

Bill No. CS for SB 1188

Amendment No. Barcode 460858

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
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

·
·
·
·
·
·

Senator Latvala moved the following amendment:

Senate Amendment (with title amendment)

On page 38, line 29, through page 40, line 31, delete those lines

and insert:

(1)(a) In order to effect the self-executing features of the Workers' Compensation Law, this chapter shall be construed to permit injured employees and employers or the employer's carrier to resolve disagreements without undue expense, costly litigation, or delay in the provisions of benefits. It is the duty of all who participate in the workers' compensation system, including, but not limited to, carriers, service providers, health care providers, managed care arrangements, attorneys, employers, and employees, to attempt to resolve disagreements in good faith and to cooperate with the division's efforts to resolve disagreements between the parties. The division may by rule prescribe definitions ~~that are~~ necessary for the effective administration of this section.

Bill No. CS for SB 1188

Amendment No. ____ Barcode 460858

1 (b) An Employee Assistance and Ombudsman Office is
2 created within the Division of Workers' Compensation to inform
3 and assist injured workers, employers, carriers, ~~and~~ health
4 care providers, and managed care arrangements in fulfilling
5 their responsibilities under this chapter. The division may by
6 rule specify forms and procedures for administering ~~requests~~
7 ~~for assistance provided by~~ this section.

8 (c) The Employee Assistance and Ombudsman Office,
9 ~~Division of Workers' Compensation,~~ shall be a resource
10 available to all employees who participate in the workers'
11 compensation system and shall take all steps necessary to
12 educate and disseminate information to employees and
13 employers. Upon receiving a notice of injury or death, the
14 Employee Assistance and Ombudsman Office is authorized to
15 initiate contact with the injured employee or employee's
16 representative to discuss rights and responsibilities of the
17 employee under this chapter and the services available through
18 the Employee Assistance and Ombudsman Office.

19 ~~(2)(a) An employee may not file a petition requesting~~
20 ~~any benefit under this chapter unless the employee has~~
21 ~~exhausted the procedures for informal dispute resolution under~~
22 ~~this section.~~

23 ~~(a)(b)~~ If at any time the employer or its carrier
24 fails to provide benefits to which the employee believes she
25 or he is entitled, the employee shall contact the office to
26 request assistance in resolving the dispute. The office may
27 review petitions for benefits filed under s. 440.192 ~~shall~~
28 ~~investigate the dispute~~ and may ~~shall~~ attempt to facilitate an
29 agreement between the employee and the employer or carrier.
30 The employee, the employer, and the carrier shall cooperate
31 with the office and shall timely provide the office with any

Bill No. CS for SB 1188

Amendment No. ____ Barcode 460858

1 documents or other information that it may require in
2 connection with its efforts under this section.

3 (b)~~(c)~~ The office may compel parties to attend
4 conferences in person or by telephone in an attempt to resolve
5 disputes quickly and in the most efficient manner possible.
6 Settlement agreements resulting from such conferences must be
7 submitted to the Office of the Judges of Compensation Claims
8 for approval.

9 (c)~~(d)~~ The Employee Assistance and Ombudsman Office
10 may assign an ombudsman to assist the employee in resolving
11 the dispute. ~~If the dispute is not resolved within 30 days~~
12 ~~after the employee contacts the office,~~The ombudsman may
13 ~~shall~~, at the employee's request, assist the employee in
14 drafting a petition for benefits and explain the procedures
15 for filing petitions. ~~The division may by rule determine the~~
16 ~~method used to calculate the 30-day period.~~The Employee
17 Assistance and Ombudsman Office may not represent employees
18 before the judges of compensation claims. An employer or
19 carrier may not pay any attorneys' fees on behalf of the
20 employee for services rendered or costs incurred in connection
21 with this section, unless expressly authorized elsewhere in
22 this chapter.

23
24

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

26 And the title is amended as follows:

27 On page 2, lines 18-20, delete those lines

28

29 and insert:

30 duties of the office; amending s. 440.192,

31 F.S.; revising