

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

Remove line(s) 3054 through 3079, and insert:

(b) ~~Only~~ A catastrophic injury as defined in s. 440.02(38) shall, in the absence of conclusive proof of a substantial earning capacity, constitute permanent total disability. In all other cases, no compensation shall be payable under paragraph (a) if the employee is engaged in, or is physically capable of engaging in, employment, including sedentary employment. In order to obtain permanent total disability benefits, the employee must establish that he or she is not able uninterruptedly to engage in any employment, including sedentary employment, within a 50-mile radius of the employee's residence, due to his or her physical limitation. Such benefits shall be payable until the employee reaches age 75, notwithstanding any

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28 age limits. If the accident occurred on or after the employee
29 reaches age 70, benefits shall be payable during the continuance
30 of permanent total disability, not to exceed 5 years following
31 the determination of permanent total disability. Only claimants
32 with catastrophic injuries or claimants who are incapable of
33 engaging in employment, as described in this paragraph, are
34 eligible for permanent total benefits. In no other case may
35 permanent total disability be awarded.
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