

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative(s) Seiler, Gelber, Ross, Goodlette, Ritter, Brown, and Berfield offered the following:

Amendment (with title amendments)

Remove line(s) 4724 through 4749, and insert:

Section 31. Subsection (6) of section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.--

(6) TRAINING AND EDUCATION.--

(a) Upon referral of an injured employee by the carrier, or upon the request of an injured employee, the department shall conduct a training and education screening to determine whether it should refer the employee for a vocational evaluation and, if appropriate, approve training and education or other vocational services for the employee. The department may not approve formal training and education programs unless it determines, after consideration of the reemployment assessment, pertinent

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28 reemployment status reviews or reports, and such other relevant
29 factors as it prescribes by rule, that the reemployment plan is
30 likely to result in return to suitable gainful employment. The
31 department is authorized to expend moneys from the Workers'
32 Compensation Administration Trust Fund, established by s.
33 440.50, to secure appropriate training and education at a
34 community college established under part III of chapter 240 or
35 at a vocational-technical school established under s. 230.63, or
36 to secure other vocational services when necessary to satisfy
37 the recommendation of a vocational evaluator. As used in this
38 paragraph, "appropriate training and education" includes
39 securing a general education diploma (GED), if necessary. The
40 department shall establish training and education standards
41 pertaining to employee eligibility, course curricula and
42 duration, and associated costs.

43 (b) When ~~it appears that~~ an employee who has attained
44 maximum medical improvement is unable to earn at least 80
45 percent of the compensation rate and requires training and
46 education to obtain suitable gainful employment, the employer or
47 carrier shall pay the employee additional training and education
48 temporary total compensation benefits while the employee
49 receives such training and education for a period not to exceed
50 104 weeks. The benefits provided under this paragraph shall not
51 be in addition to the 104 weeks as specified in s. 440.15(2) 26
52 weeks, which period may be extended for an additional 26 weeks
53 or less, if such extended period is determined to be necessary
54 and proper by a judge of compensation claims. However, a
55 carrier or employer is not precluded from voluntarily paying
56 additional temporary total disability compensation beyond that

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57 period. If an employee requires temporary residence at or near a
58 facility or an institution providing training and education
59 which is located more than 50 miles away from the employee's
60 customary residence, the reasonable cost of board, lodging, or
61 travel must be borne by the department from the Workers'
62 Compensation Administration Trust Fund established by s. 440.50.
63 An employee who refuses to accept training and education that is
64 recommended by the vocational evaluator and considered necessary
65 by the department will forfeit any additional training and
66 education benefits and any additional payment for lost wages
67 under this chapter. The department shall adopt rules to
68 implement this section, which shall include requirements placed
69 upon the carrier to notify the injured employee of the
70 availability of training and education benefits as specified in
71 this chapter. The department shall also include information
72 regarding the eligibility for training and education benefits in
73 informational materials specified in ss. 440.207 and 440.40 ~~is~~
74 ~~subject to a 50-percent reduction in weekly compensation~~
75 ~~benefits, including wage-loss benefits, as determined under s.~~
76 ~~440.15(3)(b).~~

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78 ===== T I T L E A M E N D M E N T =====

79 Remove line(s) 80 through 81, and insert:
80 amending s. 440.49, F.S., to conform cross references; amending
81 s. 440.491, F.S.; providing training and education requirements
82 and benefits relating to reemployment of injured workers;
83 providing for rules; amending s. 440.525, F.S.; providing for
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