

# **WORKERS' COMPENSATION FOR FLORIDA WORKERS<sup>1</sup>**

## **What is workers' compensation?**

Coverage for medical treatment and a portion of lost pay for workers injured on the job.

## **Are all employers required to have workers' compensation insurance?**

No, but most are. All construction employers and state and local government employers must provide coverage. Farmers with more than 5 regular employees and/or 12 or more seasonal workers of more than 30 days must provide coverage. All other employers with 4 or more full-time or part-time employees must provide coverage. If you believe your employer should have coverage but does not, you can make an anonymous report to the Bureau of Workers' Compensation Fraud at 1-800-742-2214.

## **What types of injuries are covered?**

Accidental injuries, occupational diseases and deaths (within a specific time of injury) if they arise from the course and scope of your employment.

## **What types of injuries are not covered?**

Certain mental or nervous injuries; work-related conditions causing fear of another worker because of that worker's race, color, religion, sex, national origin, age or handicap; pain and suffering; and injuries resulting from intentional acts, intoxication or illicit drug use.

## **How long after an accident do I have to report it to my employer?**

You should report it as soon as possible but no later than thirty days after the injury or your claim may be denied.

## **How soon should my employer report my injury to the insurance company?**

Within 7 days of becoming aware of it. If it refuses, you can report the injury to the insurance company. If you do not know the name of the insurance company, request assistance from the Employee Assistance Office at 1-800-342-1741.

## **What medical treatment can I get?**

You must see medical providers authorized by your employer or its insurance company. They should provide all reasonably necessary treatment and prescriptions for the injury.

## **Do I have to pay part of the medical bills?**

No. Bills are submitted directly to the insurance company. Once you reach maximum medical improvement, you must pay a small co-payment.

## **What am I paid if I must miss work?**

Usually there is no payment for the first 7 days of disability. If your disability extends for more than 21 days, you may be paid for the first 7 days. Most payments are 66 2/3% of your average weekly wage, but can be reduced by 25% if you failed to follow a known safety rule or use safety equipment.

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<sup>1</sup> The information provided here is general in nature and not intended as legal advice. The laws discussed are subject to change without notice. Seek legal advice for more information.

**When will I get my first check?**

Usually within 21 days after reporting your injury. If you are only temporarily disabled, you can receive temporary total disability, temporary partial disability, or a combination of both for up to 104 weeks.

**Can I receive workers' compensation and social security disability benefits?**

Yes, but the two combined payments cannot exceed 80% of your average weekly wage.

**Can I receive workers' compensation and unemployment compensation?**

Not if you are receiving temporary total disability or permanent total disability benefits, because you must be able and available to work to qualify for unemployment compensation benefits.

**Does my employer have to hold my job?**

No, but you must be returned to a similar position. You cannot be given less favorable work conditions or be fired for filing a claim. In addition, employers cannot refuse to hire you because of your workers' compensation claims at other jobs.

**What if I am released for light duty work  
but my employer says it has no light duty positions?**

If there are no light duty positions, you can receive temporary total disability benefits.

**What if my entire claim or certain medical treatment is denied?**

Seek legal counsel as soon as possible. The law provides that your attorneys' fees and costs will be paid if you win, so there may be no cost to you.

**Where can I get help?**

**Workers' Rights Clinic**

2nd Wednesday of Each Month  
6:00 – 8:00 PM

Jacksonville Area Legal Aid, Inc.  
126 West Adams Street  
Jacksonville, FL

Or

**Call 356-8371**

For information on  
applying for help.

**JACKSONVILLE AREA LEGAL AID, INC.**  
**Employment Law Project**