

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ross offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 4586-4596, and insert:

Section 27. Paragraph (b) of subsection (1) of section 440.38, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

440.38 Security for compensation; insurance carriers and self-insurers.--

(1) Every employer shall secure the payment of compensation under this chapter:

(b) By furnishing satisfactory proof to the Florida Self-Insurers Guaranty Association, Incorporated, created in s. 440.385, that it has the financial strength necessary to ensure timely payment of all current and future claims individually and on behalf of its subsidiary and affiliated companies with employees in this state and receiving an authorization from the

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28 Department of Insurance to pay such compensation directly. The  
29 association shall review the financial strength of applicants  
30 for membership, current members, and former members and make  
31 recommendations to the Department of Insurance regarding their  
32 qualifications to self-insure in accordance with this section  
33 and ss. 440.385 and 440.386. The department shall make all  
34 determinations with regard to qualifications to self-insure ~~and~~  
35 ~~in accordance with the recommendations unless it finds by clear~~  
36 ~~and convincing evidence that the recommendations are erroneous.~~

37 (7) Any employer who meets the requirements of subsection  
38 (1) through a policy of insurance issued outside of this state  
39 must at all times, with respect to all employees working in this  
40 state, maintain the required coverage under a Florida  
41 endorsement using Florida rates and rules pursuant to payroll  
42 reporting that accurately reflects the work performed in this  
43 state by such employees.

44 Section 28. Paragraph (a) of subsection (6) of section  
45 440.385, Florida Statutes, is amended to read:

46 440.385 Florida Self-Insurers Guaranty Association,  
47 Incorporated.--

48 (6) POWERS AND DUTIES OF DEPARTMENT OF INSURANCE.--The  
49 Department of Insurance shall:

50 (a) Review recommendations of the association concerning  
51 whether current or former self-insured employers or members of  
52 the association have the financial strength necessary to ensure  
53 the timely payment of all current and estimated future claims.  
54 If the association determines an employer does not have the  
55 financial strength necessary to ensure the timely payment of all  
56 current and future claims and recommends action pursuant to

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57 paragraph (3)(b), the department shall take such action as  
58 necessary to order the employer to comply with the  
59 recommendation, unless the department finds ~~by clear and~~  
60 ~~convincing evidence~~ that the recommendation is erroneous.

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

63 Remove line(s) 82-84, and insert:  
64 attorney's fees; amending s. 440.38, F.S.; removing standard  
65 requiring clear and convincing evidence with regard to  
66 recommendations by the Florida Self-Insurers Guaranty  
67 Association, Inc.; providing requirement for employers with  
68 coverage provided by insurers from outside the state; amending  
69 s. 440.385, F.S.; removing standard requiring clear and  
70 convincing evidence with regard to recommendations by the  
71 Florida Self-Insurers Guaranty Association, Inc.; amending s.  
72 440.381,

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