

Bill No. HB 1837, 2nd Enq.

Amendment No. \_\_\_\_ Barcode 921224

	<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	<b>Senate Amendment (with title amendment)</b>		
14	Lines 3322-3409, delete those lines		
15			
16	and insert:		
17	<del>(a)(b)</del> Supplemental benefits.--		
18	1. All supplemental benefits must be paid in		
19	accordance with this subsection. An employee is entitled to		
20	supplemental benefits as provided in this paragraph as of the		
21	expiration of the impairment period, if:		
22	a. The employee has an impairment rating from the		
23	compensable injury of 20 percent or more as determined		
24	pursuant to this chapter;		
25	b. The employee has not returned to work or has		
26	returned to work earning less than 80 percent of the		
27	employee's average weekly wage as a direct result of the		
28	employee's impairment; and		
29	c. The employee has in good faith attempted to obtain		
30	employment commensurate with the employee's ability to work.		
31	2. If an employee is not entitled to supplemental		

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1 benefits at the time of payment of the final weekly impairment  
 2 income benefit because the employee is earning at least 80  
 3 percent of the employee's average weekly wage, the employee  
 4 may become entitled to supplemental benefits at any time  
 5 within 1 year after the impairment income benefit period ends  
 6 if:

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

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

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

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

31           4. After the initial determination of supplemental

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

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

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

31           7. Supplemental benefits are payable at the rate of 80

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

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

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

16 (i) Notwithstanding paragraph (c), for accidents  
17 occurring

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

21 And the title is amended as follows:

22 Lines 53-54, delete those lines

23

24 and insert:

25 circumstances; amending s. 440.151, F.S.;

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