

● WORKERS' COMPENSATION LAW

STATUTORY CITATION: Fla. Stat. §§ 440.01–440.60

GENERAL SUMMARY: Under the Workers' Compensation Law, most private employers in the state who have 4 or more employees are liable for the payment of medical services and supplies, cash disability benefits in lieu of wages, and death benefits to surviving dependents, in the case of any employee who is injured or killed in the course of employment, without regard to the question of negligence. An employer covered by this law may satisfy the obligation to pay compensation by securing a prescribed policy of workers' compensation insurance or through self-insurance. While workers' compensation insurance is not compulsory, a subject employer who fails to pay the required compensation subsequent to a worker's job-related injury, illness or death may not, in a suit brought by the worker or the worker's survivors to recover damages, defend the suit on the grounds that the injury was caused by the negligence of a co-worker, that the worker had assumed the risk of employment, or that the injury was due to the worker's own negligence.

PROVISIONS APPLICABLE TO AGRICULTURE: In contrast to the coverage test for most non-agricultural industries, the Workers' Compensation Law applies only to those farm operators or other agricultural establishments that (1) employ 6 or more regular farm employees, (2) employ 12 or more seasonal farmworkers at any one time, (3) employ any group of seasonal farmworkers for a job lasting at least 30 days, or (4) employ seasonal farmworkers for a cumulative period of more than 45 days in a calendar year. All such agricultural employers are liable for the payment of compensation to injured workers and are subject to all other provisions of the law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Workers' Compensation, Department of Financial Services, Tallahassee, Florida 32399 (850-413-1609).* This agency is responsible for receiving job injury reports from employers, processing claims for workers' compensation benefits, and assuring the payment of benefits to eligible injured workers or their dependents.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*