

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Insurance & Banking  
2 Subcommittee

3 Representative Santiago offered the following:

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5 **Amendment (with title amendment)**

6 Between lines 56 and 57, insert:

7 Section 2. Paragraph (a) of subsection (1) of section  
8 440.12, Florida Statutes, is amended to read:

9 440.12 Time for commencement and limits on weekly rate of  
10 compensation.—

11 (1) Compensation is not allowed for the first 7 days of  
12 the disability, except for benefits provided under s. 440.13.  
13 However, if the injury results in more than 21 days of  
14 disability, compensation is allowed from the commencement of the  
15 disability.

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16 (a) All weekly compensation payments, except for the first  
17 payment, must be paid by check or, if authorized by the  
18 employee, on a prepaid card pursuant to paragraph (b) or  
19 deposited directly into the employee's account at a financial  
20 institution as defined in s. 655.005 or transmitted to the  
21 employee's account with a money transmitter licensed under part  
22 II of chapter 560.

23 Section 3. Paragraph (a) of subsection (1) and paragraph  
24 (a) of subsection (6) of section 440.20, Florida Statutes, are  
25 amended to read:

26 440.20 Time for payment of compensation and medical bills;  
27 penalties for late payment.—

28 (1)(a) Unless the carrier denies compensability or  
29 entitlement to benefits, the carrier shall pay compensation  
30 directly to the employee as required by ss. 440.14, 440.15, and  
31 440.16, in accordance with those sections. Upon receipt of the  
32 employee's authorization as provided for in s. 440.12(1)(a), the  
33 carrier's obligation to pay compensation directly to the  
34 employee is satisfied when the carrier directly deposits, by  
35 electronic transfer or other means, compensation into the  
36 employee's account at a financial institution as defined in s.  
37 655.005 or onto a prepaid card in accordance with s. 440.12(1)  
38 or transmits the employee's compensation to the employee's  
39 account with a money transmitter licensed under part II of  
40 chapter 560. Compensation by direct deposit or through the use

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41 of a prepaid card or through transmission is considered paid on  
42 the date the funds become available for withdrawal by the  
43 employee.

44 (6) (a) If any installment of compensation for death or  
45 dependency benefits, or compensation for disability benefits  
46 payable without an award is not paid within 7 days after it  
47 becomes due, as provided in subsection (2), subsection (3), or  
48 subsection (4), there shall be added to such unpaid installment  
49 a penalty of an amount equal to 20 percent of the unpaid  
50 installment, which shall be paid at the same time as, but in  
51 addition to, such installment of compensation. This penalty  
52 shall not apply for late payments resulting from conditions over  
53 which the employer or carrier had no control. When any  
54 installment of compensation payable without an award has not  
55 been paid within 7 days after it became due and the claimant  
56 concludes the prosecution of the claim before a judge of  
57 compensation claims without having specifically claimed  
58 additional compensation in the nature of a penalty under this  
59 section, the claimant will be deemed to have acknowledged that,  
60 owing to conditions over which the employer or carrier had no  
61 control, such installment could not be paid within the period  
62 prescribed for payment and to have waived the right to claim  
63 such penalty. However, during the course of a hearing, the judge  
64 of compensation claims shall on her or his own motion raise the  
65 question of whether such penalty should be awarded or excused.

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66 The department may assess without a hearing the penalty against  
67 either the employer or the carrier, depending upon who was at  
68 fault in causing the delay. The insurance policy cannot provide  
69 that this sum will be paid by the carrier if the department or  
70 the judge of compensation claims determines that the penalty  
71 should be paid by the employer rather than the carrier. Any  
72 additional installment of compensation paid by the carrier  
73 pursuant to this section shall be paid directly to the employee  
74 by check or, if authorized by the employee, by direct deposit  
75 into the employee's account at a financial institution or by  
76 transmission to the employee's account with a money transmitter  
77 licensed under part II of chapter 560.

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**T I T L E   A M E N D M E N T**

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Between lines 4 and 5, insert:

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amending s. 440.12, F.S.; providing that an employee

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receiving workers' compensation payments may authorize

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a carrier to transmit compensation payments to a money

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transmitter; amending s. 440.20, F.S.; specifying that

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the carrier's transmission of compensation to the

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employee's money transmitter account satisfies the

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carrier's obligation to pay compensation directly to

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the employee;

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