

Bill No. CS/HB 1927, 2nd Eng.

Amendment No. Barcode 865282

CHAMBER ACTION

Senate

House

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Senator Latvala moved the following substitute for amendment to amendment (095748):

Senate Amendment (with title amendment)

On page 13, line 21, through page 14, line 29, delete those lines

and insert:

Section 4. Subsection (1) of section 440.09, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

440.09 Coverage.--

(1) The employer shall pay compensation or furnish benefits required by this chapter if the employee suffers an accidental compensable injury or death arising out of work performed in the course and the scope of employment. The injury, its occupational cause, and any resulting manifestations or disability shall be established to a reasonable degree of medical certainty and by objective medical findings. Mental or nervous injuries occurring as a manifestation of an injury compensable under this section

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1 shall be demonstrated by clear and convincing evidence.

2 (a) This chapter does not require any compensation or
3 benefits for any subsequent injury the employee suffers as a
4 result of an original injury arising out of and in the course
5 of employment unless the original injury is the major
6 contributing cause of the subsequent injury.

7 (b) If an injury arising out of and in the course of
8 employment combines with a preexisting disease or condition to
9 cause or prolong disability or need for treatment, the
10 employer must pay compensation or benefits required by this
11 chapter only to the extent that the injury arising out of and
12 in the course of employment is and remains the major
13 contributing cause of the disability or need for treatment.

14 (c) Death resulting from an operation by a surgeon
15 furnished by the employer for the cure of hernia as required
16 in s. 440.15(6) shall for the purpose of this chapter be
17 considered to be a death resulting from the accident causing
18 the hernia.

19 (d) If an accident happens while the employee is
20 employed elsewhere than in this state, which would entitle the
21 employee or his or her dependents to compensation if it had
22 happened in this state, the employee or his or her dependents
23 are entitled to compensation if the contract of employment was
24 made in this state, or the employment was principally
25 localized in this state. However, if an employee receives
26 compensation or damages under the laws of any other state, the
27 total compensation for the injury may not be greater than is
28 provided in this chapter.

29 (9) Notwithstanding any other provision of this
30 chapter, effective January 1, 2004, any partnership,
31 corporation, or sole proprietor, regardless of the number of

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1 employees, actively engaged in the construction industry shall
2 secure and maintain workers' compensation insurance coverage
3 at all times.
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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 62, line 16, after the semicolon,

9
10 insert:

11 requiring partnerships, corporations, or sole
12 proprietors in the construction industry to
13 maintain workers' compensation insurance;
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