided in s. 440.12(2), as follows:

21           (1) PERMANENT TOTAL DISABILITY.--

22           (f)1. If permanent total disability results from  
23   injuries that occurred subsequent to June 30, 1955, and for  
24   which the liability of the employer for compensation has not  
25   been discharged under s. 440.20(12), the injured employee  
26   shall receive additional weekly compensation benefits equal to  
27   5 percent of her or his weekly compensation rate, as  
28   established pursuant to the law in effect on the date of her  
29   or his injury, multiplied by the number of calendar years  
30   since the date of injury. The weekly compensation payable and  
31   the additional benefits payable under this paragraph, when

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

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

23         b. The division shall provide by rule for the periodic  
24 reporting to the employer or carrier of all earnings of any  
25 nature and social security income by the injured employee  
26 entitled to or claiming benefits for permanent total  
27 disability. The employer or carrier is not required to make  
28 any payment of benefits for permanent total disability for any  
29 period during which the employee willfully fails or refuses to  
30 report upon request by the employer or carrier in the manner  
31 prescribed by such rules or if any employee who is receiving

1 permanent total disability benefits refuses to apply for or  
2 cooperate with the employer or carrier in applying for social  
3 security benefits.

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

9 (14) COORDINATION OF BENEFITS.--

10 (a) Unless otherwise specifically provided by  
11 contract, workers' compensation benefits that are otherwise  
12 payable under this chapter must be reduced to the extent that  
13 the combination of workers' compensation benefits, social  
14 security benefits under s. 402 or s. 423 of 42 U.S.C., and  
15 employer-funded benefits provided to the employee and his or  
16 her dependents exceeds 100 percent of the employee's average  
17 weekly wages at the time of injury.

18 (b) As used in this subsection, the term:

19 1. "Employer-funded benefits" includes those benefits  
20 for which the employer has contributed more than 50 percent of  
21 the cost of the benefits, and includes retirement benefits,  
22 disability benefits, and any other payment of wages by the  
23 employer during the period of disability; and

24 2. "Workers' compensation benefits" excludes  
25 supplemental payments for permanent total disability pursuant  
26 to s. 440.15(1)(f).

27 Section 2. This act shall take effect October 1, 1998.  
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