



488286

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Banking and Insurance (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 440.094, Florida Statutes, is created to read:

440.094 Extraterritorial reciprocity.-

(1) If an employee in this state who is subject to this chapter temporarily leaves the state incidental to his or her employment and receives an accidental injury arising out of and in the course of employment, the employee, or the beneficiaries of the employee if the injury results in death, is entitled to



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13 the benefits of this chapter as if the employee were injured
14 within this state.

15 (2) An employee from another state and the employer of the
16 employee in the other state are exempt from this chapter while
17 the employee is temporarily in this state doing work for the
18 employer if:

19 (a) The employer has furnished workers' compensation
20 insurance coverage under the workers' compensation insurance or
21 similar laws of the other state to cover the employee's
22 employment while in this state;

23 (b) The extraterritorial provisions of this chapter are
24 recognized in the other state; and

25 (c) Employees and employers who are covered in this state
26 are likewise exempted from the application of the workers'
27 compensation insurance or similar laws of the other state.

28 (3) The benefits under the workers' compensation insurance
29 or similar laws of the other state, or other remedies under
30 similar laws, are the exclusive remedy against the employer for
31 any injury, whether resulting in death or not, received by the
32 employee while temporarily working for that employer in this
33 state.

34 (4) A certificate from the duly authorized officer of the
35 appropriate department of another state certifying that the
36 employer of the other state is insured in that state and has
37 provided extraterritorial coverage insuring employees while
38 working in this state is prima facie evidence that the employer
39 carries workers' compensation insurance.

40 (5) If in any appeal or other litigation the construction
41 of the laws of another jurisdiction is required, the courts



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42 shall take judicial notice of such construction of the laws of
43 the other jurisdiction.

44 (6) If an employee has a claim under the workers'
45 compensation law of another state, territory, province, or
46 foreign nation for the same injury or occupational disease as
47 the claim filed in this state, the total amount of compensation
48 paid or awarded under such other workers' compensation law shall
49 be credited against the compensation due under the state
50 workers' compensation law.

51 (7) For purposes of this section, an employee is considered
52 to be temporarily in a state doing work for an employer if the
53 employee is working for no more than 10 consecutive days or no
54 more than 25 total days during a calendar year for the employer
55 in a state other than the state where the employee is primarily
56 employed.

57 (8) This section applies to any claim made on or after July
58 1, 2011, regardless of the date of the accident.

59 Section 2. This act shall take effect July 1, 2011.

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

62 And the title is amended as follows:

63 Delete everything before the enacting clause
64 and insert:

65 A bill to be entitled
66 An act relating to state reciprocity in workers'
67 compensation claims; creating s. 440.094, F.S.;
68 providing extraterritorial coverage for employees of
69 this state who temporarily leave this state incidental
70 to his or her employment; exempting certain employees



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71 from another state working in this state and the
72 employers of such employees from the workers'
73 compensation law of this state under certain
74 conditions; providing that the benefits under the
75 workers' compensation insurance or similar laws of the
76 other state are the exclusive remedy against the
77 employer for any injury received by an employee
78 working temporarily in this state; providing
79 requirements for the establishment of prima facie
80 evidence that the employer carries certain workers'
81 compensation insurance; requiring courts to take
82 judicial notice of the construction of certain laws;
83 requiring an employee having a claim under the
84 workers' compensation law of another state, territory,
85 province, or country for the same injury as the claim
86 filed in this state, to have the total amount of
87 compensation paid under another workers' compensation
88 law be credited against the compensation due under the
89 state workers' compensation law; providing criteria
90 for employees to be considered temporarily in a state;
91 providing for the application of the act to a claim;
92 providing an effective date.