

Bill No. HB 1837, 2nd Eng.

Amendment No. ____ Barcode 272482

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

Senate Amendment

On page 109, line 3116, through

On page 111, line 3164, delete those lines

and insert:

(f)1. If permanent total disability results from injuries that occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under s. 440.20(11), the injured employee shall receive additional weekly compensation benefits equal to 5 percent of her or his weekly compensation rate, as established pursuant to the law in effect on the date of her or his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable under this paragraph, when combined, may not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2). Entitlement to these supplemental payments shall cease at age 62 if the employee is eligible for social

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1 security benefits under 42 U.S.C. ss. 402 and 423, whether or
2 not the employee has applied for such benefits. These
3 supplemental benefits shall be paid by the department out of
4 the Workers' Compensation Administration Trust Fund when the
5 injury occurred subsequent to June 30, 1955, and before July
6 1, 1984. These supplemental benefits shall be paid by the
7 employer when the injury occurred on or after July 1, 1984.
8 Supplemental benefits are not payable for any period prior to
9 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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