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LEGISLATIVE ACTION

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

Senate Amendment to Amendment (488286) (with title amendment)

Between lines 58 and 59
insert:

Section 2. Subsection (1) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(1) ~~No~~ Compensation is not ~~shall be~~ allowed for the first 7 days of the disability, except for benefits provided under ~~for~~ ~~in~~ s. 440.13. However, if the injury results in disability of



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13 more than 21 days, compensation shall be allowed from the
14 commencement of the disability.

15 (a) All weekly compensation payments, except for the first
16 payment, shall be paid by check or, if authorized by the
17 employee, on a prepaid card pursuant to paragraph (b) or
18 deposited directly into the employee's account at a financial
19 institution. As used in this subsection, the term "financial
20 institution" means a financial institution as defined in s.
21 655.005(1) (h).

22 (b) A carrier may use prepaid cards to deliver compensation
23 to employees if the employee is:

24 1. Provided with at least one means of accessing his or her
25 entire compensation payment once per week without incurring
26 fees;

27 2. Provided with the terms and conditions of the program,
28 including a description of any fees that may be assessed; and

29 3. Given the option of receiving compensation payments by
30 direct deposit into his or her personal account at a financial
31 institution.

32 (c) Each carrier shall keep a record of all payments made
33 under this subsection and the time and manner of such payments,
34 and shall furnish these records, or a report based on these
35 records, to the Bureau of Workers' Compensation Fraud upon
36 request.

37 Section 3. Paragraph (a) of subsection (1) of section
38 440.20, Florida Statutes, is amended to read:

39 440.20 Time for payment of compensation and medical bills;
40 penalties for late payment.-

41 (1) (a) Unless it denies compensability or entitlement to



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42 benefits, the carrier shall pay compensation directly to the
43 employee as required by ss. 440.14, 440.15, and 440.16, in
44 accordance with the obligations set forth in those ~~such~~
45 sections. ~~If authorized by the employee,~~ The carrier's
46 obligation to pay compensation directly to the employee is
47 satisfied when the carrier directly deposits, by electronic
48 transfer or other means, compensation into the employee's
49 account at a financial institution or onto a prepaid card in
50 accordance with s. 440.12(1). As used in this paragraph, the
51 term "financial institution" means a financial institution as
52 defined in s. 655.005(1) ~~(h)~~. Compensation by direct deposit or
53 through the use of a prepaid card is considered paid on the date
54 the funds become available for withdrawal by the employee.

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 After line 91

59 insert:

60 amending s. 440.12, F.S.; authorizing a worker's
61 compensation insurance carrier to provide compensation
62 payments through the use of prepaid cards under
63 certain circumstances; requiring the carrier to
64 maintain records of the payments made and the time and
65 manner of the payments; amending s. 440.20, F.S.;
66 providing that the obligation of a workers'
67 compensation insurance carrier to pay compensation
68 directly to an employee is satisfied by providing
69 compensation through the use of a prepaid card;