

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Goodlette offered the following:

Amendment

Remove line(s) 3130-3194, and insert:
residence, due to his or her physical limitation.

Entitlement to such benefits shall cease when the employee reaches age 75, unless the employee is not eligible for social security benefits under 42 U.S.C. s. 402 or s. 423 because the employee's compensable injury has prevented the employee from working sufficient quarters to be eligible for such benefits, notwithstanding any age limits. If the accident occurred on or after the employee reaches age 70, benefits shall be payable during the continuance of permanent total disability, not to exceed 5 years following the determination of permanent total disability. Only claimants with catastrophic injuries or claimants who are incapable of engaging in employment, as

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28 described in this paragraph, are eligible for permanent total
29 benefits. In no other case may permanent total disability be
30 awarded.

31 (c) In cases of permanent total disability resulting from
32 injuries that occurred prior to July 1, 1955, such payments
33 shall not be made in excess of 700 weeks.

34 (d) If an employee who is being paid compensation for
35 permanent total disability becomes rehabilitated to the extent
36 that she or he establishes an earning capacity, the employee
37 shall be paid, instead of the compensation provided in paragraph
38 (a), benefits pursuant to subsection (3). The department shall
39 adopt rules to enable a permanently and totally disabled
40 employee who may have reestablished an earning capacity to
41 undertake a trial period of reemployment without prejudicing her
42 or his return to permanent total status in the case that such
43 employee is unable to sustain an earning capacity.

44 (e)1. The employer's or carrier's right to conduct
45 vocational evaluations or testing by the employer's or carrier's
46 chosen rehabilitation advisor or provider pursuant to s. 440.491
47 continues even after the employee has been accepted or
48 adjudicated as entitled to compensation under this chapter and
49 costs for such evaluations and testing shall be borne by the
50 employer or carrier, respectively. This right includes, but is
51 not limited to, instances in which such evaluations or tests are
52 recommended by a treating physician or independent medical-
53 examination physician, instances warranted by a change in the
54 employee's medical condition, or instances in which the employee
55 appears to be making appropriate progress in recuperation. This
56 right may not be exercised more than once every calendar year.

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57 2. The carrier must confirm the scheduling of the
58 vocational evaluation or testing in writing, and must notify the
59 employee and the employee's counsel, if any, at least 7 days
60 before the date on which vocational evaluation or testing is
61 scheduled to occur.

62 3. ~~Pursuant to an order of the judge of compensation~~
63 ~~claims,~~ The employer or carrier may withhold payment of benefits
64 for permanent total disability or supplements for any period
65 during which the employee willfully fails or refuses to appear
66 without good cause for the scheduled vocational evaluation or
67 testing.

68 (f)1. If permanent total disability results from injuries
69 that occurred subsequent to June 30, 1955, and for which the
70 liability of the employer for compensation has not been
71 discharged under s. 440.20(11), the injured employee shall
72 receive additional weekly compensation benefits equal to 3 5
73 percent of her or his weekly compensation rate, as established
74 pursuant to the law in effect on the date of her or his injury,
75 multiplied by the number of calendar years since the date of
76 injury. The weekly compensation payable and the additional
77 benefits payable under this paragraph, when combined, may not
78 exceed the maximum weekly compensation rate in effect at the
79 time of payment as determined pursuant to s. 440.12(2).

80 ~~Entitlement to~~ These supplemental payments shall not be paid or
81 payable after the employee attains eease at age 62, regardless
82 of whether if the employee has applied for or is eligible to
83 apply is eligible for social security benefits under 42 U.S.C.
84 s. ~~ss.~~ 402 or s. ~~and~~ 423, unless the employee is not eligible
85 for social security benefits under 42 U.S.C. s. 402 or s. 423

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86 because the employee's compensable injury has prevented the
87 employee from working sufficient quarters to be eligible for
88 such benefits ~~whether or not the employee has applied for~~
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