

A Quick Look at Florida Workers' Compensation

- **WAITING PERIOD:** Waiting period is **7 days**. If the injury results in disability of more than 21 days, benefits must be paid from the date of disability.
- **DEADLINE FOR CLAIM DENIAL:** Unless claim is denied, benefits are payable no later than 14th day after notification of injury or death. *Benefits may be started without admitting liability.* After investigation, claim must be admitted or denied within **120 days** of the initial date of compensation.
- **STATUTE OF LIMITATIONS:** Employee must file Petition for Benefits within **2 years** from the date of injury, or the date employee should have known if injury or death arose out of work performed in the course and scope of employment. Payment of benefits, or provided medical treatment tolls the limitation period for 1 year from the last payment.
- **MILEAGE REIMBURSEMENT:** Reasonable and necessary travel costs between employee's home or work and location of medical treatment are reimbursed at the rate of **44.5¢** per mile.

COMMONLY USED FORMS

- DWC-1 First Report of Injury
- DWC-1a Wage Statement
- DWC-3 Request for Wage Loss/Temporary Partial Benefits
- DWC-4 Notice of Action Change
- DWC-12 Notice of Denial
- DWC-13 Claim Cost Report
- DWC-14 Request for Social Security Disability Benefit Information
- DWC-19 Employee Earning Report
- DWC-30 Authorization and Request for Unemployment Compensation
- Form RPFB Response to Petition for Benefits

MAXIMUM COMPENSATION RATES BY YEAR

2006	\$683.00	2012	\$803.00	2018	\$917.00
2007	\$724.00	2013	\$816.00	2019	\$939.00
2008	\$746.00	2014	\$827.00	2020	\$971.00
2009	\$765.00	2015	\$842.00	2021	\$1,011.00
2010	\$772.00	2016	\$863.00	2022	\$1,099.00
2011	\$782.00	2017	\$886.00	2023	\$1,197.00

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Types of Benefits

- **COMPENSATION RATE:** Compensation rate is equal to **66 2/3%** of employee's average weekly wage, subject to statutory maximum in effect on the date of the injury.
- **TEMPORARY TOTAL DISABILITY:** Paid if employee is temporarily disabled (unable to work). Benefits are paid at the compensation rate, up to **104 weeks** of payments. Upon reaching maximum number of weeks, or maximum medical improvement (whichever is first) TTD benefits cease, and permanent impairment is determined.
- **TEMPORARY PARTIAL DISABILITY:** Benefit equals 80% of the difference between 80% of the employee's average weekly wage and the salary or wages earned, as compared weekly, up to **104 weeks**. Weekly TPD benefits may not exceed the compensation rate. Upon reaching maximum number of weeks, benefits cease, and permanent impairment is determined.
- **MEDICAL TREATMENT:** Medically necessary treatment and care, including examination, testing, medicine, therapy, surgery, supplies/equipment, and prosthetic apparatus. Remedial treatment such as work-hardening or pain-management is covered if referred by treating physician. Treatment time depends on the nature of injury and process of recovery. Chiropractic treatment is limited to 24 sessions for up to 12 weeks from the first treatment.
- **PERMANENT TOTAL DISABILITY:** Paid if injury is catastrophic or employee is unable to work in at least sedentary employment within 50-mile radius of residence. Catastrophic injury is defined as: severe neurological (spinal cord, brain, sensory or motor, communication, cerebral) injuries; amputations; burns; and blindness. PTD benefits are payable to age 75 (or for five years if injured after age 70).
- **IMPAIRMENT BENEFITS:** Due within **14 days** after impairment rating is assigned, following maximum medical improvement or expiration of temporary benefits. Benefits paid weekly at 75% of compensation rate, or 50% if the employee is earning pre-injury wage. Benefit payment period is based on the impairment rating:
 - Impairment rating of **1% to 10%: 2 weeks** for each percentage point of impairment
 - Impairment rating of **11% to 15%: 3 weeks** for each percentage point of impairment
 - Impairment rating of **16% to 20%: 4 weeks** for each percentage point of impairment
- **DEATH BENEFITS:** Death benefits are payable if death results from the accident within 1 year or follows continuous disability and results within 5 years. Benefits include funeral expenses up to \$7,500 and compensation to dependants based on percentage of average weekly wage (varied by type of dependant).

DO NOT RELY ON THIS AS A COMPLETE GUIDE TO THE FLORIDA WORKERS' COMPENSATION ACT. TO MAKE THIS INFORMATION AS SUCCINCT AS POSSIBLE, WE HAVE GIVEN ONLY THE MOST GENERAL RULES AND HAVE NOT ATTEMPTED TO DISCUSS EXCEPTIONS. THERE ARE EXCEPTIONS TO ALMOST EVERY RULE. PLEASE CONTACT US FOR FURTHER INFORMATION.