

ENROLLED
CS/HB 723

2011 Legislature

1 A bill to be entitled
2 An act relating to extraterritorial reciprocity in
3 workers' compensation claims; creating s. 440.094, F.S.;
4 providing extraterritorial coverage; exempting certain
5 employees working in this state and the employers of such
6 employees from the Workers' Compensation Law of this state
7 under certain conditions; providing requirements for the
8 establishment of prima facie evidence that the employer
9 carries certain workers' compensation insurance; requiring
10 courts to take judicial notice of the construction of
11 certain laws; providing requirements for claims made in
12 other states; providing criteria for employees to be
13 considered temporarily in a state; providing application;
14 providing an effective date.

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

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

20 440.094 Extraterritorial reciprocity.-

21 (1) If an employee in this state subject to this chapter
22 temporarily leaves the state incidental to his or her employment
23 and receives an accidental injury arising out of and in the
24 course of employment, the employee is, or the beneficiaries of
25 the employee if the injury results in death are, entitled to the
26 benefits of this chapter as if the employee were injured within
27 this state.

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28 (2) An employee from another state and the employer of the
 29 employee in the other state are exempt from this chapter while
 30 the employee is temporarily in this state doing work for the
 31 employer if:

32 (a) The employer has furnished workers' compensation
 33 insurance coverage under the workers' compensation insurance or
 34 similar laws of the other state to cover the employee's
 35 employment while in this state;

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

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

41 (3) The benefits under the workers' compensation insurance
 42 or similar laws of the other state, or other remedies under
 43 similar law, are the exclusive remedy against the employer for
 44 any injury, whether resulting in death or not, received by the
 45 employee while temporarily working for that employer in this
 46 state.

47 (4) A certificate from the duly authorized officer of the
 48 appropriate department of another state certifying that the
 49 employer of the other state is insured in that state and has
 50 provided extraterritorial coverage insuring employees while
 51 working in this state is prima facie evidence that the employer
 52 carries that workers' compensation insurance.

53 (5) Whenever in any appeal or other litigation the
 54 construction of the laws of another jurisdiction is required,
 55 the courts shall take judicial notice of such construction of

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56 the laws of the other jurisdiction.

57 (6) When an employee has a claim under the workers'
58 compensation law of another state, territory, province, or
59 foreign nation for the same injury or occupational disease as
60 the claim filed in this state, the total amount of compensation
61 paid or awarded under such other workers' compensation law shall
62 be credited against the compensation due under the Florida
63 Workers' Compensation Law.

64 (7) For purposes of this section, an employee is
65 considered to be temporarily in a state doing work for an
66 employer if the employee is working for his employer in a state
67 other than the state where he or she is primarily employed, for
68 no more than 10 consecutive days, or no more than 25 total days,
69 during a calendar year.

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

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