

## Contacts

Division of Workers' Compensation  
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## Division of Workers Compensation

Department of Financial Services

### IMPORTANT WEBSITES:

- DOAH Website: <http://www.jcc.state.fl.us/jcc/>
- FL W/C Forms: <http://www.myfloridacfo.com/wc/forms.html>
- Florida Statutes: <http://www.leg.state.fl.us/statutes/>

### Determination of Pay- 440.14

- AWW = Claimant's total earnings for 13 week pay period prior to accident, excluding week of accident
- If IW failed to work substantially whole of 13 weeks prior to accident (equiv. of 75% customary hours) then similar employee's wages shall be used
- If any of the foregoing methods cannot be reasonably and fairly applied, the full-time weekly wages of the injured worker shall be used

#### Compensation Rate

|                 | Max Comp Rate | Minimum Comp Rate |
|-----------------|---------------|-------------------|
| January 1, 2024 | \$1,260.00    | \$20.00           |
| January 1, 2023 | \$1,197.00    | \$20.00           |
| January 1, 2022 | \$1,099.00    | \$20.00           |
| January 1, 2021 | \$1,011.00    | \$20.00           |
| January 1, 2020 | \$ 971.00     | \$20.00           |

### Medical Authorization

#### Medical Reporting- 440.20(2)(b)

- Carrier must pay, disallow, or deny all medical, dental, pharmacy and hospital bills no later than 45 calendar days after carrier's receipt

#### Medical Payment or Disposition for Medical Bills- 69L-24

- Department shall assess administrative penalties for failure to comply
- #### Provider Authorization- 440.13(3)

- (d) Carrier must respond to request for authorization by the close of the 3business day
- (i) For services which cost more than \$1,000, the carrier shall respond within 10 business to request for authorization

### Indemnity Benefits

#### Waiting Period- 440.12

#### Time for Payment- 440.20

- If disability is immediate and continuous for more than 8 days, payment is due within 14 calendar days after the ER receives notification of accident or injury.
- If the first 7 days are non-consecutive, the first installment is due in the 6<sup>th</sup> day after the first 8 calendar days of disability
- Carrier shall thereafter pay compensation in biweekly installments

#### Compensation of Disability- 440.15

##### Permanent Total- (1)(a)-(f), 69L-3.0194 and 69L-3.01945

- Entitled when Carrier decides to pay them or if JCC awards it
- Basic benefit = 66 2/ 3 of AWW. Entitlement ends at age 75 (accident after 10/1/2003)
- after 10/1/2003).
- If Carrier begins payment of PTD at the time a Claimant achieves total MMI, then IIBs not owed total MMI, then IIBs not owed.
- To prove entitlement to PTO Claimant burden to show:
  - Clear inability to maintain at least sedentary employment within a 50-mile radius of Claimant's home.
  - Presumption of PTD entitlement if Claimant suffers catastrophic injury which includes spinal cord injury, severe brain or close head injury or total blindness.

##### Temporary Total- (2)(a)-(d)

- If IW is advised by authorized treating physician that he is unable to work in any capacity that worker shall be paid 66 2/3% of AWW

##### Permanent Impairment Benefits- (3)(a)-(g) and 69L-3.01925

- IIBs payable to IW once the date of MMI has been reached and the authorized treating physician has given impairment rating.
- Benefits are due and payable within 14 days after the carrier has knowledge of the impairment
- IIBs paid out using 75% of the comp rate as follows, however if Claimant is working IIB's are reduced to 50% of comp rate:

|         |                          |            |                          |
|---------|--------------------------|------------|--------------------------|
| 1% -10% | 2 weeks for each % point | 16%-20%    | 4 weeks for each % point |
| 11%-15% | 3 weeks for each % point | 21% and up | 6 weeks for each % point |

##### Temporary Partial- (4)(a)-(e) and 69L-3.01915

- When the authorized treating physician has released worker to modified duty, not at MMI, and earning less than 80% pre-injury wages
- TPD = AWW x 80%= \_\_\_\_ – earnings = \_\_\_\_ x 80%

#### Compensation for Death- 440.16

- Funeral expenses not to exceed \$7,500 to be paid 14 days after receiving the bill
- Compensation in percentages of the AWW to any individuals dependent upon the deceased but shall not exceed \$150,000
- Weekly amount shall not exceed, for all dependents entitled to compensation, 66 2/3% of the average wage

### Major Contributing Cause

To be compensable, the work being performed must have been the major contributing cause of the accident and must be more than 50% responsible for injury

### EAO Notification Letter and Brochure

440.185(3), 69L-3.0035 and 69L-3.0036

Carrier must send to the IW with in 3 days of the carrier's knowledge of the injury or illness

### Claim Types

69L-3.0045, F.A.C.

First Aid Cases- 69L-3.002(13) and 69L-3.004(2)(a) F.A.C.

- IW has not lost time for work and there are no medical costs

Medical Only- 69L-3.002(20) and 69L-56.002(44) F.A.C.

- IW's lost time does not exceed the waiting period
- Outside medical expenses incurred, but there have been no indemnity benefits paid to the IW

Lost Time- 69L-3.002(19) and 69L-56.002(41) F.A.C.

- Disability is immediate and continuous
- IW is out of work for eight or more calendar days
- Outside medical expenses and indemnity benefits paid

Medical Only to Lost Time- 69L-3.002(21) and 69L-56.002(45)

- First 7 days of disability are non-consecutive or delayed, however, once the IW has eight or more calendar days out of work the claim becomes lost time
- Outside medical expenses and indemnity benefits paid

### 120 Day Provision- 440.20(2)(4)

If uncertain of its obligation to provide benefits, carrier shall immediately and in good faith commence investigation and shall admit or deny compensability within 120 days.

Carrier must provide written notice to the employee that it has elected to pay the claim pending investigation.

A carrier that fails to deny compensability with 120 days waives the right to deny compensability.

### Forms:

State Forms Rule 69L-3.025

**DFS-F2-DWC-1** First Report of Injury or Illness

**DFS-F2-DWC-1a** Wage Statement

**DFS-F2-DWC-4** Notice of Action/Change

**DFS-F2-DWC-12** Notice of Denial

**DFS-F2-DWC-13** Claim Cost Report

**DFS-F2-DWC-14** Request for Social Security Disability Benefits Information

**DFS-F2-DWC-19** Employee Earnings Report

**DFS-F2-DWC-30** Authorization and Request for Unemployment Compensation Information

**DFS-F2-DWC-33** Permanent Total Offset Worksheet

**DFS-F2-DWC-35** Permanent Total Supplemental Worksheet

**DFS-F2-DWC-40** Statement of Quarterly Earnings for Supplemental Income Benefits

**DFS-F2-DWC-60** Important Workers' Compensation Information for Florida's Workers

**DFS-F2-DWC-61** Informacion Importante Del Seguro De indemnizacion Por Accidentes De Trabajo Para Los Empleadores De La Florida

**DWC-1-** 69L-56.301, 69L-56.401 and 69L-56.4011 F.A.C.

- When disability immediate and continuous for 8 or more calendar days, considered timely on or before 21 days after claim administrator's knowledge of the injury
- When the first 7 days are non-consecutive, considered timely on or before 13 days after claim administrator's knowledge of the 8<sup>th</sup> day of disability
- When the initial payment of benefits is for TP, IIB, or results from a Lump sum Payment/Settlement, considered timely on or before 14 days after the date of the initial payment of benefits was mailed to the employee
- When claims administrator's initial disposition is to deny a case in its entirety, considered timely on or before 21 days after claim administrator's knowledge of the injury
- When claim is partially denied or total denial after compensable Medical Only claim, considered timely on or before 14 days after the date the claim administrator decided to deny
- Carrier has the responsibility to complete the DWC 1 and mail to IW within 3 business days

**DWC-4-** 69L-56.304, 69L-56.3045 and 69L-56.404

- Shall be sent to the Division within 14 days of the claim administrator's knowledge of the action or change which it is reporting
- Claim administrator shall send to the employee and employer copies within 14 days of the claim administrator's knowledge of the action or change which it is reporting
- Suspension of benefits considered timely on or before 14 days after the date the claim administrator decided to suspend all indemnity benefits
- Reporting an order for a lump sum payment or settlement of indemnity benefits (MTC PY), considered timely on or before 14 days after the date the award/order was signed

**DWC-12-** 69L-56.3012 AND 69L-56.4012

- If claim administrator initially denies compensability, the DWC-12 shall accompany the DWC-1 to the Division
- If claim administrator denies claim but subsequently accepts compensability of the claim, a Notice of Rescinded Denial shall be filed on or before the 14 days after the date the denial was rescinded

**DWC-13-** 69L-56.3013 and 69L-56.4013

- Reflects all cumulative costs paid within the first 6 months of the date of accident due within 30 days after the 6 month anniversary of the date of accident
- All subsequent Sub-Annual Claim Cost Reports shall be sent every 6 months thereafter