

2003 Florida Workers' Compensation Bill



In early June of 2003, under heavy pressure from the Florida construction industry, Governor Jeb Bush signed a controversial bill designed to change the process of worker compensation claims. The state of Florida at the time had some of the highest worker compensation insurance rates (the rate paid by employers in the event of a work-related injury) in the nation. The bill's intent was to lower premiums by tightly controlling attorney fees associated with compensation claims. A major industry focus was the restoration of "horizontal immunity", which would limit sub-contractors (e.g., crane rental companies) liability on the worksite.

[Some additional highlights:](#)

- Caps attorney fees (for those representing injured workers) at \$1,500 per incident. There is no cap on attorney fees for those representing the insurance companies.
- If a worker is injured on or after the worker's 70th birthday, benefits are paid for no more than five years. The cost of living adjustment is reduced to 3 percent, down from 5 percent.
- Permanent Total Disability supplemental benefits are not paid after the employee has reached the age of 62, unless the employee is not eligible for Social Security because the injury prevented the employee from working sufficient quarters.
- The maximum total for fatal claims was raised from \$100,000 to \$150,000.

The bill, supported by Republicans, passed the Florida Senate on a mainly party-line vote; critics charged that the cap on attorneys fees meant workers would not be able to find representation to press their claims. According to Worker Compensation Research Institute (WCRI), a non-profit, non-partisan public policy research organization, costs per claim in Florida decreased slightly in 2004. In 2005 and 2006, [rates continued to climb in the single digits.](#)

In October 2008, the Florida Supreme Court ruled the attorney provisions in the 2003 bill [unconstitutional.](#) In May 2009, Governor Crist signed legislation that again attempted to limit attorney fees (without a specific cap) in compensation claims; [critics charge](#) that this legislation does little to address the problem of workers difficulty finding adequate representation.

