



854368

LEGISLATIVE ACTION

Senate

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House

The Committee on Banking and Insurance (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 161 and 162

insert:

Section 4. Effective July 1, 2020, paragraph (d) of subsection (1) of section 440.10, Florida Statutes, is amended to read:

440.10 Liability for compensation.—

(1)

(d)1. If a contractor becomes liable for the payment of



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11 compensation to the employees of a subcontractor who has failed
12 to secure such payment in violation of s. 440.38, the contractor
13 or other third-party payor shall be entitled to recover from the
14 subcontractor all benefits paid or payable plus interest unless
15 the contractor and subcontractor have agreed in writing that the
16 contractor will provide coverage.

17 2. If a contractor or third-party payor becomes liable for
18 the payment of compensation to the corporate officer of a
19 subcontractor who is engaged in the construction industry and
20 has elected to be exempt from the provisions of this chapter,
21 but whose election is invalid, the contractor or third-party
22 payor may recover from the claimant or corporation all benefits
23 paid or payable plus interest, unless the contractor and the
24 subcontractor have agreed in writing that the contractor will
25 provide coverage.

26 3. If a contractor or subcontractor and an employee leasing
27 company are operating pursuant to an arrangement for employee
28 leasing as defined in s. 468.520(4) and workers' compensation
29 insurance is provided by the employee leasing company to the
30 leased employees, a person is deemed an employee of the employee
31 leasing company for purposes of workers' compensation insurance,
32 unless the contractor or subcontractor has secured additional
33 workers' compensation coverage applicable to the employee,
34 effective upon the earliest of the following:

35 a. The hiring of the person by the contractor or
36 subcontractor.

37 b. The commencement of work by the person for the
38 contractor or subcontractor.

39 c. The hiring of the person directly by the employee



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40 leasing company.

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

43 And the title is amended as follows:

44 Delete line 15

45 and insert:

46 requirements; amending s. 440.10, F.S.; specifying,
47 under certain circumstances and for purposes of
48 workers' compensation insurance, when a person is
49 deemed an employee of an employee leasing company
50 operating in an arrangement with a contractor or
51 subcontractor; amending s. 440.381, F.S.; revising a