

EMPLOYEE FACTS

IMPORTANT WORKERS' COMPENSATION INFORMATION FOR FLORIDA'S WORKERS

FLORIDA DEPARTMENT OF FINANCIAL
SERVICES

DIVISION OF WORKERS' COMPENSATION

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If you are injured as a result of a work-related accident, your employer's workers' compensation coverage provides medical and partial wage replacement benefits that you may be entitled to.

Medical Benefits

As soon as your carrier knows about your work-related injury, the carrier will:

- Determine the compensability of your injury
- Provide an authorized doctor
- Pay for all authorized medically necessary care and treatment related to your injury

Authorized treatment and care may include:

- Doctor's visits
- Physical therapy
- Prescription drugs
- Hospitalization
- Medical tests
- Protheses
- Travel expenses to and from you authorized doctor.

Once you reach your maximum medical improvement (MMI), you are required to pay a \$10 co-payment per visit for medical treatment.

MMI occurs when the physician treating you determines that your injury has healed to the extent that further improvement is not likely.

Wage Replacement Benefits

Your workers' compensation benefits for lost wages will start on the eighth day that you are unable to work. You will not receive wage replacement benefits for the first 7 days of work missed, unless you are out of work for more than 21 days due to your work-related injury. In most cases, the wage replacement benefits will equal two-thirds of your pre-injury regular weekly wage, but the benefit will not be higher than Florida's average weekly wage. If you can qualify for wage replacement benefits, you can generally expect to receive your first benefit check within 21 days after the carrier becomes aware of the injury, and bi-weekly thereafter. You will be eligible for different types of wage replacement benefits, depending on the progress of the claim and the severity of the injury.

- **Temporary Total Benefits:** These benefits are provided as a result of an injury that temporarily prevents you from returning to work, and you have not reached MMI.
- **Temporary Partial Benefits:** These benefits are provided when the doctor releases you to return to work and you have not reached MMI and earn less than 80% of your pre-injury wage. The benefit is equal to 80% of the difference between 80% and your pre-injury wage and your post-injury wage.
- The maximum length of time you can receive temporary benefits is 104 weeks or until the date of MMI is determined, whichever is earlier.

- **Permanent Impairment Benefits:** These benefits are provided when the injury causes any physical, psychological or functional loss and the impairment exists after the date of MMI. A doctor will assign a permanent impairment rating, expressed as a percentage, to the injury.
 - If you return to work at or above your pre-injury wage, the permanent impairment benefit is reduced by 50%.
 - **Permanent Total Benefits:** These benefits are provided when the injury causes you to be permanently and totally disable according to the conditions stated in the law.
 - **Death Benefits:** The maximum benefit is \$150,000 for any death resulting from a work place accident.
- **The rate, amount, and the duration of compensation for all wage replacement benefits are detailed in the workers' compensation law. If you have any questions about your benefits call your claims adjuster of the Employee Assistance Office at 1-800-342-1741.**

Insurer Responsibilities

- Timely provision of medical treatment
- Timely payment of wage replacement benefits
- Timely payment of medical bills
- Timely reporting of your claim information to the Division of Workers' Compensation

Anti-Fraud Reward Program

Workers' compensation fraud occurs when any person knowingly and with the intent to injure, defraud, or deceive any employer or employee, insurance carrier, or self-insured program files false or misleading information. Workers' compensation fraud is a third degree felony that can result in fines, civil liability, and jail time. Rewards of up to \$25,000 may be paid to individuals who prove information that lead to arrest and conviction of persons committing insurance fraud. To report suspected workers' compensation fraud, call 1-800-378-0445.

Employee Assistance Office

If you have any questions or concerns about your workers' compensation benefits, first call your claims adjuster. The Division of Workers' Compensation, Employee Assistance Office (EAO) helps prevent and resolve disputes between injured workers and employers/carriers. If the insurance carrier does not provide the benefits to which you believe you are entitled, you can call the EAO toll-free hotline at 1-800-342-1741. EAO specialists are knowledgeable about the workers' compensation system and may be able to address your concerns. The EAO has offices located throughout the state that you can call or visit. You can access the EAO statewide map at http://www.fldfs.com/WC/dist_offices.html. In addition, the Division of Workers' Compensation has a website section on "Frequently Asked Questions for Injured Employees," which can be accessed at <http://www.fldfs.com/WC/faq/faqwrkrs.html>.

Statute of Limitations

Once you are injured at work or become aware of a workers' compensation injury, you have 30 days in which to report your injury to your employer. Generally, you have two years from the date of your injury to file a claim. Failure to report your injury within 30 days may be used as a defense against your claim regardless of the two-year statute of limitations for filing a claim. Your eligibility for benefits may also be eliminated one year from the date you last received a wage replacement check or an approval medical care/treatment.

Petition for Benefit

To begin the judicial procedure for obtaining benefits that are due and owing under the law and have not been provided by the employer or insurance carrier, a Petition for Benefits form must be filed with the Office of Judges of Compensation Claims. The form can be accessed at <http://www.jcc.state.fl.us/jcc/forms.cfm>.

Injured Worker Responsibilities

- Contact your supervisor/employer immediately to notify them of your on-the-job injury.
- Provide the insurance carrier with your personal signature verifying that you have reviewed and understand the mandatory fraud statement. Your benefits shall be suspended if you refuse to provide your signature.
- Report any wages (from all employment) earned to the insurance carrier.
- Keep in communication with the claims adjuster.
- Complete and return forms to the insurance carrier when asked.
- Keep your appointments with your authorized doctor.
- Follow your doctor's treatment plan.
- Notify the insurance carrier of any changes to your address.

Legal Representation

You are not required to have an attorney. If you do hire an attorney to represent you with your workers' compensation claim, the fees and costs may come out of your benefits, unless your employer or workers' compensation carrier is held responsible for paying attorney's fees. Although the Division does not provide legal advice, the Division will answer any questions about your rights and responsibilities and may be able to resolve problems you may have with your workers' compensation claim. This help is free and available by contacting the Employee Assistance Office at 1-800-342-1741.

Return to Work

If you are unable to perform the skills required for your former job as a result of your work related injury, you can contact the Department of Education, Division of Vocational Rehabilitation at 850-488-3431 for free re-employment services.

**Employee Assistance Offices
Toll Free 1-800-342-1741**

City	Phone Number
Daytona Beach	386-323-0907
Ft. Myers	239-278-7091
Jacksonville	904-798-5807
Miami	305-536-0307
Ocala	352-401-5339
Orlando	407-835-4407
Pensacola	850-453-7805
Plantation	954-321-2907
Tallahassee	850-413-1610
Tampa	813-221-6507
West Palm Beach	561-837-5293

Please visit our website at www.fldfs.com/wc where you will find extensive information such as publications, a number of databases, rules, and forms that will give you a better understanding of workers' compensation.

Disclaimer:

This publication is being offered as an informational tool only, and complies with s. 440.185 (4) F.S., with the understanding that this is not official language of the Florida Statutes. In no event will the Division of Workers' Compensation be liable for direct, or consequential damages resulting from the use of this printed material.

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