

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative O'Toole offered the following:

**Amendment**

5 Remove lines 130-154 and insert:

6 Section 7. A new paragraph (g) is added to subsection (1)  
 7 of section 440.15, Florida Statutes, and paragraph (c) of  
 8 subsection (2) of that section is amended, to read:

9 440.15 Compensation for disability.—Compensation for  
 10 disability shall be paid to the employee, subject to the limits  
 11 provided in s. 440.12(2), as follows:

12 (1) PERMANENT TOTAL DISABILITY.—

13 (g) The judge of compensation claims may not adjudicate an  
 14 injured employee as permanently and totally disabled until or  
 15 unless the carrier is given the opportunity to provide a  
 16 reemployment assessment.

17 (2) TEMPORARY TOTAL DISABILITY.—

18 (c) Temporary total disability benefits paid pursuant to  
 19 this subsection shall include such period as may be reasonably

Amendment No. 1

20 necessary for training in the use of artificial members and  
21 appliances, and shall include such period as the employee may be  
22 receiving training and education ~~under a program pursuant to s.~~  
23 ~~440.491~~. When an employee who has attained maximum medical  
24 improvement is unable to earn at least 80 percent of the  
25 compensation rate and requires training and education to obtain  
26 suitable gainful employment, the employer or carrier shall pay  
27 the employee additional training and education temporary total  
28 compensation benefits while the employee receives such training  
29 and education for a period not to exceed 26 weeks, which period  
30 may be extended for an additional 26 weeks or less, if such  
31 extended period is determined to be necessary and proper by a  
32 judge of compensation claims. The benefits provided under this  
33 paragraph shall not be in addition to the 104 weeks as specified  
34 in s. 440.15(2). However, a carrier or employer is not precluded  
35 from voluntarily paying additional temporary total disability  
36 compensation beyond that period.

37 Section 8. Subsection (3) of section 440.33, Florida  
38 Statutes, is amended to read:

39 440.33 Powers of judges of compensation claims.—

40 (3) Before adjudicating a claim for permanent total  
41 disability benefits, the judge of compensation claims may  
42 request an evaluation ~~pursuant to s. 440.491(6)~~ for the purpose  
43 of assisting the judge of compensation claims in the  
44 determination of whether there is a reasonable probability that,  
45 with appropriate training or education, the employee may be  
46 rehabilitated to the extent that such employee can achieve  
47 suitable gainful employment and whether it is in the best

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5203 (2012)

Amendment No. 1

48 | interest of the employee to undertake such training or  
49 | education.

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