



A newsletter for members of the Trusts
administered by the Florida League of Cities

December 2018

Law Requires Timely Reporting Of Workers' Comp Claims

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Not only is timely reporting of injuries or death important; it's the law. There are penalties of up to \$500 per late report that can be imposed by the Division of Workers' Compensation for late reporting by an employer. Section 440.185(2), Florida Statutes, states that "Within 7 days after actual knowledge of injury or death, the employer shall report such injury or death to its carrier"

Actual knowledge usually starts with someone at the supervisor level, who is not necessarily the person reporting the accident to the carrier. It's important that supervisors are aware of the strict timeline involved in timely reporting.

At times, reported injuries are late due to employers trying to determine if a claim is work-related. This delay is a big mistake that employers make that causes claims to be reported late, investigations to start late and benefits to your injured worker to be initiated late. When in doubt, an employer should file the claim immediately with the carrier and assist with the investigation.

The information below covers what to report, when to report and, most importantly, how to report workers' compensation claims to the Florida League of Cities.

- All industrial injuries and accidents, no matter how minor or insignificant, are required to be reported to the Florida League of Cities.
- This reporting requirement includes industrial accidents that result in a physical injury or, in the case of first responders, a mental injury.
- It also includes occupational exposures that result in a disease or a medical condition.
- It also includes allegations of injuries, diseases or medical conditions arising out of the workplace.
- Florida law defines an accident as "... an unexpected or unusual event or result that happens suddenly."
- If a preexisting disease or anomaly is accelerated or aggravated by an accident arising out of and in the course of employment, only acceleration of death or acceleration or aggravation of the preexisting condition reasonably attributable to the accident is compensable.

- An injury or disease caused by exposure to a toxic substance, including, but not limited to, fungus or mold, is not an injury by accident arising out of the employment unless there is clear and convincing evidence establishing that exposure to the specific substance involved, at the levels to which the employee was exposed, can cause the injury or disease sustained by the employee.
- Do not wait until you gather all the details.
- If there is a delay in reporting a claim, it might prevent a defense if the claim is not legitimate.
- If you believe the claim or allegation is not covered, report it anyway, and tell the adjuster. A reported claim (or potential claim) that is determined to be non-compensable will not adversely impact your future premiums.
- An employee who suffers an injury arising out of and in the course of employment shall advise his or her employer of the injury within 30 days after the date of or initial manifestation of the injury.
 - Florida Law allows the employee 30 days to make a claim.
 - Create a policy that shortens the time period so that you can take disciplinary action if not followed.
 - An employer has seven days from knowledge of the injury to report a claim, or the state could fine the employer for a late report.
- There are several ways to report a claim.
 - Call the intake line at (800) 756-3042 24 hours a day or (855) FMIT-LOSS.
 - Email the information to intake@flcities.com.
 - Fax the form to (800) 707-7656
- Complete the information online at <https://insurance.flcities.com>. Go to “Click here to log into FMIT Dashboard/Report a Loss.” Once logged in, in the “Claims” box, click on the “Workers’ Compensation Claim Form” hyperlink to submit your claim.

Getting your injured workers the benefits they need to return to work as quickly as medically possible should always be the main goal of employers and carriers when an accident occurs at work. This process always starts with timely reporting of claims. Again, when in doubt, call your carrier as soon as possible. They should be more than willing to help you navigate the claims process and Florida’s statutes regarding workers’ compensation benefits.

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