

69L-24.0231 Benefits and Administration Trust Fund Penalties Improper Filing Practices.

(1)(a) Failure to timely file, by electronic or paper submission, legible and complete forms, reports, or documents as required by Chapter 440, F.S., Chapter 69L-3, F.A.C., or other Division rules implementing Chapter 440, F.S., shall subject the party required to file such form, report or document to assessment by the Division of an Administrative fine. For purposes of this rule, a paper form, report or document is timely filed when it is postmarked and mailed prepaid prior to the expiration of the time periods prescribed in this rule, and Chapter 69L-3, F.A.C. For purposes of this rule, if disability is immediate and continuous for 8 or more calendar days after the injury, an electronic equivalent of a First Report of Injury or Illness will be considered timely filed with the Division when it is received by the Division on or before the 21st day after the carrier's knowledge of the injury and is assigned an acknowledgement code of Transaction Accepted (TA). If the first 7 days of disability are nonconsecutive or delayed, the electronic equivalent of a First Report of Injury or Illness will be considered timely filed with the Division when it is received by the Division on or before the 13th day after the carrier's knowledge of the 8th day of disability and is assigned an acknowledgement code of Transaction Accepted (TA). Penalties shall be assessed as follows:

(b) DWC-1, First Report of Injury or Illness. Employers shall be penalized for each DWC-1 that is not timely filed with the carrier or servicing agent as follows:

1. \$100 for one through seven days of untimely filing;
2. \$200 for eight through 14 days of untimely filing;
3. \$300 for 15 through 21 days of untimely filing;
4. \$400 for 22 through 28 days of untimely filing; or
5. \$500 for over 28 days of untimely filing.

(c) Carriers shall be penalized for each DWC-1 that is not timely filed with the Division as follows:

1. \$100 for one through seven days of untimely filing;
2. \$200 for eight through 14 days of untimely filing;
3. \$300 for 15 through 21 days of untimely filing;
4. \$400 for 22 through 28 days of untimely filing; or
5. \$500 for over 28 days of untimely filing.

(d) If the electronic First Report of Injury or Illness is assigned an Application Acknowledgement Code of Transaction Accepted (TA) within 30 days after the Claim Administrator, as defined in Rule 69L-56.002, F.A.C., is first approved and required by the Division to send electronic First Reports of Injury or Illness to the Division pursuant to paragraph 69L-56.300(1)(d), F.A.C., the Insurer, as defined in Rule 69L-56.002, F.A.C., shall not be assessed a filing penalty pursuant to paragraph 69L-24.0231(1)(c), F.A.C., based on the filing requirements established in subsections 69L-56.301(1) and (2), F.A.C. After the completion of the 30 day period referenced above, all electronic First Reports of Injury or Illness must be assigned an Application Acknowledgement Code of Transaction Accepted (TA) by the Division within the required filing timeframes established in subsections 69L-56.301(1) and (2), F.A.C., to be considered timely filed.

(2) Improper Disposition of Medical Bill Penalties. Any penalty imposed on a carrier or self-insured for the improper disposition of medical bills when such disposition is below 90 percent compliance, after 7-1-94, shall be assessed, per quarter, as follows:

80% through 89.99%	1/4 percent of the prior year's assessment levied under Section 440.51, F.S., against the entity being fined.
70% through 79.99%	1/2 percent of the prior year's assessment levied under Section 440.51, F.S., against the entity being fined.
60% through 69.99%	3/4 percent of the prior year's assessment levied under Section 440.51, F.S., against the entity being fined.
0% through 59.99%	1 percent of the prior year's assessment levied under Section 440.51, F.S., against the entity being fined.

(3)(a) Penalty to the Administration Trust Fund. Any fine imposed on any carrier or servicing agent that is payable to the Administration Trust Fund for untimely payment of compensation benefits which were paid on or after 1-1-94 shall be as follows:

(b) \$50 for each late payment of compensation which is below 90 percent compliance not to exceed one percent of the prior

year's assessment levied under Section 440.51, F.S.;

(4) Benefit Penalty without an Award. Any penalty payable to the employee for the untimely payment of compensation benefits, on dates of accident on or after 1-1-94, payable without an award, shall be as follows:

(a) 20 percent on the first of any late installments of compensation not paid within seven days after it becomes due;

(b) \$5 per subsequent installment of compensation not paid within seven days after it becomes due; and

(c) For dates of accident prior to 1-1-94, the penalty shall be the greater of 10 percent or \$5 for any installment of compensation not paid within 14 days after it becomes due.

(5) Benefit Penalty with an Award. Any penalty for the untimely payment of compensation for dates of accident on or after 1-1-94 payable under the terms of an award shall be 20 percent of such unpaid compensation not paid within 37 days after the date the order is mailed to the parties, unless review of the compensation order making such award is taken as provided in Section 440.25, F.S. For dates of accidents prior to 1-1-94, the penalty shall be 20 percent of such unpaid compensation not paid within 60 days after the date the order is mailed to the parties, unless review of the compensation order making such award is taken as provided in Section 440.25, F.S.

(6) When a servicing agent is under contract with a carrier to fulfill the carrier's administrative responsibilities under this chapter, the payment practices of the servicing agent are deemed the payment practices of the carrier, in which case the carrier shall be the responsible party for any penalties assessed under this section.

Specific Authority 440.13(11)(b), 440.185, 440.591, 440.593(5) FS. Law Implemented 440.13(11)(b), 440.185(9), 440.20(8)(a) FS. History—New 8-29-94, Amended 5-14-95, 6-4-97, 11-28-01, Formerly 38F-24.0231, 4L-24.0231, Amended 1-8-04, 5-8-08.