CHAPTER 2014-131

Committee Substitute for House Bill No. 785

An act relating to workers' compensation; amending s. 440.13, F.S.; providing that oral vitamins, nutrient preparations, dietary supplements, and certain medical food are not reimbursable; amending s. 627.072, F.S.; authorizing employers to negotiate the retrospectively rated premium with insurers under certain conditions; providing an exemption; providing requirements for the filing and approval of such plans and associated forms; providing requirements for insurers engaging in the negotiation of premiums with eligible employers; providing applicability; providing construction with respect to the passage of similar legislation; amending s. 627.281, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Paragraph (k) is added to subsection (3) of section 440.13, Florida Statutes, to read:

440.13 Medical services and supplies; penalty for violations; limitations.

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(k) Reimbursement shall not be made for oral vitamins, nutrient preparations, or dietary supplements. Reimbursement shall not be made for medical food, as defined in 21 U.S.C. s. 360ee(b)(3), unless the self-insured employer or the carrier in its sole discretion authorizes the provision of such food. Such authorization may be limited by frequency, type, dosage, and reimbursement amount of such food as part of a proposed written course of medical treatment.

Section 2. Subsections (2), (3), and (4) of section 627.072, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and a new subsection (2) is added to that section, to read:

627.072 Making and use of rates.—

(2) A retrospective rating plan may contain a provision that allows for negotiation of a premium between the employer and the insurer for employers having exposure in more than one state and an estimated annual standard premium in this state of $100,000 or more and an estimated annual countrywide standard premium of $750,000 or more for workers' compensation. Provisions within a retrospective rating plan authorizing negotiated premiums are exempt from subsection (1). Such plans and associated forms must be filed by a rating organization and approved by the office. However, a premium negotiated between the employer and the insurer pursuant to an approved retrospective rating plan is not subject to this part. Only insurers having at least $500 million in surplus as to policyholders may engage in the negotiation of premiums with eligible employers.

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Section 3.   If this act and CS/CS/HB 565, 1st Eng., 2014 Regular Session, or similar legislation are adopted in the same legislative session or an extension thereof and become law, and the respective provisions of such acts adding a new subsection (2) to s. 627.072, Florida Statutes, differ, it is the intent of the Legislature that the amendments made by this act to s. 627.072, Florida Statutes, shall control over the language of CS/CS/HB 565, 1st Eng., or similar legislation, regardless of the order in which they are enacted.

Section 4.   Subsection (2) of section 627.281, Florida Statutes, is amended to read:

627.281   Appeal from rating organization; workers' compensation and employer's liability insurance filings.—

(2)   If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense provisions which differs, in accordance with the right granted in s. 627.072(3) 627.072(2), from the system of expense provisions included in a filing made by the rating organization, the office shall, if it grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal, the office shall apply the applicable standards set forth in ss. 627.062 and 627.072.

Section 5.   This act shall take effect July 1, 2014.

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.