

NO GUARANTEES ON WORKERS' COMP COVID-19 CHANGES

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The Senate will “look” at coronavirus-related workers’ compensation claims during this year’s legislative session, the chairman of the Senate Judiciary Committee said Monday. But Sen. Jeff Brandes, R-St. Petersburg, made no promises the Senate would make changes to ensure front-line health care workers and teachers can tap into workers’ compensation benefits. A state Division of Workers’ Compensation report showed that as of Dec. 31, 13,409 workers’ compensation claims had been filed by health care workers and educators and that nearly 46 percent of the claims were denied. The denial rate for those workers exceeded the overall denial rate of 43 percent. “I think we are going to look at that as part of the overall pandemic committee,” Brandes said, referring to the Senate Select Committee on Pandemic Preparedness and Response. Workers’ compensation is a no-fault system meant to protect workers and employers. It is supposed to provide workers who are injured on the job access to medical benefits they need to be made whole. In exchange for providing those benefits, employers generally cannot be sued in court for causing injuries. Florida’s workers’ compensation laws provide coverage for “occupational diseases” that are characteristic of particular trades or jobs. But the term excludes “all ordinary diseases of life to which the general public is exposed,” unless the incidences of diseases are substantially higher in particular professions. Brandes is the primary Senate sponsor of a proposal (SB 72) that would provide broad immunity to most businesses from coronavirus-related lawsuits. But the bill specifically excludes health-care providers from the protections. Brandes said Monday during a news conference outside Centre Point Health & Rehabilitation in Tallahassee that the bill contained “bright line issues” where there is broad legislative support. About 31 percent of the 93,228 workers’ compensation claims filed in 2020 in Florida were related to COVID-19, the respiratory disease caused by the coronavirus. Payments on those claims accounted for less than 8 percent of the \$727,329,103 workers’ compensation payments last year, according to the state report. Attempts to reach Sen. Danny Burgess, a Zephyrhills Republican who chairs the Senate Select Committee on Pandemic Preparedness and Response, were unsuccessful.

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