

Bill No. CS for CS for SB 1132

Amendment No. ____ Barcode 865278

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Wasserman Schultz moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 134, line 22, through

15 page 137, line 20, delete those lines

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17 and insert:

- 18 ~~(f)~~(b) Supplemental benefits.--
- 19 1. All supplemental benefits must be paid in
- 20 accordance with this subsection. An employee is entitled to
- 21 supplemental benefits as provided in this paragraph as of the
- 22 expiration of the impairment period, if:
- 23 a. The employee has an impairment rating from the
- 24 compensable injury of 20 percent or more as determined
- 25 pursuant to this chapter;
- 26 b. The employee has not returned to work or has
- 27 returned to work earning less than 80 percent of the
- 28 employee's average weekly wage as a direct result of the
- 29 employee's impairment; and
- 30 c. The employee has in good faith attempted to obtain
- 31 employment commensurate with the employee's ability to work.

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1 2. If an employee is not entitled to supplemental
2 benefits at the time of payment of the final weekly impairment
3 income benefit because the employee is earning at least 80
4 percent of the employee's average weekly wage, the employee
5 may become entitled to supplemental benefits at any time
6 within 1 year after the impairment income benefit period ends
7 if:

8 a. The employee earns wages that are less than 80
9 percent of the employee's average weekly wage for a period of
10 at least 90 days;

11 b. The employee meets the other requirements of
12 subparagraph 1.; and

13 c. The employee's decrease in earnings is a direct
14 result of the employee's impairment from the compensable
15 injury.

16 3. If an employee earns wages that are at least 80
17 percent of the employee's average weekly wage for a period of
18 at least 90 days during which the employee is receiving
19 supplemental benefits, the employee ceases to be entitled to
20 supplemental benefits for the filing period. Supplemental
21 benefits that have been terminated shall be reinstated when
22 the employee satisfies the conditions enumerated in
23 subparagraph 2. and files the statement required under
24 subparagraph 4. Notwithstanding any other provision, if an
25 employee is not entitled to supplemental benefits for 12
26 consecutive months, the employee ceases to be entitled to any
27 additional income benefits for the compensable injury. If the
28 employee is discharged within 12 months after losing
29 entitlement under this subsection, benefits may be reinstated
30 if the employee was discharged at that time with the intent to
31 deprive the employee of supplemental benefits.

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1 4. After the initial determination of supplemental
2 benefits, the employee must file a statement with the carrier
3 stating that the employee has earned less than 80 percent of
4 the employee's average weekly wage as a direct result of the
5 employee's impairment, stating the amount of wages the
6 employee earned in the filing period, and stating that the
7 employee has in good faith sought employment commensurate with
8 the employee's ability to work. The statement must be filed
9 quarterly on a form and in the manner prescribed by the
10 department. The department may modify the filing period as
11 appropriate to an individual case. Failure to file a statement
12 relieves the carrier of liability for supplemental benefits
13 for the period during which a statement is not filed.

14 5. The carrier shall begin payment of supplemental
15 benefits not later than the seventh day after the expiration
16 date of the impairment income benefit period and shall
17 continue to timely pay those benefits. The carrier may request
18 a mediation conference for the purpose of contesting the
19 employee's entitlement to or the amount of supplemental income
20 benefits.

21 6. Supplemental benefits are calculated quarterly and
22 paid monthly. For purposes of calculating supplemental
23 benefits, 80 percent of the employee's average weekly wage and
24 the average wages the employee has earned per week are
25 compared quarterly. For purposes of this paragraph, if the
26 employee is offered a bona fide position of employment that
27 the employee is capable of performing, given the physical
28 condition of the employee and the geographic accessibility of
29 the position, the employee's weekly wages are considered
30 equivalent to the weekly wages for the position offered to the
31 employee.

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1 7. Supplemental benefits are payable at the rate of 80
2 percent of the difference between 80 percent of the employee's
3 average weekly wage determined pursuant to s. 440.14 and the
4 weekly wages the employee has earned during the reporting
5 period, not to exceed the maximum weekly income benefit under
6 s. 440.12.

7 8. The department may by rule define terms that are
8 necessary for the administration of this section and forms and
9 procedures governing the method of payment of supplemental
10 benefits for dates of accidents before January 1, 1994, and
11 for dates of accidents on or after January 1, 1994.

12 ~~(g)(c)~~ Duration of temporary impairment and
13 supplemental income benefits.--The employee's eligibility for
14 temporary benefits, impairment income benefits, and
15 supplemental benefits terminates on the expiration of 401
16 weeks after the date of injury.

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

20 And the title is amended as follows:

21 On page 3, lines 12 and 13, delete those lines

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23 and insert:

24 benefits; increasing temporary

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