

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Brutus offered the following:

Amendment

On page 17, line 27 through page 18, line 12,
remove from the bill: all of said lines

and insert in lieu thereof: (b) A catastrophic injury as defined in s. 440.02 shall, in the absence of conclusive proof of a substantial earning capacity, constitute permanent total disability. Permanent total disability shall be determined based upon the facts in all other cases. Compensation shall be payable under this subsection if the employee has no substantial earning capacity. An employee has no substantial earning capacity if the employee is unable to work uninterruptedly, either on a full-time or part-time basis, including sedentary work, within a reasonable radius of the employee's residence. Only claimants with catastrophic injuries are eligible for permanent total benefits. In no other case may permanent total disability be awarded.

(d) If an employee who is being paid compensation for permanent total disability becomes rehabilitated to the extent

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1 that she or he establishes a substantial earning capacity, the
2 employee shall be paid, instead of the compensation provided
3 in paragraph (a), benefits pursuant to subsection (3). The
4 division shall adopt rules to enable a permanently and totally
5 disabled employee who may have reestablished a substantial
6 earning capacity to undertake a trial period of reemployment
7 without prejudicing her or his return to permanent total
8 status in the case that such employee is unable to sustain a
9 substantial earning capacity.
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