

Workers Compensation Benefit Overview – Florida

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

Indemnity Issues

<p>Temporary Total Benefits</p>	<p>Calculated: $AWW \times 66 \frac{2}{3}\% = \text{Comp Rate (TTD Rate)}$ Min: \$20.00 per week; Max: \$765.00 per week; Wait Period is the first 7 days of economic loss regardless of TTD or TPD benefits (could be combined benefits), these benefits can be retroactive, these benefits are maxed at 104 weeks combined with TTD, TPD and/or RTT</p>
<p>Temporary Partial Benefits</p>	<p>Calculated: $AWW \times 80\% - \text{earnings (salary, wages and other remuneration the employee is able to earn)} \times 80\% = \text{TPD Rate.}$ Min: \$20.00 per week; Max: \$765.00; Wait Period is the first 7 days of economic loss regardless of TTD or TPD benefits (could be combined benefits), these benefits can be retroactive, these benefits are maxed at 104 weeks combined with TTD, TPD and/or RTT.</p>
<p>Permanent Partial Benefits</p>	<p>Pre 10/1/03: due 20 days of Carrier knowledge of MMI information. Calculation: 3 wks for each % of impairment, paid at 50% of the average TTD Rate. Post 10/1/03: due 14 days of Carrier receipt of MMI information. Calculation: <ul style="list-style-type: none"> • 1 thru 10% = 2 wks for each % • 11 thru 15% = 3 wks for each % • 16 thru 20% = 4 wks for each % • >21% = 6 wks for each % Ex: 18% impairment: 20 wks (10% x 2) + 15 wks (5% x 3) + 12 weeks(3% x 4) = 47 weeks due. Paid at 75% of the average TTD Rate, if RTW reduced by additional 50%. Entitlement begins day after MMI date. These could be retroactive. Determined Body As A Whole, Florida Impairment guidelines.</p>

Permanent Total Benefits	<p>Calculated: AWW x 66 2/3% = Comp Rate Min: \$20.00 per week; Max: \$765.00 per week; Wait Period is the first 7 days of economic loss regardless of what benefits except PPD (could be combined benefits), these benefits can be retroactive. Limits: • Pre 10/1/03: Lifetime • Post 10/1/03: to age 75, If accident occurs after age 70, maximum PT is 5 years.</p>
Fatality Benefits	<p>Pre 10/1/03 Burial = \$5000.00 Maximum Max Benefit = \$100,000.00 Compensation to aliens not residents of the US or Canada shall not exceed \$50,000.00 Post 10/1/03</p> <ul style="list-style-type: none"> • Burial = \$7500.00 Maximum • Max benefit = \$150,000.00 • Compensation to aliens not residents of the US or Canada shall not exceed \$75,000.00. <p>All Dates of Accident:</p> <ul style="list-style-type: none"> • Combined weekly benefit never exceeds 66 2/3% (.6667) regardless of number of dependents. • Spouse with no dependent = 50% of AWW to cease at spouses death. • Spouse + 1 or more Total Dependents: Pay at 50% of AWW to spouse (don't include prior TT paid) and in addition 16 2/3% of AWW payable to child or children. Max still \$100,000.00 for accidents prior to 10/1/03 and maximum of \$150,000.00 for 10/1/03 and after. • To the child or children if no spouse: Pay benefits at 33 1/3% of AWW up to .6667% of AWW for each child. • Upon spouse's remarriage pay 26 weeks lump sum at 50% of AWW (no impact to child/children continued benefit) not to exceed \$150,000.00 • If no spouse or dependent child but there exists a dependent parent of the deceased, benefits are paid at 25% of AWW to each. • If no spouse or dependent child but there exists a dependent brother, sister or grandchild of the deceased, benefits are paid at 15% of AWW to each. • The dependence of a child, except physically or mentally incapacitated from earning a living shall terminate at 18 years of age or at age 22 if a full time student in an accredited educational institution, or upon marriage.
Vocational Rehabilitation	Retraining, not required; Max 52 weeks. This is included in the 104 weeks of temporary benefits, TT/TP/RTT.
Settlement Allowed	Indemnity and Medical can be settlement together or separate; approval needed only if claimant is not represented by counsel.

Cap on benefits, exceptions	104 weeks for TT/TPD benefits, PT Maximum; ends at age 75 or if accident occurs after age 70, 5 year maximum for PT.
-----------------------------	---

Medical Issues

Initial Choice of Provider	Yes, Choice of 3 PCP's
Change of Provider	One time in life of claim except PCP
Medical Fee Schedule	Yes, State Mandated
Resolution of Reimbursement Disputes	Providers have 30 days to submit a Petition to contest carrier disallowance or adjustment of payment. Failure to submit a Carrier Response within 10 days constitutes a waiver of all objections to the Petition and can result in fees above and beyond the disallowance/adjustment.
Managed Care	Voluntary, however we are Managed Care Carrier and it is our standard product.
Utilization Review	Yes
Treatment Guidelines	Practice parameters and protocols adopted by the United States Agency for Healthcare Research and Quality in effect on Jan 1, 2003 (440.13).
Medical Mileage Reimbursement Rate	44.5 cents per mile payable to claimant
Ability to Terminate Medical Treatment	Only through IME, court order or if the Statute of Limitations has run.
Settlement Allowed	Yes
Cap on benefits, exceptions	No

Other Issues

Staff Counsel	<ul style="list-style-type: none"> * Law Office of Jeffrey G. Slater, 2420 Lakemont Ave, Ste 125, Orlando, FL 32814, Ph 407-388-2905 * Law Offices of Robert F. Tacher, 3230 W Commercial Blvd Ste 250, Ft. Lauderdale, FL 33309, Ph 954-677-3701 * Law Offices of Esther B. Nickas, 100 S Biscayne Blve Ste 1010, Miami, FL 33131, Ph 305-371-6611
---------------	--

	*Law Offices of Jack D. Evans, 5401 West Kennedy Blvd., Ste 800 Tampa, FL 33609.
Hearings require attorney or claim handler participation	Both attorney and claim handler to be present.
Occupational Diseases	Acceptable diseases listed in Statute (440.151)
Second Injury Fund availability	No
Other Offset Opportunities	Apportionment, SSN, overpayment, child support, unemployment compensation, post injury earnings.
Second Injury Fund availability	No

State workers compensation website link: <http://www.fldfs.com/wc/>