

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ross offered the following:

Amendment (with directory amendment)

Between line(s) 4138 & 4139, insert:

~~(15)(a) The department shall examine on an ongoing basis claims files in accordance with s. 624.3161 and may impose fines pursuant to s. 624.310(5) and this chapter in order to identify questionable claims handling techniques, questionable patterns or practices of claims, or a pattern of repeated unreasonably controverted claims by carriers, as defined in s. 440.02, providing services to employees pursuant to this chapter. If the department finds such questionable techniques, patterns, or repeated unreasonably controverted claims as constitute a general business practice of a carrier, as defined in s. 440.02, the department shall take appropriate action so as to bring such general business practices to a halt pursuant to s. 440.38(3) or may impose penalties pursuant to s. 624.4211. The department may~~

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28 ~~initiate investigations of questionable techniques, patterns,~~
29 ~~practices, or repeated unreasonably controverted claims. The~~
30 ~~department may by rule establish forms and procedures for~~
31 ~~corrective action plans and for auditing carriers.~~

32 ~~(b) As to any examination, investigation, or hearing being~~
33 ~~conducted under this chapter, the Insurance Commissioner or his~~
34 ~~or her designee:~~

35 ~~1. May administer oaths, examine and cross-examine~~
36 ~~witnesses, receive oral and documentary evidence; and~~

37 ~~2. Shall have the power to subpoena witnesses, compel~~
38 ~~their attendance and testimony, and require by subpoena the~~
39 ~~production of books, papers, records, files, correspondence,~~
40 ~~documents, or other evidence which is relevant to the inquiry.~~

41 ~~(c) If any person refuses to comply with any such subpoena~~
42 ~~or to testify as to any matter concerning which she or he may be~~
43 ~~lawfully interrogated, the Circuit Court of Leon County or of~~
44 ~~the county wherein such examination, investigation, or hearing~~
45 ~~is being conducted, or of the county wherein such person~~
46 ~~resides, may, on the application of the department, issue an~~
47 ~~order requiring such person to comply with the subpoena and to~~
48 ~~testify.~~

49 ~~(d) Subpoenas shall be served, and proof of such service~~
50 ~~made, in the same manner as if issued by a circuit court.~~
51 ~~Witness fees, costs, and reasonable travel expenses, if claimed,~~
52 ~~shall be allowed the same as for testimony in a circuit court.~~

53 ~~(e) The department shall publish annually a report which~~
54 ~~indicates the promptness of first payment of compensation~~
55 ~~records of each carrier or self-insurer so as to focus attention~~
56 ~~on those carriers or self-insurers with poor payment records for~~

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57 the preceding year. ~~The department shall take appropriate steps~~
 58 ~~so as to cause such poor carrier payment practices to halt~~
 59 ~~pursuant to s. 440.38(3). In addition, the department shall take~~
 60 ~~appropriate action so as to halt such poor payment practices of~~
 61 ~~self-insurers. "Poor payment practice" means a practice of late~~
 62 ~~payment sufficient to constitute a general business practice.~~

63 ~~(f) The department shall promulgate rules providing~~
 64 ~~guidelines to carriers, as defined in s. 440.02, self-insurers,~~
 65 ~~and employers to indicate behavior that may be construed as~~
 66 ~~questionable claims-handling techniques, questionable patterns~~
 67 ~~of claims, repeated unreasonably controverted claims, or poor~~
 68 ~~payment practices.~~

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 70 ===== D I R E C T O R Y A M E N D M E N T =====

71 Remove line(s) 3967 & 3968, and insert:
 72 Section 24. Subsections (2), (3), (4), (6), and (8),
 73 paragraph (d) of subsection (11), and subsection (15) of section
 74 440.20, Florida
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