

By the Committees on Budget; and Banking and Insurance; and
Senator Bennett

576-04537-11

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1 A bill to be entitled
2 An act relating to state reciprocity in workers'
3 compensation claims; creating s. 440.094, F.S.;
4 providing extraterritorial coverage for employees of
5 this state who temporarily leave this state incidental
6 to his or her employment; exempting certain employees
7 from another state working in this state and the
8 employers of such employees from the workers'
9 compensation law of this state under certain
10 conditions; providing that the benefits under the
11 workers' compensation insurance or similar laws of the
12 other state are the exclusive remedy against the
13 employer for any injury received by an employee
14 working temporarily in this state; providing
15 requirements for the establishment of prima facie
16 evidence that the employer carries certain workers'
17 compensation insurance; requiring courts to take
18 judicial notice of the construction of certain laws;
19 requiring an employee having a claim under the
20 workers' compensation law of another state, territory,
21 province, or country for the same injury as the claim
22 filed in this state to have the total amount of
23 compensation paid under another workers' compensation
24 law credited against the compensation due under the
25 state workers' compensation law; providing criteria
26 for employees to be considered temporarily in a state;
27 providing for the application of the act to a claim;
28 providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:

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

34 440.094 Extraterritorial reciprocity.-

35 (1) If an employee in this state who is subject to this
36 chapter temporarily leaves the state incidental to his or her
37 employment and receives an accidental injury arising out of and
38 in the course of employment, the employee, or the beneficiaries
39 of the employee if the injury results in death, is entitled to
40 the benefits of this chapter as if the employee were injured
41 within this state.

42 (2) An employee from another state and the employer of the
43 employee in the other state are exempt from this chapter while
44 the employee is temporarily in this state doing work for the
45 employer if:

46 (a) The employer has furnished workers' compensation
47 insurance coverage under the workers' compensation insurance or
48 similar laws of the other state to cover the employee's
49 employment while in this state;

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

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

55 (3) The benefits under the workers' compensation insurance
56 or similar laws of the other state, or other remedies under
57 similar laws, are the exclusive remedy against the employer for
58 any injury, whether resulting in death or not, received by the

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59 employee while temporarily working for that employer in this
60 state.

61 (4) A certificate from the duly authorized officer of the
62 appropriate department of another state certifying that the
63 employer of the other state is insured in that state and has
64 provided extraterritorial coverage insuring employees while
65 working in this state is prima facie evidence that the employer
66 carries workers' compensation insurance.

67 (5) If in any appeal or other litigation the construction
68 of the laws of another jurisdiction is required, the courts
69 shall take judicial notice of such construction of the laws of
70 the other jurisdiction.

71 (6) If an employee has a claim under the workers'
72 compensation law of another state, territory, province, or
73 foreign nation for the same injury or occupational disease as
74 the claim filed in this state, the total amount of compensation
75 paid or awarded under such other workers' compensation law shall
76 be credited against the compensation due under the state
77 workers' compensation law.

78 (7) For purposes of this section, an employee is considered
79 to be temporarily in a state doing work for an employer if the
80 employee is working for no more than 10 consecutive days or no
81 more than 25 total days during a calendar year for the employer
82 in a state other than the state where the employee is primarily
83 employed.

84 (8) This section applies to any claim made on or after July
85 1, 2011, regardless of the date of the accident.

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