

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ambler offered the following:

Substitute Amendment for Amendment (953847) (with title amendment)

Between lines 4900 and 4901, insert:

Section 33. Section 440.70, Florida Statutes, is created to read:

440.70 Coverage from other insurance policies.--Notwithstanding any other provision of this chapter, so long as an employer provides both health insurance and long-term disability insurance to its employees:

(1) The employer shall not provide workers' compensation insurance only for accidents occurring as the result of negligence on the part of the employer. However, the tort immunities that would otherwise apply to the employer under this chapter if workers' compensation coverage were in force shall

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27 equally apply if the employer provides the substitute coverage
28 as set forth in this section.

29 (2) For the purposes of wage replacement benefits under an
30 employer-provided disability income policy, the employee shall
31 not be considered disabled to the extent that he or she can
32 return to work unless:

33 (a) The employee has obtained a signed statement from a
34 health care professional, licensed under chapter 458, chapter
35 459, or chapter 460, stating the nature of the disability and
36 that, in his or her medical judgment, considering the
37 requirements of the employee's job duties, the employee should
38 not return to work; and

39 (b) The duration of such disability is at least 7 days or
40 longer.

41 (3)(a) An employer may require the employee to submit to a
42 followup medical examination at least once every 15 days by
43 another health care professional licensed under chapter 458,
44 chapter 459, or chapter 460. The subsequent examining
45 professional may or may not be in the same medical specialty as
46 the initial professional who certified the employee's disability
47 status.

48 (b) An employer can require the employee to be seen by an
49 occupational disability physician or psychiatrist certified by
50 the Florida Board of Workers' Compensation or the American Board
51 of Disability Evaluating Physicians for a comprehensive
52 occupational disability assessment if the employee's disability
53 has prevented a return to work for 60 or more consecutive days.

54 (c) Medical examinations required by this section shall be
55 paid for by the employee's health insurance provider, subject to

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56 the terms of the employee's health insurance policy, and any
57 copayment or deductible shall be paid for by the employer if the
58 employer is requesting the examination or by the employee if the
59 employee is requesting the examination.

60 (4) Health-related benefits to which an employee is
61 entitled arising out of an accident or job-related illness under
62 this chapter shall be paid for by the employee's health
63 insurance provider, subject to the terms of the employee's
64 health insurance policy.

65 (5) Permanent impairment benefits and temporary partial
66 disability benefits to which an employee is entitled arising out
67 of an accident under this chapter shall be paid for by the
68 employee's disability income insurance provider, subject to the
69 terms of the employee's long-term disability insurance policy.

70 (6) Any benefits to which the employee is otherwise
71 entitled under this chapter that exceed the available coverage
72 of either the employee's health insurance policy or long-term
73 disability policy shall be provided by the employer directly or
74 through a supplemental insurance policy.

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

77 Remove line 89, and insert:
78 Financial Services, if requested; creating s. 440.70, F.S.;
79 exempting employers who provide health insurance and long-term
80 disability insurance; providing for coverage of workers'
81 compensation benefits from such insurance sources; providing
82 alternative requirements; requiring supplemental insurance
83 coverage for certain benefits under certain circumstances;
84 amending s. 627.162,

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