

Bill No. CS for CS for SB 1132

Amendment No. \_\_\_\_ Barcode 131310

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	05/01/2003	WD/2R	
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11 Senator Campbell moved the following amendment:

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13 **Senate Amendment**

14 On page 125, line 11, through  
15 page 126, line 28, delete those lines

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17 and insert:

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), the injured employee  
22 shall receive additional weekly compensation benefits equal to  
23 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

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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 department  
4 out of the Workers' Compensation Administration Trust Fund  
5 when the injury occurred subsequent to June 30, 1955, and  
6 before July 1, 1984. These supplemental benefits shall be paid  
7 by the employer when the injury occurred on or after July 1,  
8 1984. Supplemental benefits are not payable for any period  
9 prior to October 1, 1974.

10           2.a. The department shall provide by rule for the  
11 periodic reporting to the department 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 department 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 department in the manner prescribed by such rules.

19           b. The department shall provide by rule for the  
20 periodic reporting to the employer or carrier of all earnings  
21 of any nature and social security income by the injured  
22 employee 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.

31           3. When an injured employee receives a full or partial

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1 lump-sum advance of the employee's permanent total disability  
2 compensation benefits, the employee's benefits under this  
3 paragraph shall be computed on the employee's weekly  
4 compensation rate as reduced by the lump-sum advance.

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