

By Senators Saunders and Latvala

25-142A-99

1                                   A bill to be entitled  
2           An act relating to workers' compensation;  
3           amending s. 440.15, F.S.; providing a method  
4           for coordination of workers' compensation  
5           benefits; providing that specific supplemental  
6           payments are not workers' compensation  
7           benefits; providing an effective date.

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

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11           Section 1. Paragraph (f) of subsection (1) of section  
12   440.15, Florida Statutes, 1998 Supplement, is amended, and  
13   subsection (14) is added to that section, to read:

14           440.15 Compensation for disability.--Compensation for  
15   disability shall be paid to the employee, subject to the  
16   limits provided in s. 440.12(2), as follows:

17           (1) PERMANENT TOTAL DISABILITY.--

18           (f)1. If permanent total disability results from  
19   injuries that occurred subsequent to June 30, 1955, and for  
20   which the liability of the employer for compensation has not  
21   been discharged under s. 440.20(11)~~s. 440.20(12)~~, the injured  
22   employee shall receive additional weekly compensation benefits  
23   equal to 5 percent of her or his weekly compensation rate, as  
24   established pursuant to the law in effect on the date of her  
25   or his injury, multiplied by the number of calendar years  
26   since the date of injury. The weekly compensation payable and  
27   the additional benefits payable under this paragraph, when  
28   combined, may not exceed the maximum weekly compensation rate  
29   in effect at the time of payment as determined pursuant to s.  
30   440.12(2). Entitlement to these supplemental payments shall  
31   cease at age 62 if the employee is eligible for social

1 security benefits under 42 U.S.C. s. 402 or s. 423,  
2 whether or not the employee has applied for such benefits.  
3 These supplemental benefits shall be paid by the division out  
4 of the Workers' Compensation Administration Trust Fund when  
5 the injury occurred subsequent to June 30, 1955, and before  
6 July 1, 1984. These supplemental benefits shall be paid by the  
7 employer when the injury occurred on or after July 1, 1984.  
8 Supplemental benefits are not payable for any period prior to  
9 October 1, 1974.

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

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

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

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

22           Section 2. This act shall take effect October 1, 1999.

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25           SENATE SUMMARY

26           Provides a method for reducing workers' compensation  
27           benefits when coordinating them with other benefits  
28           payable to an employee. Excludes specific supplemental  
29           payments from workers' compensation benefits.  
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