

Bill No. CS for CS for SB 1132

Amendment No. Barcode 301546

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Campbell moved the following amendment:

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13 **Senate Amendment**

14 On page 123, line 20, through
15 page 124, line 6, delete those lines

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17 and insert:

18 (b) ~~Only~~ A catastrophic injury as defined in s. 440.02
19 shall, in the absence of conclusive proof of a substantial
20 earning capacity, constitute permanent total disability. In
21 all other cases, no compensation shall be payable under
22 paragraph (a) if the employee is engaged in, or is physically
23 capable of engaging in, employment, including sheltered
24 employment. In order to obtain permanent total disability
25 benefits, the employee must establish that he or she is not
26 able uninterruptedly to engage in any employment, including
27 part-time sedentary employment or available sheltered
28 employment within a 50-mile radius of the employee's
29 residence, due to his or her physical limitation. "Sheltered
30 employment" means work unavailable in the open labor market
31 that is offered to the employee or which is actually performed

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1 by the employee as offered by the employer in whose employment
2 the injured worker was engaged at the time of the accident.
3 Such benefits shall be payable until the employee reaches age
4 70, notwithstanding any age limits. If the accident occurs on
5 or after the day on which the employee reaches age 65,
6 benefits shall be payable during the continuance of permanent
7 total disability, not to exceed 5 years following the
8 determination of permanent total disability. Only claimants
9 with catastrophic injuries or who are incapable of engaging in
10 employment, including sheltered employment as defined in this
11 paragraph, are eligible for permanent total benefits. In no
12 other case may permanent total disability be awarded.

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