

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Goodlette offered the following:

**Amendment**

Remove line(s) 3120-3140, and insert:  
employee disability during the continuance of such total  
disability. No compensation shall be payable under this section  
if the employee is engaged in, or is physically capable of  
engaging in, at least sedentary employment.

(b) In the following cases, an injured employee is  
presumed to be permanently and totally disabled unless the  
employer or carrier establishes that the employee is physically  
capable of engaging in at least sedentary employment within a  
50-mile radius of the employee's residence:

1. Spinal cord injury involving severe paralysis of an  
arm, a leg, or the trunk;

2. Amputation of an arm, a hand, a foot, or a leg  
involving the effective loss of use of that appendage;

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28 3. Severe brain or closed-head injury as evidenced by:

29 a. Severe sensory or motor disturbances;

30 b. Severe communication disturbances;

31 c. Severe complex integrated disturbances of cerebral  
32 function;

33 d. Severe episodic neurological disorders; or

34 e. Other severe brain and closed-head injury conditions at  
35 least as severe in nature as any condition provided in sub-  
36 subparagraphs a.-d.;

37 4. Second-degree or third-degree burns of 25 percent or  
38 more of the total body surface or third-degree burns of 5  
39 percent or more to the face and hands; or

40 5. Total or industrial blindness.

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42 In all other cases, in order to obtain permanent total  
43 disability benefits, the employee must establish that he or she  
44 is not able to engage in at least sedentary employment, within a  
45 50-mile radius of the employee's residence, due to his or her  
46 physical limitation. Such benefits shall be payable until the  
47 employee reaches age 75, notwithstanding any age limits. If the  
48 accident occurred on or after the employee reaches age 70,  
49 benefits shall be payable during the continuance of permanent  
50 total disability, not to exceed 5 years following the  
51 determination of permanent total disability. Only a catastrophic  
52 injury as defined in s. 440.02 shall, in the absence of  
53 conclusive proof of a substantial earning capacity, constitute  
54 permanent total disability. Only claimants with catastrophic  
55 injuries are eligible for permanent total benefits. In no other  
56 case may permanent total disability be awarded.

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