

Bill No. HB 1837, 2nd Eng.

Amendment No. ____ Barcode 902180

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Atwater moved the following amendment:		
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13	Senate Amendment		
14	Lines 4704-4764, delete those lines		
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16	and insert:		
17	Section 31. Subsection (6) of section 440.491, Florida		
18	Statutes, is amended to read:		
19	440.491 Reemployment of injured workers;		
20	rehabilitation.--		
21	(6) TRAINING AND EDUCATION.--		
22	(a) Upon referral of an injured employee by the		
23	carrier, or upon the request of an injured employee, the		
24	department shall conduct a training and education screening to		
25	determine whether it should refer the employee for a		
26	vocational evaluation and, if appropriate, approve training		
27	and education or other vocational services for the employee.		
28	The department may not approve formal training and education		
29	programs unless it determines, after consideration of the		
30	reemployment assessment, pertinent reemployment status reviews		
31	or reports, and such other relevant factors as it prescribes		

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1 by rule, that the reemployment plan is likely to result in
2 return to suitable gainful employment. The department is
3 authorized to expend moneys from the Workers' Compensation
4 Administration Trust Fund, established by s. 440.50, to secure
5 appropriate training and education at a community college
6 established under part III of chapter 240 or at a
7 vocational-technical school established under s. 230.63, or to
8 secure other vocational services when necessary to satisfy the
9 recommendation of a vocational evaluator. As used in this
10 paragraph, "appropriate training and education" includes
11 securing a general education diploma (GED), if necessary. The
12 department shall establish training and education standards
13 pertaining to employee eligibility, course curricula and
14 duration, and associated costs.

15 (b) When ~~it appears that~~ an employee who has attained
16 maximum medical improvement is unable to earn at least 50
17 percent of the employee's average weekly wage prior to the
18 injury and requires training and education to obtain suitable
19 gainful employment, the employer or carrier shall pay the
20 employee additional training and education temporary total
21 compensation benefits while the employee receives such
22 training and education for a period not to exceed 104 weeks.
23 The benefits provided under this paragraph shall be included
24 in the 104 weeks as specified in s. 440.15(2) 26 weeks, which
25 period may be extended for an additional 26 weeks or less, if
26 such extended period is determined to be necessary and proper
27 by a judge of compensation claims. However, a carrier or
28 employer is not precluded from voluntarily paying additional
29 temporary total disability compensation beyond that period. If
30 an employee requires temporary residence at or near a facility
31 or an institution providing training and education which is

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1 | located more than 50 miles away from the employee's customary
2 | residence, the reasonable cost of board, lodging, or travel
3 | must be borne by the department from the Workers' Compensation
4 | Administration Trust Fund established by s. 440.50. An
5 | employee who refuses to accept training and education that is
6 | recommended by the vocational evaluator and considered
7 | necessary by the department will forfeit any additional
8 | training and education benefits and any additional payment for
9 | lost wages under this chapter. The department shall adopt
10 | rules to implement this section, which shall include
11 | requirements placed upon the carrier to notify the injured
12 | employee of the availability of training and education
13 | benefits as specified in this chapter. The department shall
14 | also include information regarding the eligibility for
15 | training and education benefits in informational materials
16 | specified in ss. 440.207 and 440.40 is subject to a 50-percent
17 | reduction in weekly compensation benefits, including wage-loss
18 | benefits, as determined under s. 440.15(3)(b).

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