

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Shaw offered the following:

**Amendment (with directory and title amendments)**

Remove lines 410-457 and insert:

(3) PERMANENT IMPAIRMENT BENEFITS.—

(c) All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in paragraph (b). Impairment income benefits are paid biweekly at the rate of ~~75 percent~~ of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12; provided, however, that such benefits shall be reduced by 50 percent for each week in which the employee has earned income equal to or in excess of the

684061

Approved For Filing: 4/14/2017 2:38:59 PM

Amendment No.

14 employee's average weekly wage. An employee's entitlement to  
15 impairment income benefits begins the day after the employee  
16 reaches maximum medical improvement or the expiration of  
17 temporary benefits, whichever occurs earlier, and continues  
18 until the earlier of:

19 1. The expiration of a period computed at the rate of 3  
20 weeks for each percentage point of impairment; or

21 2. The death of the employee.

22

23 ~~Impairment income benefits as defined by this subsection are~~  
24 ~~payable only for impairment ratings for physical impairments. If~~  
25 ~~objective medical findings can substantiate a permanent~~  
26 ~~psychiatric impairment resulting from the accident, permanent~~  
27 ~~impairment benefits are limited for the permanent psychiatric~~  
28 ~~impairment to 1 percent permanent impairment.~~

29 (d) After the employee has been certified by a doctor as  
30 having reached maximum medical improvement or 6 weeks before the  
31 expiration of temporary benefits, whichever occurs earlier, the  
32 certifying doctor shall evaluate the condition of the employee  
33 and assign an impairment rating, using the impairment schedule  
34 referred to in paragraph (b). If the certification and  
35 evaluation are performed by a doctor other than the employee's  
36 treating doctor, the certification and evaluation must be  
37 submitted to the treating doctor, the employee, and the carrier  
38 within 10 days after the evaluation. The treating doctor must

684061

Approved For Filing: 4/14/2017 2:38:59 PM

Amendment No.

39 indicate to the carrier agreement or disagreement with the other  
40 doctor's certification and evaluation.

41 1. The certifying doctor shall issue a written report to  
42 the employee and the carrier certifying that maximum medical  
43 improvement has been reached, stating the impairment rating to  
44 the body as a whole, and providing any other information  
45 required by the department by rule. The carrier shall establish  
46 an overall maximum medical improvement date and permanent  
47 impairment rating, based upon all such reports.

48 2. Within 14 days after the carrier's knowledge of each  
49 maximum medical improvement date and impairment rating to the  
50 body as a whole upon which the carrier is paying benefits, the  
51 carrier shall report such maximum medical improvement date and,  
52 when determined, the overall maximum medical improvement date  
53 and associated impairment rating to the department in a format  
54 as set forth in department rule. If the employee has not been  
55 certified as having reached overall maximum medical improvement  
56 before the expiration of 254 ~~98~~ weeks after the date temporary  
57 disability benefits begin to accrue, the carrier shall notify  
58 the treating doctor of the requirements of this section.

59 3. If an employee receiving benefits under subsection (2)  
60 has not reached overall maximum medical improvement before  
61 receiving the maximum number of weeks of temporary disability  
62 benefits, the maximum number of weeks are extended for up to an  
63 additional 26 weeks. If the employee has not reached overall

684061

Approved For Filing: 4/14/2017 2:38:59 PM

Amendment No.

64 maximum medical improvement after receiving the additional weeks  
65 allowed under this subparagraph, a judge of compensation claims,  
66 upon petition, must determine the employee's current eligibility  
67 for benefits under this subsection and subsection (1).

68 4. If an employee receiving benefits under subsection (4)  
69 has not reached overall maximum medical improvement before  
70 receiving the maximum number of weeks of temporary disability  
71 benefits, the employee shall receive benefits under this  
72 subsection in accordance with the greatest single impairment  
73 rating assigned to the employee. Impairment benefits received  
74 under this subparagraph shall be credited against indemnity  
75 benefits subsequently due to the employee.

76 (g) Notwithstanding paragraph (c), for accidents occurring  
77 on or after October 1, 2003, an employee's entitlement to  
78 impairment income benefits begins the day after the employee  
79 reaches maximum medical improvement or the expiration of  
80 temporary benefits, whichever occurs earlier, and continues for  
81 the following periods:

82 1. Twenty-six ~~Two~~ weeks of benefits are to be paid to the  
83 employee for each percentage point of impairment from 1 percent  
84 up to and including 3 ~~10~~ percent.

85 2. Fifty-two weeks of benefits are to be paid to the  
86 employee for each percentage point of impairment from 4 percent  
87 up to and including 6 percent.

684061

Approved For Filing: 4/14/2017 2:38:59 PM

Amendment No.

88 3. For each percentage point of impairment from 7 ~~11~~  
89 percent up to and including 9 ~~15~~ percent, 78 ~~3~~ weeks of benefits  
90 are to be paid.

91 ~~4.3.~~ For each percentage point of impairment from 10 ~~16~~  
92 percent up to and including 12 ~~20~~ percent, 104 ~~4~~ weeks of  
93 benefits are to be paid.

94 ~~5.4.~~ For each percentage point of impairment from 13 ~~21~~  
95 percent and higher, 208 ~~6~~ weeks of benefits are to be paid.

96  
97 -----

**D I R E C T O R Y A M E N D M E N T**

98 Remove line 388 and insert:

99 Section 4. Paragraph (a) of subsection (2), paragraphs  
100 (c), (d), and (g)  
101  
102

103 -----

**T I T L E A M E N D M E N T**

104 Remove lines 26-28 and insert:

105 temporary total disability benefits; deleting provisions  
106 relating to the percentage at which impairment income benefits  
107 are payable; providing conditions under which employees may  
108 receive permanent impairment benefits; revising the time periods  
109 during which an employee may receive impairment income benefits;  
110 extending the timeframe in which  
111

684061

Approved For Filing: 4/14/2017 2:38:59 PM