

By Senator Thomas

3-1058A-00

1 A bill to be entitled
2 An act relating to workers' compensation;
3 clarifying the legislative intent that the
4 terms "net premiums written" and "net premiums
5 collected" as used in ch. 440, F.S., include
6 ceded reinsurance premiums in accord with
7 original intent; clarifying the legislative
8 intent that the term "major contributing cause"
9 as used in ch. 440, F.S., be interpreted in
10 accord with original intent; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Legislative intent.--It is the intent of
16 the Legislature to clarify that the terms "net premiums
17 written" and "net premiums collected" as used in chapter 440,
18 Florida Statutes, mean premiums arising from workers'
19 compensation policies issued by an insurer in this state as
20 the primary insurance carrier without deduction for ceded
21 reinsurance premiums transferred to another insurance company
22 for reinsurance purchased or any premium expense attributable
23 to purchasing reinsurance.

24 Section 2. Legislative intent.--It is the intent of
25 the Legislature to clarify that the term "major contributing
26 cause," and the requirement that the "major contributing
27 cause" be proven to a "reasonable degree of medical
28 certainty," as those terms are used in chapter 440, Florida
29 Statutes, means that to be the major contributing cause of a
30 disability or need for treatment the workplace injury must be
31 more than 50 percent of the cause of the disability or need

1 for treatment when compared to all other combined causes
2 contributing to the disability or need for treatment. When the
3 injury is not readily observable without medical examination,
4 expert medical testimony is required to establish to a
5 reasonable medical certainty the percentage of causation
6 attributable to the workplace injury.

7 Section 3. This act shall take effect upon becoming a
8 law.

9
10 *****

11 SENATE SUMMARY

12 Provides legislative intent to clarify the terms "net
13 premiums written," "net premiums collected," "major
14 contributing cause," and "reasonable degree of medical
15 certainty" as used in ch. 440, F.S.
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31