



110072

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2012	.	
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The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment

Delete lines 754 - 808
and insert:

(6) EMPLOYER KNOWLEDGE, EFFECT ON REIMBURSEMENT.—

(a) Reimbursement is not allowed under this section unless it is established that the employer knew of the preexisting permanent physical impairment prior to the occurrence of the subsequent injury or occupational disease, and ~~that~~ the permanent physical impairment is one of the following:

1. Epilepsy.
2. Diabetes.



110072

- 13 3. Cardiac disease.
- 14 4. Amputation of foot, leg, arm, or hand.
- 15 5. Total loss of sight of one or both eyes or a partial
- 16 loss of corrected vision of more than 75 percent bilaterally.
- 17 6. Residual disability from poliomyelitis.
- 18 7. Cerebral palsy.
- 19 8. Multiple sclerosis.
- 20 9. Parkinson's disease.
- 21 10. Meniscectomy.
- 22 11. Patellectomy.
- 23 12. Ruptured cruciate ligament.
- 24 13. Hemophilia.
- 25 14. Chronic osteomyelitis.
- 26 15. Surgical or spontaneous fusion of a major weight-
- 27 bearing joint.
- 28 16. Hyperinsulinism.
- 29 17. Muscular dystrophy.
- 30 18. Thrombophlebitis.
- 31 19. Herniated intervertebral disk.
- 32 20. Surgical removal of an intervertebral disk or spinal
- 33 fusion.
- 34 21. One or more back injuries or a disease process of the
- 35 back resulting in disability over a total of 120 or more days,
- 36 if substantiated by a doctor's opinion that there was a
- 37 preexisting impairment to the claimant's back.
- 38 22. Total deafness.
- 39 23. Intellectual disability if ~~Mental retardation, provided~~
- 40 the employee's intelligence quotient is such that she or he
- 41 falls within the lowest 2 percentile of the general population.



110072

42 However, ~~it shall not be necessary for~~ the employer does not
43 need to know the employee's actual intelligence quotient or
44 actual relative ranking in relation to the intelligence quotient
45 of the general population.

46 24. Any permanent physical condition that ~~which~~, prior to
47 the industrial accident or occupational disease, constitutes a
48 20 percent ~~20 percent~~ impairment of a member or of the body as a
49 whole.

50 25. Obesity if, ~~provided~~ the employee is 30 percent or more
51 over the average weight designated for her or his height and age
52 in the Table of Average Weight of Americans by Height and Age
53 prepared by the Society of Actuaries using data from the 1979
54 Build and Blood Pressure Study.

55 26. Any permanent physical impairment as provided ~~defined~~
56 in s. 440.15(3) which is a result of a prior industrial accident
57 with the same employer or the employer's parent company,
58 subsidiary, sister company, or affiliate located within the
59 geographical boundaries of this state.

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