

By the Committee on Banking and Insurance; and Senator Bennett

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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 be 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          amending s. 440.12, F.S.; authorizing a worker's  
29          compensation insurance carrier to provide compensation

597-02877-11

20111286c1

30 payments through the use of prepaid cards under  
31 certain circumstances; requiring the carrier to  
32 maintain records of the payments made and the time and  
33 manner of the payments; amending s. 440.20, F.S.;  
34 providing that the obligation of a workers'  
35 compensation insurance carrier to pay compensation  
36 directly to an employee is satisfied by providing  
37 compensation through the use of a prepaid card;  
38 providing an effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Section 440.094, Florida Statutes, is created to  
43 read:

44 440.094 Extraterritorial reciprocity.-

45 (1) If an employee in this state who is subject to this  
46 chapter temporarily leaves the state incidental to his or her  
47 employment and receives an accidental injury arising out of and  
48 in the course of employment, the employee, or the beneficiaries  
49 of the employee if the injury results in death, is entitled to  
50 the benefits of this chapter as if the employee were injured  
51 within this state.

52 (2) An employee from another state and the employer of the  
53 employee in the other state are exempt from this chapter while  
54 the employee is temporarily in this state doing work for the  
55 employer if:

56 (a) The employer has furnished workers' compensation  
57 insurance coverage under the workers' compensation insurance or  
58 similar laws of the other state to cover the employee's

597-02877-11

20111286c1

59 employment while in this state;

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

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

65 (3) The benefits under the workers' compensation insurance  
66 or similar laws of the other state, or other remedies under  
67 similar laws, are the exclusive remedy against the employer for  
68 any injury, whether resulting in death or not, received by the  
69 employee while temporarily working for that employer in this  
70 state.

71 (4) A certificate from the duly authorized officer of the  
72 appropriate department of another state certifying that the  
73 employer of the other state is insured in that state and has  
74 provided extraterritorial coverage insuring employees while  
75 working in this state is prima facie evidence that the employer  
76 carries workers' compensation insurance.

77 (5) If in any appeal or other litigation the construction  
78 of the laws of another jurisdiction is required, the courts  
79 shall take judicial notice of such construction of the laws of  
80 the other jurisdiction.

81 (6) If an employee has a claim under the workers'  
82 compensation law of another state, territory, province, or  
83 foreign nation for the same injury or occupational disease as  
84 the claim filed in this state, the total amount of compensation  
85 paid or awarded under such other workers' compensation law shall  
86 be credited against the compensation due under the state  
87 workers' compensation law.

597-02877-11

20111286c1

88       (7) For purposes of this section, an employee is considered  
89 to be temporarily in a state doing work for an employer if the  
90 employee is working for no more than 10 consecutive days or no  
91 more than 25 total days during a calendar year for the employer  
92 in a state other than the state where the employee is primarily  
93 employed.

94       (8) This section applies to any claim made on or after July  
95 1, 2011, regardless of the date of the accident.

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

98       440.12 Time for commencement and limits on weekly rate of  
99 compensation.—

100       (1) ~~No~~ Compensation is not shall be allowed for the first 7  
101 days of the disability, except for benefits provided under ~~for~~  
102 ~~in~~ s. 440.13. However, if the injury results in disability of  
103 more than 21 days, compensation shall be allowed from the  
104 commencement of the disability.

105       (a) All weekly compensation payments, except for the first  
106 payment, shall be paid by check or, if authorized by the  
107 employee, on a prepaid card pursuant to paragraph (b) or  
108 deposited directly into the employee's account at a financial  
109 institution. As used in this subsection, the term "financial  
110 institution" means a financial institution as defined in s.  
111 655.005(1)(h).

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

114       1. Provided with at least one means of accessing his or her  
115 entire compensation payment once per week without incurring  
116 fees;

597-02877-11

20111286c1

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

119 3. Given the option of receiving compensation payments by  
120 direct deposit into his or her personal account at a financial  
121 institution.

122 (c) Each carrier shall keep a record of all payments made  
123 under this subsection and the time and manner of such payments,  
124 and shall furnish these records, or a report based on these  
125 records, to the Bureau of Workers' Compensation Fraud upon  
126 request.

127 Section 3. Paragraph (a) of subsection (1) of section  
128 440.20, Florida Statutes, is amended to read:

129 440.20 Time for payment of compensation and medical bills;  
130 penalties for late payment.-

131 (1) (a) Unless it denies compensability or entitlement to  
132 benefits, the carrier shall pay compensation directly to the  
133 employee as required by ss. 440.14, 440.15, and 440.16, in  
134 accordance with the obligations set forth in those such  
135 ~~sections. If authorized by the employee,~~ The carrier's  
136 obligation to pay compensation directly to the employee is  
137 satisfied when the carrier directly deposits, by electronic  
138 transfer or other means, compensation into the employee's  
139 account at a financial institution or onto a prepaid card in  
140 accordance with s. 440.12(1). As used in this paragraph, the  
141 term "financial institution" means a financial institution as  
142 defined in s. 655.005(1) ~~(h)~~. Compensation by direct deposit or  
143 through the use of a prepaid card is considered paid on the date  
144 the funds become available for withdrawal by the employee.

145 Section 4. This act shall take effect July 1, 2011.