

1988

Session Law 88-372

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 88-372" (1988). *Staff Analysis*. 769.
<https://ir.law.fsu.edu/staff-analysis/769>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

Florida Information Associates Florida Legislature Staff Analyses 1988 Sessions	<u>LAWS OF FLORIDA CHAPTER NO.</u> 88-0372
--	---

<u>PRIME BILL NUMBER</u>	<u>TYPE OF BILL</u>	<u>SPONSOR</u>
88/H1329 *	general	Clements

PRIME BILL TITLE (short title)
 Workers Compensation / Injured Employee

SIMILAR/IDENTICAL BILL SUBSTITUTED BY PRIME BILL: 88/S1236

<u>DOCUMENTATION REPRODUCED</u>	<u>Analysis</u>
PRIME SENATE COMMITTEE: n/a	()
----- FINAL SENATE COMMITTEE: n/a	()
----- PRIME HOUSE COMMITTEE: Commerce	(X)
----- FINAL HOUSE COMMITTEE: Commerce	()
----- SUBSTITUTED BILL: (88/S1236)	(X)
----- OTHER:	()

NOTE: Consult the Final Legislative Bill Information (from Joint Legislative Management Committee, Division of Legislative Information, 1988) for more detailed bill history data. If prime bill number above is followed by an asterisk (*), it was amended on the floor, and the staff analysis for that bill may not be in accordance with the enacted law. The analyses reproduced here were supplied by the appropriate committee, who is solely responsible for their accuracy and completeness.

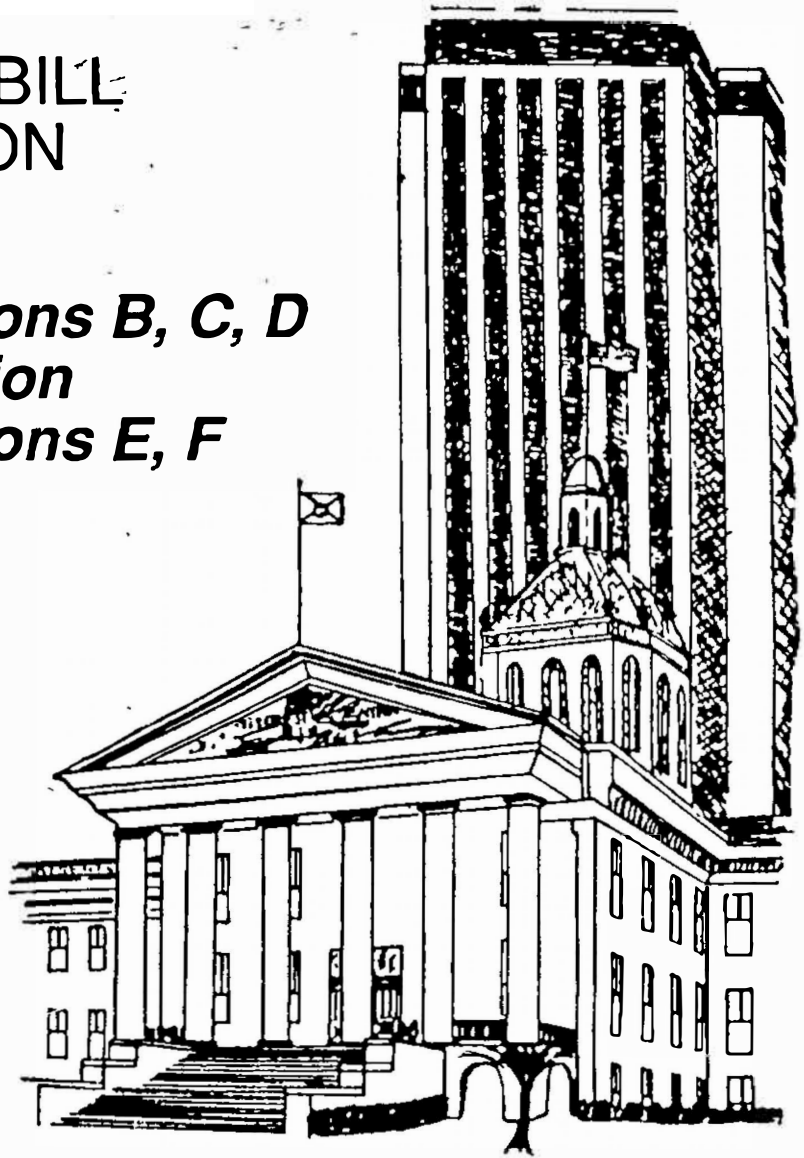
ADDITIONAL INFORMATION:

(FRM 25-12/88)

FLORIDA LEGISLATURE

FINAL LEGISLATIVE BILL INFORMATION

***1987 Special Sessions B, C, D
1988 Regular Session
1988 Special Sessions E, F***



prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 488-4371

HISTORY OF HOUSE BILLS

H 1323 (CONTINUED)

foreclosure sale, etc Amends Ch 718, 617 017, 041, repeals 718 201 Effective Date 10/01/88
 04/06/88 HOUSE Filed
 04/12/88 HOUSE Introduced, referred to Judiciary, Finance & Taxation -HJ 132
 04/18/88 HOUSE Subreferred to Subcommittee on Real Property and Family Law, On Committee agenda—Judiciary, 04/20/88, 10:00 am, 214C—For ratification of subreferral
 06/07/88 HOUSE Died in Committee on Judiciary

H 1324 GENERAL BILL by Simone; Kelly and others (Identical S 838)

Alcoholic Beverage Licenses/Transfer; permits transfer of certain beverage licenses upon payment of specified transfer fee, amends provision re Alcoholic Beverage & Tobacco Trust Fund, to provide that funds collected from said transfer fee be used for prison construction Amends 561 32, 025 Effective Date 10/01/88
 04/06/88 HOUSE Filed
 04/12/88 HOUSE Introduced, referred to Regulated Industries & Licensing, Finance & Taxation, Appropriations -HJ 132
 04/14/88 HOUSE Subreferred to Subcommittee on Alcoholic Beverages and Tobacco, On Committee agenda—Regulated Industries & Licensing, 04/18/88, 1 15 pm, 413C—For ratification of subreferral
 04/18/88 HOUSE On subcommittee agenda—Regulated Industries & Licensing, 04/20/88, 11:00 am, 16—HOB
 04/20/88 HOUSE Subcommittee Recommendation Unfavorable
 06/07/88 HOUSE Died in Committee on Regulated Industries & Licensing

H 1325 LOCAL BILL by Lombard; Jennings; Thomas (Similar S 1385)

Sarasota Co Public Hospital Board, adds provision to special act re powers of Hospital Board to invest its funds; provides for severability Effective Date 06/18/88
 04/06/88 HOUSE Filed
 04/12/88 HOUSE Introduced, referred to Community Affairs, Finance & Taxation -HJ 132
 05/02/88 HOUSE On Committee agenda—Community Affairs, 05/04/88, 8 00 am, 212—HOB
 05/04/88 HOUSE Preliminary Committee Action by Community Affairs. Favorable
 05/06/88 HOUSE Comm Report. Favorable by Community Affairs -HJ 365, Now in Finance & Taxation -HJ 365
 05/09/88 HOUSE On Committee agenda—Finance & Taxation, 05/11/88, 1 30 pm, 21—HOB—For subreferral only
 05/17/88 HOUSE Withdrawn from Finance & Taxation -HJ 514, Placed on Calendar
 05/24/88 HOUSE Placed on Local Calendar, Read second and third times, Passed, YEAS 119 NAYS 0 -HJ 656
 05/24/88 SENATE In Messages
 05/25/88 SENATE Received, referred to Rules and Calendar -SJ 379, Immediately withdrawn from Rules and Calendar, Substituted for SB 1385, Passed, YEAS 39 NAYS 0 -SJ 394
 05/26/88 Ordered enrolled
 06/02/88 Signed by Officers and presented to Governor -HJ 1281
 06/18/88 Became Law without Governor's Signature; Chapter No 88-534

H 1326 GENERAL BILL by Jamerson (Identical S 1046)

M.V. Insurance/Uninsured Coverage, provides for offer by insurers of policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances, requires notice of coverage options to be enclosed with notice of premium, clarifies uninsured motorist coverage re excess, umbrella, or other policies not providing primary insurance Amends 627 727 Effective Date: Upon becoming law.
 04/06/88 HOUSE Filed
 04/12/88 HOUSE Introduced, referred to Insurance -HJ 132
 04/26/88 HOUSE On Committee agenda—Insurance, 04/28/88, 8 00 am, 317C—For ratification of subreferral
 06/07/88 HOUSE Died in Committee on Insurance

H 1327 GENERAL BILL by King (Identical S 964)

Sales Tax Exemption/Manufacturers, provides exemption from sales tax for persons who manufacture tangible personal property for their own use in furtherance of road construction contract with DOT Amends 212 06 Effective Date 07/01/88 or upon becoming law, whichever occurs later
 04/06/88 HOUSE Filed
 04/12/88 HOUSE Introduced, referred to Transportation, Finance & Taxation; Appropriations -HJ 132
 04/14/88 HOUSE Subreferred to Subcommittee on Transportation Facilities and Services
 04/15/88 HOUSE On Committee agenda—Transportation, 04/19/88, 1 15 pm, 214C—For ratification of subreferral
 06/07/88 HOUSE Died in Committee on Transportation

H 1328 GENERAL BILL/CS by Insurance; Patchett

Motor Veh. Rentals/Physical Damage, prohibits persons who rent motor vehicles to consumers, re certain agreements, from requiring consumer to be responsible

H 1328 (CONTINUED)

for certain physical damage to vehicle, provides exceptions, provides definitions Effective Date 10/01/88
 04/06/88 HOUSE Filed
 04/12/88 HOUSE Introduced, referred to Insurance, Appropriations -HJ 132
 04/22/88 HOUSE Subreferred to Subcommittee on Property and Casualty Insurance, On subcommittee agenda—Insurance, 04/22/88, 3 30 pm, 317C
 04/26/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable as a proposed Committee substitute
 04/29/88 HOUSE On Committee agenda—Insurance, 05/03/88, 8:00 am, 317C
 05/03/88 HOUSE Preliminary Committee Action by Insurance. Favorable as a Committee Substitute, Comm Report CS by Insurance -HJ 317, CS read first time -HJ 317, Now in Appropriations -HJ 317
 06/07/88 HOUSE Died in Committee on Appropriations

H 1329 GENERAL BILL/ENG by Clements (Similar CS/S 1236)

Workers' Comp/Injured Employee, provides criteria for calculating value of professional attendant or custodial care provided to injured employee by family member Amends 440 13 Effective Date 10/01/88
 04/06/88 HOUSE Filed
 04/12/88 HOUSE Introduced, referred to Commerce, Appropriations -HJ 132
 04/14/88 HOUSE On Committee agenda—Commerce, 04/18/88, 1 15 pm, 317C—For ratification of subreferral
 04/21/88 HOUSE On subcommittee agenda—Commerce, 04/25/88, 3:30 pm, 317C
 04/25/88 HOUSE On Committee agenda, pending subcommittee action—Commerce, 04/27/88, 8 00 am, 317C
 05/02/88 HOUSE On Committee agenda—Commerce, 05/04/88, 9 00 am, 317C
 05/04/88 HOUSE Preliminary Committee Action by Commerce Favorable with 2 amendments
 05/05/88 HOUSE Comm Report. Favorable with 2 amendment(s) by Commerce -HJ 359, Now in Appropriations -HJ 359
 05/25/88 HOUSE Withdrawn from Appropriations -HJ 716, Placed on Calendar
 05/30/88 HOUSE Placed on Special Order Calendar
 05/31/88 HOUSE Read second time, Amendments adopted, Read third time
 05/31/88 SENATE Passed as amended, YEAS 110 NAYS 0 -HJ 917
 06/01/88 SENATE In Messages
 06/01/88 HOUSE Received, referred to Commerce, Governmental Operations; Appropriations -SJ 620, Withdrawn from Commerce, Governmental Operations, Appropriations, Substituted for CS/SB 1236 -SJ 697, Passed as amended, YEAS 27 NAYS 5 -SJ 711
 06/01/88 HOUSE In Messages
 06/07/88 HOUSE Concurred, Passed as further amended, YEAS 78 NAYS 32 -HJ 1613
 06/07/88 Ordered engrossed, then enrolled
 06/21/88 Signed by Officers and presented to Governor
 07/06/88 Approved by Governor; Chapter No 88-372

H 1330 GENERAL BILL by Clements (Identical S 528)

H.S.M.V./Special Service Officers, repeals provision re assigning of patrol officers as special service officers or flight officers by H S M V Dept. Repeals 321.071 Effective Date Upon becoming law
 04/06/88 HOUSE Filed
 04/13/88 HOUSE Introduced, referred to Transportation, Appropriations -HJ 167
 04/15/88 HOUSE Subreferred to Subcommittee on Highway Safety and Motor Vehicles, On Committee agenda—Transportation, 04/19/88, 1 15 pm, 214C—For ratification of subreferral
 04/29/88 HOUSE On Committee agenda—Transportation, 05/03/88, 8:30 am, 214C
 05/03/88 HOUSE Preliminary Committee Action by Transportation Favorable
 05/04/88 HOUSE Comm Report Favorable by Transportation -HJ 338, Now in Appropriations -HJ 339
 05/16/88 HOUSE Withdrawn from Appropriations -HJ 476, Placed on Calendar
 05/30/88 HOUSE Placed on Special Order Calendar
 05/31/88 HOUSE Iden/Sim Senate Bill substituted, Laid on Table under Rule, Iden /Sim /Compare Bill passed, refer to SB 528 (Ch 88-178) -HJ 937

H 1331 GENERAL BILL by Clements (Compare CS/H 116, CS/ENG/S 11, CS/S 876)

Florida Cemetery Act, revises language re minimum acreage & receipts from sale of personal property or services & deposits into merchandise trust fund, revises method of computing costs, deletes language re cancellation of contract between cemetery company & purchaser, provides for reserve as alternative to deposits, provides for preexisting merchandise trusts, provides for civil remedies, etc.

(CONTINUED ON NEXT PAGE)

HISTORY OF SENATE BILLS

S 1232 (CONTINUED)

- 05/02/88 SENATE CS read first time—SJ 219. Now in Economic, Community and Consumer Affairs—SJ 212
- 05/12/88 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 05/16/88, 2:00 pm, Room—H
- 05/13/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
- 05/16/88 SENATE Comm Report. Favorable by Economic, Community and Consumer Affairs, placed on Calendar—SJ 310
- 05/26/88 SENATE Placed on Special Order Calendar—SJ 426; Iden./Sim House Bill substituted—SJ 450, Laid on Table under Rule, Iden./Sim/Compare Bill passed, refer to HB 1485 (Ch. 88-379)—SJ 460

S 1233 GENERAL BILL by Meek (Compare CS/ENG/H 35, H 236, H 665, CS/ENG/H 1519, S 663, S 754, S 800, S 804, S 1012, CS/S 1083) AIDS/Education & Information, requires education in HIV for certain medical professionals, requires information on AIDS & HIV to be given to new state employees, requires AIDS & HIV education in life mgmt. skills course, includes sexually transmissible diseases, AIDS, & HIV in comprehensive health education, requires certain AIDS-related material to be included in university handbooks, etc. Amends F.S. Effective Date 10/01/88

- 04/19/88 SENATE Filed
- 04/21/88 SENATE Introduced, referred to Health and Rehabilitative Services, Education, Commerce, Appropriations—SJ 160
- 04/29/88 SENATE Extension of time granted Committee Health and Rehabilitative Services
- 05/13/88 SENATE Extension of time granted Committee Health and Rehabilitative Services
- 05/27/88 SENATE Extension of time granted Committee Health and Rehabilitative Services
- 06/07/88 SENATE Died in Committee on Health and Rehabilitative Services, Iden./Sim/Compare bill passed, refer to CS/HB 1519 (Ch. 88-380)

S 1234 GENERAL BILL by Gordon (Similar H 1206)

Community Colleges/Tax Cancellation, cancels certain taxes upon real property acquired by community college district board of trustees. Amends 196 29 Effective Date 07/01/88

- 04/19/88 SENATE Filed
- 04/21/88 SENATE Introduced, referred to Education, Finance, Taxation and Claims—SJ 160
- 04/29/88 SENATE Extension of time granted Committee Education
- 05/05/88 SENATE On Committee agenda—Education, 05/09/88, 2:00 pm, Room—H
- 05/09/88 SENATE Comm Report. Favorable by Education—SJ 246
- 05/10/88 SENATE Now in Finance, Taxation and Claims—SJ 246
- 05/11/88 SENATE Withdrawn from Finance, Taxation and Claims—SJ 272, Placed on Calendar
- 05/26/88 SENATE Placed on Special Order Calendar—SJ 426, Passed, YEAS 34 NAYS 0—SJ 449, Immediately certified—SJ 449
- 05/26/88 HOUSE In Messages
- 06/01/88 HOUSE Received, placed on Calendar—HJ 1089; Substituted for HB 1206—HJ 1154; Read second time; Read third time; Passed, YEAS 114 NAYS 0—HJ 1154
- 06/01/88 Ordered enrolled—SJ 630
- 06/16/88 Signed by Officers and presented to Governor
- 07/01/88 Approved by Governor, Chapter No. 88-220

S 1235 GENERAL BILL by Ros-Lehtinen (Identical H 120, Compare ENG/S 824)

DLU/License Suspension or Revocation, requires certain notice to persons upon arraignment for violation of provisions re driving under influence. Amends 316 193. Effective Date: 10/01/88

- 04/19/88 SENATE Filed
- 04/21/88 SENATE Introduced, referred to Judiciary-Criminal, Transportation—SJ 160
- 04/29/88 SENATE Extension of time granted Committee Judiciary-Criminal
- 05/12/88 SENATE On Committee agenda—Judiciary-Criminal, 05/16/88, 2:00 pm, Room—C
- 05/13/88 SENATE Extension of time granted Committee Judiciary-Criminal
- 05/16/88 SENATE Comm Report. Favorable by Judiciary-Criminal—SJ 310
- 05/17/88 SENATE Withdrawn from—Transportation—SJ 309; Placed on Calendar
- 06/07/88 SENATE Died on Calendar, Iden./Sim/Compare Bill passed, refer to SB 824 (Ch. 88-196)

S 1236 GENERAL BILL/CS by Commerce; Hollingsworth (Similar ENG/H 1329)

Workers' Comp./Medical Serv./Family, provides criteria for valuation of certain medical services when provided by family member. Amends 440 13 Effective Date Upon becoming law

- 04/19/88 SENATE Filed
- 04/21/88 SENATE Introduced, referred to Commerce—SJ 160
- 04/25/88 SENATE On Committee agenda—Commerce, 04/27/88, 9:00 am, Room—A
- 04/27/88 SENATE Comm Report CS by Commerce, placed on Calendar—SJ 212

S 1236 (CONTINUED)

- 05/03/88 SENATE CS read first time—SJ 219
- 06/01/88 SENATE Placed on Special Order Calendar—SJ 611 &—SJ 612, Amendment adopted, Iden./Sim House Bill substituted—SJ 697, Laid on Table under Rule, Iden./Sim/Compare Bill passed, refer to HB 1329 (Ch. 88-372)—SJ 711

S 1237 GENERAL BILL by Ros-Lehtinen (Similar ENG/H 1380)

Red Road/State Historic Highway, designates Red Road, which borders Coral Gables Wayside Park in Miami, as state historic highway; provides definition; provides restrictions on removing trees & on construction in area & physical alterations to area; provides for public meeting prior to physical alteration, provides for erection of suitable markers. Effective Date Upon becoming law

- 04/19/88 SENATE Filed
- 04/21/88 SENATE Introduced, referred to Transportation—SJ 160
- 04/29/88 SENATE Extension of time granted Committee Transportation
- 05/05/88 SENATE On Committee agenda—Transportation, 05/09/88, 2:00 pm, Room—C—Temporarily postponed
- 05/13/88 SENATE Extension of time granted Committee Transportation
- 05/27/88 SENATE Extension of time granted Committee Transportation
- 06/07/88 SENATE Died in Committee on Transportation

S 1238 GENERAL BILL by Stuart (Identical H 427, Compare CS/ENG/H 1216, CS/CS/S 1107, S 1180)

Motor Vehicles/Accident Reports, requires law enforcement officers to file written motor vehicle accident reports re certain accidents, deletes language re certain owners or operators of motor vehicles who are not subject to suspension of motor vehicle license arising from certain traffic accidents, deletes required optional deductibles for property damage coverage re owner's motor vehicle liability insurance policies. Amends 316 066, 324 051, 151 Effective Date 10/01/88

- 04/19/88 SENATE Filed
- 04/21/88 SENATE Introduced, referred to Transportation, Commerce—SJ 160
- 04/29/88 SENATE Extension of time granted Committee Transportation
- 05/13/88 SENATE Extension of time granted Committee Transportation
- 05/27/88 SENATE Extension of time granted Committee Transportation
- 06/07/88 SENATE Died in Committee on Transportation, Iden./Sim/Compare bill passed, refer to CS/HB 1216 (Ch. 88-370)

S 1239 GENERAL BILL by Margolis (Identical H 1272)

Witness/Protective Order, authorizes law enf. officer to arrest without warrant person violating protective order restraining harassment of victim or witness in crim. case, provides for duration of temporary protective order, provides for enforcement of protective orders by contempt, provides for civil penalty, provides for detention of respondent upon arrest for violating order & for expeditious enf. proceedings, etc. Amends 901 15, 914 24, creates 914 25 Effective Date Upon becoming law

- 04/19/88 SENATE Filed
- 04/21/88 SENATE Introduced, referred to Judiciary-Criminal—SJ 160
- 04/29/88 SENATE Extension of time granted Committee Judiciary-Criminal
- 05/12/88 SENATE On Committee agenda—Judiciary-Criminal, 05/16/88, 2:00 pm, Room—C
- 05/13/88 SENATE Extension of time granted Committee Judiciary-Criminal
- 06/16/88 SENATE Comm. Report. Favorable by Judiciary-Criminal, placed on Calendar—SJ 310
- 06/02/88 SENATE Placed on Special Order Calendar—SJ 713 &—SJ 715
- 06/03/88 SENATE Placed on Special Order Calendar—SJ 773 &—SJ 787, Iden./Sim House Bill substituted, Laid on Table under Rule, Iden./Sim/Compare Bill passed, refer to HB 748 (Ch. 88-344)—SJ 868

S 1240 GENERAL BILL by Girardeau (Compare S 1241)

Tire Disposal/Local Option Surtax, authorizes counties to levy surtax on sale of new or recapped tires, provides for use of revenues to abate public nuisance caused by improper disposal of tires, etc. Effective Date Upon becoming law

- 04/19/88 SENATE Filed
- 04/21/88 SENATE Introduced, referred to Natural Resources and Conservation, Finance, Taxation and Claims—SJ 160
- 04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation
- 05/13/88 SENATE Extension of time granted Committee Natural Resources and Conservation
- 05/27/88 SENATE Extension of time granted Committee Natural Resources and Conservation
- 06/07/88 SENATE Died in Committee on Natural Resources and Conservation

S 1241 GENERAL BILL by Girardeau (Compare S 1240)

Tire Disposal/Motor Vehicle Lic. Fee, authorizes additional fee on all motor vehicle license registrations sold, transferred, or replaced, authorizes return of such fees to several counties to be deposited in local waste tire removal trust fund to be used for cleaning up & removing improperly disposed of waste tires, etc. Amends 320 03 Effective Date 10/01/88

- 04/19/88 SENATE Filed
- 04/21/88 SENATE Introduced, referred to Natural Resources and Conservation, Finance, Taxation and Claims—SJ 160
- 04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation

By Representative Clements

1 A bill to be entitled

2 An act relating to workers' compensation;
3 amending s. 440.13, F S ; providing criteria
4 for calculating the value of nonprofessional
5 attendant or custodial care provided to an
6 injured employee by a family member; amending
7 s 440.34, F S.; defining "benefits secured"
8 with respect to legal services rendered
9 pursuant to a claim for benefits; amending s.
10 440.49, F S.; providing procedure for selection
11 of a rehabilitation provider for an injured
12 employee; requiring the Division of Workers'
13 Compensation of the Department of Labor and
14 Employment Security to report to the
15 Legislature on rehabilitation; authorizing the
16 division to contract for certain services;
17 providing for appointment of a study
18 commission; providing duties; providing for
19 reimbursement of expenses; providing for
20 dissolution of the commission; providing an
21 effective date

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (e) is added to subsection (2) of
26 section 440.13, Florida Statutes, to read:

27 440.13 Medical services and supplies; penalty for
28 violations; limitations.--

29 (2)
30
31

1 (e) The value of nonprofessional attendant or
2 custodial care provided by a family member shall be determined
3 as follows:

4 1. If the family member is not employed, the per hour
5 value shall be that of the federal minimum wage.

6 2. If the family member is employed and elects to
7 leave that employment to provide attendant or custodial care,
8 the per hour value of that care shall be at the per hour value
9 of such family member's former employment, not to exceed the
10 per hour value of such care available in the community at
11 large.

12
13 "Family member" is defined for purposes of this subsection to
14 be a spouse, father, mother, brother, sister, child, or
15 grandchild.

16 Section 2. Subsection (7) is added to section 440.34,
17 Florida Statutes, to read:

18 440.34 Attorney's fees; costs; penalty for
19 violations.--

20 (7) For purposes of this section, the term "benefits
21 secured" is defined as those workers' compensation benefits
22 obtained as a result of the claimant's attorney's legal
23 services rendered in connection with a claim for benefits,
24 except that the term shall not include future medical benefits
25 to be provided on a date more than 3 years from the date such
26 benefits are determined to be the responsibility of the
27 employer.

28 Section 3. Paragraph (a) of subsection (1) of section
29 440.49, Florida Statutes, is amended to read:

30 440.49 Rehabilitation of injured employees; Special
31 Disability Trust Fund.--

1 (1) REHABILITATION OF INJURED EMPLOYEES.--

2 (a) When an employee has suffered an injury covered by
3 this chapter and it appears that the injury will preclude the
4 employee from earning wages equal to wages earned prior to the
5 injury, the employee shall be entitled to prompt
6 rehabilitation services. The employer or carrier, at its own
7 expense, shall provide such injured employee with appropriate
8 training and education for suitable gainful employment and may
9 cooperate with federal and state agencies for vocational
10 education and with any public or private agency cooperating
11 with such federal and state agencies in the vocational
12 rehabilitation of such injured employees. For purposes of
13 this section only, "suitable gainful employment" means
14 employment or self-employment which is reasonably attainable
15 in light of the individual's age, education, previous
16 occupation, and injury and which offers an opportunity to
17 restore the individual as soon as practicable and as nearly as
18 possible to his average weekly earnings at the time of injury.
19 If such services are not voluntarily offered or accepted, the
20 Division of Workers' Compensation of the Department of Labor
21 and Employment Security, upon application of the employee,
22 employer, or carrier, after affording the parties an
23 opportunity to be heard, may refer the employee to a qualified
24 physician or facility for the evaluation of the practicality
25 of, the need for, and the kind of service, treatment, or
26 training, necessary and appropriate to restore the employee to
27 suitable gainful employment. On receipt of such report, and
28 after affording the parties an opportunity to be heard, the
29 deputy commissioner may order that the service and treatment
30 recommended in the report, or such other rehabilitation
31 treatment or service deemed necessary, be provided at the

1 expense of the employer or carrier. The employer or carrier
2 shall select a rehabilitation provider to perform the service
3 and treatment as ordered by the deputy commissioner. If the
4 injured employee objects to the provider selected by the
5 employer, the employer or carrier shall submit a list of three
6 other providers from which the injured employee shall select a
7 provider within 30 days after receipt of the list. Failure to
8 select a provider within the time prescribed shall constitute
9 a refusal to accept rehabilitation and subject the injured
10 employee to a reduction in benefits pursuant to paragraph (d).
11 For the purposes of this paragraph only, "provider" means an
12 individual, self-employed person, partnership, corporation,
13 clinic, hospital, or other facility.

14 Section 4. The division shall submit a report to the
15 Legislature by March 1, 1990, on the issue of rehabilitation,
16 both physical and vocational. The report shall include
17 specific findings as to the effectiveness, costs, and value of
18 the current system of rehabilitation and specific
19 recommendations for the improvement of the system. The
20 division, for purposes of this subsection, may contract with
21 public or private agencies to gather data and aid in the
22 preparation of the report. The director of the division shall
23 appoint a 5-member rehabilitation study commission to review
24 the preparation of the final report to the Legislature. The
25 commission shall include with the report its review of all the
26 recommendations and findings made by the division. The
27 commission shall include two members representing the private
28 rehabilitation industry, one member representing labor, one
29 member representing self-insured funds or groups, and one
30 member representing insurance carriers. The commission shall
31 select a chairman and shall meet at the call of the chairman

2 or the director of the division The members of the
3 commission shall receive no compensation for their services,
4 but shall be reimbursed for traveling expenses as provided in
5 s. 112.061, Florida Statutes. The commission shall be
6 dissolved on June 1, 1990.

7 Section 5. This act shall take effect October 1, 1988.

8 *****

9 HOUSE SUMMARY

10 Augments various provisions relating to workers'
11 compensation. Provides criteria for calculating the
12 value of nonprofessional attendant or custodial care
13 provided to an injured employee by a family member.
14 Defines "benefits secured" with respect to legal services
15 rendered pursuant to a claim for benefits, and
16 calculation of payment for such services. Provides
17 procedure for selection of a rehabilitation provider for
18 an injured employee. Requires the Division of Workers'
19 Compensation of the Department of Labor and Employment
20 Security to submit a report on rehabilitation to the
21 Legislature. Authorizes the division to contract for
22 data collection and aid in preparing the report.
23 Provides for appointment of a study commission to review
24 preparation of the final report.

25 This publication was produced at an average cost of 1.12 cents
26 per single page in compliance with the Rules and for
27 the information of members of the Legislature and the public.

Date: May 4, 1988
STORAGE NAME: sa-h1329a.co
Date: May 4, 1988

HB 1329

HOUSE OF REPRESENTATIVES
HOUSE COMMERCE COMMITTEE
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 1329
RELATING TO: Workers' Compensation/Injury Employee
SPONSOR(S): Representative Clements
EFFECTIVE DATE: October 1, 1988
COMPANION BILL(S): S1236
OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

House Bill 1329 amends various sections in Chapter 440, Florida Statutes, the Workers' Compensation law. First, it prescribes the monetary value of custodial care by a family member. Second, it limits attorney's fees by restricting the amount on which the benefits can be based. Third, it amends the procedures by which rehabilitation providers are selected. And last, it mandates a rehabilitation study.

A. SECTION-BY-SECTION ANALYSIS:

SECTION 1 amends s. 440.13(2), F.S., relating to the provision of custodial care by a family member.

Current Law: The employer is required to furnish medical treatment, care, and attendance to an injured employee who has filed a Workers' Compensation (WC) claim. Such attendance includes providing custodial care when necessary. The custodial care may be professional or nonprofessional, but if furnished by a family member, the family member may not be paid if the service rendered does not go beyond what that family member would normally provide gratuitously (s. 440.13(2)(d), F.S.). The price of non-gratuitous family care would have to be determined by the deputy commissioner.

Proposed Change: The bill attempts to place a monetary value on the provision of custodial care by a family member and limits the coverage of "family member" to include spouse, father, mother, brother, sister, child or grandchild. If the family member who is providing the care is not employed, that person would receive federal minimum wage (presently \$3.35 per hour). If the care giver is employed and leaves that employment, such person would receive the per hour value of their former employment, but not to exceed the value of custodial care in the community in which it is rendered. Since the provision in the law which prohibits payment for

1611
MAY 30 1988

family member care, which would have been gratuitous anyhow, is not repealed, these new provisions would apply only to such care which would not have been given gratuitously.

SECTION 2 amends s. 440.34, F.S., relating to attorney's fees.

Current Law: Section 440.34(1), F.S., sets forth the parameters of attorney's fees in WC cases. They are 25% of the first \$5000 in benefits secured, 20% of the next \$5000 of benefits, and 15% of the remaining amount of benefits. However, the deputy commissioner may adjust these figures, up or down, depending on whether the circumstances so warrant. There are statutorily prescribed factors which a deputy commissioner must take into account when altering the regularly prescribed fee amount. These include time, labor, novelty and difficulty of the case, customary fee in the locality, amount of the controversy, contingency or certainty of a fee, and the experience and reputation of the attorney.

Proposed Change: This measure defines the term "benefits secured" for purposes of the attorney fee section and carves out an exception therefrom. "Benefits secured" would mean all WC benefits obtained as a result of the claimant's attorney's legal services rendered in connection with a claim for benefits. However, only three years of medical benefits would fall under this new definition, so that the portion of the calculation of attorney's fees which is based on the amount of medical benefits could not be based on anything but three years of estimated value of medical benefits.

SECTION 3 amends s. 440.49(1), F.S., relating to rehabilitation of an injured employee.

Current Law: Employees who are injured on the job are entitled to up to one year of rehabilitation under the workers' compensation law if they are unable to earn what they were earning before the injury. Rehabilitation benefits, as other workers' compensation benefits, are paid by the employer. An employee who refuses rehabilitation deemed necessary by a deputy commissioner will have his WC benefits cut in half. The Division of Workers' Compensation (division) is responsible for maintaining a directory of qualified rehabilitation service providers. The division sets the minimum standards which must be met for a rehabilitation operation to be listed in the directory. For purposes of s. 440.49, F.S., rehabilitation service providers include licensed nurses, rehabilitation counselors and any other public or private company which provides rehabilitation services, but does not include self-insured employers or insurance carriers.

Proposed Change: The bill authorizes the employer/carrier to select the rehabilitation provider. If the employee objects to the initial selection, the employer/carrier must submit the names of three other providers. The employee must make a selection within 30 days of receiving the list or be treated as having refused rehabilitation and would have his workers' compensation benefits reduced by 50%. For purposes of selecting a provider, the term "provider" is defined as an individual, self-employed person, partnership, corporation, clinic, hospital, or other facility. It is unclear from this language whether the subsequent list of 3 providers can include persons who are employed by the same provider that was

initially submitted. Presumably it could, since there is no prohibition against doing so in the bill.

SECTION 4 does not amend current law, but mandates a rehabilitation study.

Current Law: Section 440.49(1)(b)1., F.S., requires that the division continuously study the issue of both physical and vocational rehabilitation.

Proposed Change: The bill would mandate the division to conduct a rehabilitation study and submit a report to the Legislature by March 1, 1990. The report would have to be reviewed by a rehabilitation study commission before it was submitted. The five-member commission would include two persons from the private sector rehabilitation industry, one person representing labor, one person representing self-insurers, and one person representing insurance carriers. The commission members would be allowed per diem expenses.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

The division estimates the cost of bidding out the rehabilitation study to be \$100,000.

2. Recurring or Annualized Continuation Effects:

The division estimates the cost of three rehabilitation study commission meetings to amount to \$3,000.

3. Long Run Effects Other Than Normal Growth:

As the Division of Vocational Rehabilitation and the Bureau of Rehabilitation will no longer be permitted to be providers of rehabilitation services, their role in the system would have to be reevaluated.

4. Appropriations Consequences:

Funding for any state vocational rehabilitation programs would probably decrease, as they would no longer have responsibility for rehabilitation in workers' compensation cases.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Employer/carriers would no longer be afforded the availability of state furnished rehabilitation for WC cases. This may impact on their WC costs as public service providers are oftentimes less expensive than private providers.

2. Direct Private Sector Benefits:

The division estimates that family members will realize a benefit of approximately \$100,000 per year in reimbursement for custodial care.

3. Effects on Competition, Private Enterprise, and Employment Markets:

There will be a statutorily prescribed amount for family care which may assist insurance companies in assessing future WC costs because such amount will be more definite than is currently allowed.

The provision restricting the number of years on which future medical benefits can be used to base an attorney's fee will reduce attorney's fees in a number of cases. If the reduction is significant, it could serve to reduce WC premiums.

Rehabilitation providers will have to comply with employer/carrier standards if they want to be selected to handle WC cases.

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

The Department of Labor and Employment Security does not support this measure, as it believes it unnecessarily increases costs, unfairly jeopardizes claimant's rights, and will engender litigation.

V. AMENDMENTS:

On May 4, 1988, the Full House Commerce Committee adopted an amendment that struck sections 2, 3 and 4 of the bill. Therefore, the only viable remaining section is the one dealing with payment of family members for custodial care of a claimant and it was left intact. Consequently, only the comments in the analysis pertaining to custodial care remain viable. Also, the stricken sections were those particularly objectionable to the Department of Labor and Employment Security. A title amendment was also adopted.

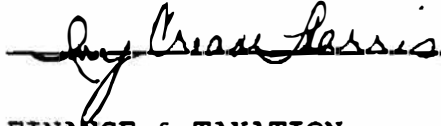
1614

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by: Ivy Cream Harris

Staff Director: H. Fred Varn





FINANCE & TAXATION:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

STORAGE NAME: h1329-f.co
Date: June 13, 1988

HOUSE OF REPRESENTATIVES
HOUSE COMMERCE COMMITTEE
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 1329

RELATING TO: Workers' Compensation; custodial care

SPONSOR(S): Representative Clements

EFFECTIVE DATE: October 1, 1988

DATE BECAME LAW: _____

CHAPTER #: 88- Laws of Florida

COMPANION BILL(S): CS/S1236

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2) _____

I. SUMMARY:

House Bill 1329 amends the Workers' Compensation law by prescribing the monetary value of custodial care by a family member.

A. PRESENT SITUATION:

Currently, the employer is required to furnish medical treatment, care, and attendance to an injured employee who has filed a Workers' Compensation (WC) claim (Section 440.13(2)(a), Florida Statutes). Such attendance includes providing custodial care when necessary. The custodial care may be professional or nonprofessional, but if furnished by a family member, the family member may not be paid if the service rendered does not go beyond what that family member would normally provide gratuitously (s. 440.13(2)(d), F.S.). The price of non-gratuitous family care would have to be determined by the deputy commissioner.

B. EFFECT OF PROPOSED CHANGES:

House Bill 1329 attempts to place a monetary value on the provision of custodial care by a family member and limits the coverage of "family member" to include spouse, father, mother, brother, sister, child, grandchild, father-in-law, mother-in-law, aunt or uncle. If the family member who is providing the care is not employed, that person will receive federal minimum wage (presently \$3.35 per hour). If the care giver is employed and leaves that employment, such person would receive the per hour value of their former employment, but not to exceed the value of custodial

care in the community in which it is rendered. Since the provision in the law which prohibits payment for family member care, which would have been gratuitous anyhow, is not repealed, these new provisions will apply only to such care which would not have been given gratuitously.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

The division estimates that family members will realize a benefit of approximately \$100,000 per year in reimbursement for custodial care.

3. Effects on Competition, Private Enterprise, and Employment Markets:

There will be a statutorily prescribed amount for family care which may assist insurance companies in assessing future WC costs because such amount will be more definite than is currently allowed.

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

LEGISLATIVE HISTORY

Enacted bill:

House Bill 1329 was filed on April 4, 1988, by Representative Clements. It was referred to the Commerce and Appropriations Committees. Not receiving a subcommittee hearing, the bill went directly to the Full Commerce Committee which reported it favorably with two amendments on May 4. The amendments struck sections 2, 3, and 4 of the bill. These sections dealt with payment of attorneys fees, selection of vocational rehabilitation providers, and creation of a vocational rehabilitation study and were objectionable to the Department of Labor and Employment Security. The bill was withdrawn from Appropriations and placed on the Special Order Calendar. With the Commerce Committee amendments, the bill passed the House on May 31, by a vote of 110-0 (HJ 00917). The Senate substituted the House bill for its own and added an amendment which expanded the list of permissible family members to father and mother-in-law, and aunt and uncle (SJ 00697). On June 1, the Senate passed the amended bill, 27-5, and sent it back to the House (SJ 00711). The House concurred in the amendment and passed the bill on June 7, by a 78 to 32 vote (HJ 01613).

Companion Bill:

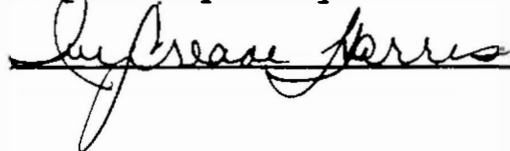
Senate Bill 1236 was filed by Senator Hollingsworth on April 19, 1988, and referred to the Commerce Committee. The Committee heard it on April 25, and reported it as a Committee Substitute. On June 1, the Senate adopted a conforming amendment, substituted the House bill and laid their bill on the table (SJ 00697).

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by: Ivy Cream Harris

Staff Director: H. Fred Varn





Page 4
Bill #: h1329-f.co
Date: June 13, 1988

FINANCE & TAXATION:
Prepared by:

Staff Director:

APPROPRIATIONS:
Prepared by:

Staff Director:

Journals
of the
Florida
House of Representatives
Volume II



Continuation of Regular Session, 1988

May 31 - June 7

June 8, 1988 Special "F"

[Special Sessions are lettered from Organization Session
for two-year term of House of Representatives.]

provided to an injured employee by a family member; amending s 440.34, FS, defining "benefits secured" with respect to legal services rendered pursuant to a claim for benefits, amending s. 440 49, FS, providing procedure for selection of a rehabilitation provider for an injured employee, requiring the Division of Workers' Compensation of the Department of Labor and Employment Security to report to the Legislature on rehabilitation, authorizing the division to contract for certain services, providing for appointment of a study commission, providing duties, providing for reimbursement of expenses; providing for dissolution of the commission; providing an effective date

—was read the second time by title.

The Committee on Commerce offered the following amendment

Amendment 1—On page 2, line 16, through page 5, line 5, strike all of said lines (renumber subsequent section)

Rep McEwan moved the adoption of the amendment, which was adopted

The Committee on Commerce offered the following title amendment:

Amendment 2—On page 1, lines 6-21, after the semicolon, strike all of said lines and insert providing an effective date

Rep McEwan moved the adoption of the amendment, which was adopted without objection

Representatives Simon and Patchett offered the following amendment

Amendment 3—On page 2, between lines 15 and 16, insert the following and renumber subsequent sections Section 2 Subsection (5) of section 440 57, Florida Statutes, is renumbered as subsection (6) and a new subsection (5) is added to said section to read

440 57 Pooling liabilities

(5) No dividend of any self-insurer established under this section, otherwise earned, shall be made contingent upon the payment of renewal premiums on any policy issued by such self-insurer

Rep Simon moved the adoption of the amendment On motion by Rep Meffert, the amendment was laid on the table

On motion by Rep Clements, the rules were waived by two-thirds vote and HB 1329, as amended, was read a third time by title On passage, the vote was

Yeas—110

The Chair	Frankel	Jones, C F	Rehm
Abrams	Friedman	Jones, D L	Renke
Arnold	Frishe	Kelly	Rochlin
Ascherl	Gardner	King	Rudd
Bainter	Gonzalez-	Langton	Sanderson
Banjamin	Quevedo	Lawson	Sansom
Bankhead	Goode	Liberti	Saunders
Bass	Gordon	Lippman	Shelley
Bloom	Grindle	Logan	Silver
Bronson	Guber	Lombard	Simon
Brown	Gustafson	Long	Simone
Burnsed	Gutman	Mackenzie	Smith
Canady	Hanson	Mackey	Souto
Carlton	Harden	Martin	Starks
Carpenter	Hargrett	Martinez	Stone
Casas	Harris	McEwan	Thomas
Clark	Hawkins	Meffert	Titone
Clements	Healey	Messersmith	Tobiasen
Cosgrove	Hill	Metcalf	Tobin
Crady	Hodges	Mitchell	Trammell
Crotty	Holland	Morse	Troxler
Dantzler	Holzendorf	Mortham	Upchurch
Davis	Ireland	Nergard	Wallace
Deutsch	Irvine	Ostrau	Webster
Diaz-Balart	Jamerson	Patchett	Wise
Drage	Jennings	Peeples	Woodruff
Dunbar	Johnson, B L	Press	Young
Figg	Johnson, R C	Reaves	

Nays—None

Votes after roll call

Yeas—Lewis, Sample

So the bill passed, as amended, and was immediately certified to the Senate after engrossment

HB 69—A bill to be entitled An act relating to hospitals, creating s 395 0116, FS, providing that it is unlawful for certain persons to threaten, coerce, intimidate, or discipline any licensed physician under certain circumstances, providing a penalty, providing for civil actions; providing an effective date

—was read the second time by title

The Committee on Judiciary offered the following amendment

Amendment 1—On page 1, lines 19, 20 and 27, after the word "physician" insert, "or any licensed nurse" and on page 1, line 20, strike "another" and insert a

Rep Dunbar moved the adoption of the amendment, which was adopted

The Committee on Judiciary offered the following title amendment

Amendment 2—On page 1, line 6, after the word "physician" insert or any licensed nurse

Rep Dunbar moved the adoption of the amendment, which was adopted without objection

Representative Sanderson offered the following amendment

Amendment 3—On page 1, line 11, insert Section 1 Section 90 702, Florida Statutes, is amended to read

90 702 Testimony by experts—If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify about it in the form of an opinion, however, the opinion is admissible only if it can be applied to evidence at trial The opinion testimony or written opinion of a "medical expert" shall be admissible in evidence in an action for or provided as corroboration for a claim of medical negligence only as to a defendant where the "medical expert" has had significant patient care responsibilities within the preceding 3 years in the same specialty or field of practice of such defendant For purposes of this section, "significant patient care responsibilities" means at least 50 percent patient care or clinical teaching responsibilities, as compared to research or administrative responsibilities (renumber subsequent sections)

Rep Sanderson moved the adoption of the amendment

Rep Upchurch raised a point of order, under Rule 11 8, that the amendment was not germane and would unduly expand the bill, stating that the bill pertained only to procedure, and the amendment addressed rule of evidence The Chair reserved ruling on the point and, without objection, further consideration of HB 69 was temporarily deferred

Subsequently, without objection, the amendment and the pending point of order were withdrawn

On motion by Rep Dunbar, the rules were waived by two-thirds vote and HB 69, as amended, was read the third time by title On passage, the vote was

Yeas—117

The Chair	Bronson	Crady	Friedman
Abrams	Brown	Crotty	Frishe
Arnold	Burnsed	Dantzler	Gardner
Ascherl	Canady	Davis	Glickman
Bainter	Carlton	Deutsch	Gonzalez-
Banjamin	Carpenter	Diaz-Balart	Quevedo
Bankhead	Casas	Drage	Goode
Bass	Clark	Dunbar	Gordon
Bell	Clements	Figg	Grindle
Bloom	Cosgrove	Frankel	Guber

Journal
of the
S E N A T E
State of Florida

TWENTIETH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 5 THROUGH JUNE 7, 1988



Yeas—36

Barron	Frank	Johnson	Plummer
Beard	Girardeau	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	Scott
Childers, D	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 1329—A bill to be entitled An act relating to workers' compensation, amending s. 440.13, F.S., providing criteria for calculating the value of nonprofessional attendant or custodial care provided to an injured employee by a family member; providing an effective date.

Senator Hollingsworth moved the following amendment which was adopted

Amendment 1—On page 2, lines 14 and 15, strike "or grandchild" and insert *grandchild, father-in-law, mother-in-law, aunt, or uncle*

On motion by Senator Hollingsworth, by two-thirds vote HB 1329 as amended was read the third time by title, passed and certified to the House. The vote on passage was.

Yeas—27

Barron	Dudley	Jenne	Peterson
Beard	Frank	Jennings	Plummer
Childers, D	Girardeau	Johnson	Ros-Lehtinen
Childers, W. D.	Grant	Kiser	Stuart
Crawford	Hair	Lehtinen	Weinstein
Crenshaw	Hill	Meek	Woodson
Deratany	Hollingsworth	Myers	

Nays—5

Brown	Margolis	Weinstock
Malchon	Thurman	

Vote after roll call:

Yea—Langley

Yea to Nay—Frank, Jenne, Stuart, Weinstein

On motions by Senator Hollingsworth, by two-thirds vote HB 648 was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Hollingsworth—

HB 648—A bill to be entitled An act relating to the marketing of agricultural products; amending s. 570.02, F.S.; defining the term "agricultural marketing facilities", amending s. 570.07, F.S.; expanding the functions, powers, and duties of the Department of Agriculture and Consumer Services; amending s. 570.53, F.S.; clarifying the powers and duties of the Division of Marketing of the Department of Agriculture and Consumer Services, authorizing the division to enter into contracts with private persons, creating s. 570.531, F.S.; creating the Market Improvements Working Capital Trust Fund; providing legislative intent; providing for a study; providing an effective date.

—a companion measure, was substituted for SB 643 and read the second time by title

Senator Hollingsworth moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 8 and 9, insert.

Section 3. Subsection (2) of section 570.151, Florida Statutes, is amended to read.

570.151 Appointment and duties of road guard inspection special officers —

(2) All such special officers shall have power and authority to make arrests, with or without warrants as provided in s. 570.15 and all other laws relating to livestock, citrus and citrus products, tomatoes, limes, avocados, plants and other horticultural products and any section with respect to which any authority is conferred by law on the department, for violations of law committed within the jurisdiction of s. 570.15 to the same extent and under the same limitations and duties as do peace officers under the provisions of chapter 901, and all such special officers shall have the right and authority to carry arms while on duty, provided such officers meet the requirements of the Criminal Justice Standards and Training Commission established under s. 943.13 ~~e. 942.11~~. The compensation of such special officers shall be fixed and paid in accordance with the state classification and pay plan for career service employees.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 8, following the first semicolon (;) insert. amending s. 570.151, F.S., modifying duties of road guard inspection officers,

On motion by Senator Hollingsworth, by two-thirds vote HB 648 as amended was read the third time by title, passed and certified to the House. The vote on passage was.

Yeas—37

Barron	Girardeau	Kiser	Ros-Lehtinen
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thomas
Childers, D	Hair	Malchon	Thurman
Childers, W. D.	Hill	Margolis	Weinstein
Crawford	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Deratany	Jennings	Myers	
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

Nays—None

CS for CS for CS for SB 560—A bill to be entitled An act relating to regulation of sellers of travel, creating s. 559.927, F.S.; providing definitions, providing for registration of sellers of travel; providing registration fees; providing for submission of documents by sellers of travel and by promoters, providing for recordkeeping; providing for suspension or revocation of registration, prescribing acts or omissions which constitute violations; prescribing criminal and civil penalties; providing for bonds by registrants; providing exemptions; providing for disposition of moneys recovered; providing for state preemption of the subject matter; providing for future review and repeal; providing an appropriation; providing an effective date

—was read the second time by title.

Two amendments were adopted to CS for CS for CS for SB 560 to conform the bill to CS for HB 1031.

Pending further consideration of CS for CS for CS for SB 560 as amended, on motions by Senator Weinstein, by two-thirds vote—

CS for HB 1031—A bill to be entitled An act relating to regulation of sellers of travel; creating s. 559.927, F.S., providing definitions; providing for registration of sellers of travel; providing registration fees; providing for submission of documents by sellers of travel and by promoters; providing for recordkeeping; providing for suspension or revocation of registration, prescribing acts or omissions which constitute violations; prescribing criminal and civil penalties; providing for bonds by registrants; providing exemptions, providing for disposition of moneys recovered, providing for state preemption of the subject matter; providing for future review and repeal; providing an effective date

—a companion measure, was substituted for CS for CS for CS for SB 560 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 1031 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Brown	Childers, W. D.	Crenshaw
Beard	Childers, D	Crawford	Deratany

By Senator Hollingsworth

1 A bill to be entitled
 2 An act relating to workers' compensation;
 3 amending s. 440.13, F.S.; providing criteria
 4 for valuation of certain medical services when
 5 provided by a family member; amending s.
 6 440 34, F.S.; providing a limitation on
 7 attorney's fees under certain circumstances;
 8 amending s. 440.49, F.S.; providing
 9 requirements for selecting a rehabilitation
 10 provider; requiring the Division of Workers'
 11 Compensation of the Department of Labor and
 12 Employment Security to prepare a report;
 13 creating the Rehabilitation Study Commission;
 14 providing for commission membership and
 15 organization; requiring the commission to
 16 review the division's report; providing an
 17 effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Subsection (2) of section 440.13, Florida
 22 Statutes, is amended to read:

23 440.13 Medical services and supplies; penalty for
 24 violations; limitations.--

25 (2)(a) Subject to the limitations specified in s.
 26 440.19(1)(b), the employer shall furnish to the employee such
 27 medically necessary remedial treatment, care, and attendance
 28 by a health care provider and for such period as the nature of
 29 the injury or the process of recovery may require, including
 30 medicines, medical supplies, durable medical equipment,
 31 orthoses, prostheses, and other medically necessary apparatus.

1 The carrier shall not deauthorize a health care provider
2 furnished by the employer to provide remedial treatment, care,
3 and attendance, without the agreement of the employer, unless
4 a deputy commissioner determines that the deauthorization of
5 the health care provider is in the best interests of the
6 injured employee. The division may assess a civil penalty of
7 \$100 against a carrier which deauthorizes a health care
8 provider who has been authorized by the employer without first
9 obtaining the approval of such deauthorization from the
10 employer or an order from a deputy commissioner approving the
11 deauthorization. Any list of health care providers developed
12 by a carrier, not including pharmacists, from which health
13 care providers are selected to provide remedial treatment,
14 care, and attendance shall include representation of each type
15 of health care provider defined in s. 440.13(3)(d)1.d.,
16 Florida Statutes, 1981, and shall not discriminate against any
17 of the types of health care providers as a class.

18 (b) If the employer fails to provide such treatment,
19 care, and attendance after request by the injured employee,
20 the employee may do so at the expense of the employer, the
21 reasonableness and the necessity to be approved by a deputy
22 commissioner. The employee shall not be entitled to recover
23 any amount personally expended for such treatment or service
24 unless he has requested the employer to furnish the same and
25 the employer has failed, refused, or neglected to do so or
26 unless the nature of the injury required such treatment,
27 nursing, and services and the employer or the superintendent
28 or foreman thereof, having knowledge of such injury, has
29 neglected to provide the same. Nor shall any claim for
30 medical, surgical, or other remedial treatment be valid and
31 enforceable unless, within 10 days following the first

1 treatment, except in cases where first-aid only is rendered,
2 and thereafter at such intervals as the division by regulation
3 may prescribe, the health care provider or health care
4 facility giving such treatment or treatments furnishes to the
5 employer, or to the carrier if the employer is not self-
6 insured, a report of such injury and treatment on forms
7 prescribed by the division; however, a deputy commissioner,
8 for good cause, may excuse the failure of the health care
9 provider or health care facility to furnish any report within
10 the period prescribed and may order the payment to such
11 employee of such remuneration for treatment or service
12 rendered as the deputy commissioner finds equitable. Along
13 with such reports, the health care provider shall furnish a
14 sworn statement that the treatment or services rendered were
15 reasonable and necessary with respect to the bodily injury
16 sustained. The sworn statement shall read as follows: "Under
17 penalty of perjury, I declare that I have read the foregoing;
18 that the facts alleged are true, to the best of my knowledge
19 and belief; and that the treatment and services rendered were
20 reasonable and necessary with respect to the bodily injury
21 sustained."

22 (c) Each medical report obtained or received by the
23 employer, the carrier, or the injured employee, or the
24 attorney for any of them, with respect to the remedial
25 treatment, care, and attendance of the injured employee,
26 including any report of an examination, diagnosis, or
27 disability evaluation, shall be filed with the Division of
28 Workers' Compensation within 15 days after receipt of the
29 report. A medical report not previously filed with the
30 division shall not be received in evidence in a contested case
31 unless the party offering the report has furnished a copy

1 | thereof to the opposing party or his attorney at least 5 days
2 | prior to the hearing at which it is offered. The health care
3 | provider or health care facility shall also furnish to the
4 | injured employee, or to his attorney, on demand, a copy of
5 | each such report without charge to the injured employee,
6 | except actual cost to the health care provider or health care
7 | facility furnishing the copy. Each such health care provider
8 | or health care facility shall provide to the division such
9 | additional information with respect to the remedial treatment,
10 | care, and attendance that the division may reasonably request
11 | as part of its investigation of a claim filed by an injured
12 | worker for benefits under this chapter.

13 | (d) The employer shall provide appropriate
14 | professional or nonprofessional custodial care when the nature
15 | of the injury so requires, but family members may not be paid
16 | for such care when the services they provide do not go beyond
17 | those which are normally provided by family members
18 | gratuitously.

19 | (e) The value of nonprofessional attendant or
20 | custodial care provided by a family member shall be determined
21 | as follows:

22 | 1. If the family member is not employed, the per hour
23 | value shall be that of the federal minimum wage.

24 | 2. If the family member is employed and elects to
25 | leave that employment to provide attendant or custodial care,
26 | the per hourly value of that care shall be at the per hourly
27 | value of their former employment, not to exceed the per hourly
28 | value of such care available in the community at large.

29 | (f) For purposes of this subsection, the term "family
30 | member" means a spouse, father, mother, brother, sister,
31 | child, or grandchild.

1 Section 2. Subsection (1) of section 440.34, Florida
2 Statutes, is amended to read:

3 440.34 Attorney's fees; costs, penalty for
4 violations.--

5 (1) No fee, gratuity, or other consideration shall be
6 paid for services rendered for a claimant in connection with
7 any proceedings arising under this chapter, unless approved as a
8 reasonable by the deputy commissioner or court having
9 jurisdiction over such proceedings. Except as provided by
10 this subsection, any attorney's fee approved by a deputy
11 commissioner shall be equal to 25 percent of the first \$5,000
12 of the amount of the benefits secured, 20 percent of the next
13 \$5,000 of the amount of the benefits secured, and 15 percent
14 of the remaining amount of the benefits secured. However, the
15 deputy commissioner shall consider the following factors in
16 each case and may increase or decrease the attorney's fee if,
17 in his judgment, the circumstances of the particular case
18 warrant such action:

19 (a) The time and labor required, the novelty and
20 difficulty of the questions involved, and the skill requisite
21 to perform the legal service properly.

22 (b) The likelihood, if apparent to the claimant, that
23 the acceptance of the particular employment will preclude
24 employment of the lawyer by others or cause antagonisms with
25 other clients.

26 (c) The fee customarily charged in the locality for
27 similar legal services.

28 (d) The amount involved in the controversy and the
29 benefits resulting to the claimant.

30 (e) The time limitation imposed by the claimant or the
31 circumstances.

1 (f) The nature and length of the professional
2 relationship with the claimant.

3 (g) The experience, reputation, and ability of the
4 lawyer or lawyers performing services.

5 (h) The contingency or certainty of a fee.
6

7 For purposes of this section, the term "benefits secured"
8 means workers' compensation benefits obtained as a result of
9 the claimant's attorney's legal services rendered in
10 connection with a claim for benefits; however, such term does
11 not include future medical benefits to be provided on any date
12 more than 5 years after the date such benefits are determined
13 to be the responsibility of the employer.

14 Section 3. Paragraph (a) of subsection (1) of section
15 440.49, Florida Statutes, is amended to read:

16 440.49 Rehabilitation of injured employees; Special
17 Disability Trust Fund.--

18 (1) REHABILITATION OF INJURED EMPLOYEES.--

19 (a) When an employee has suffered an injury covered by
20 this chapter and it appears that the injury will preclude the
21 employee from earning wages equal to wages earned prior to the
22 injury, the employee shall be entitled to prompt
23 rehabilitation services. The employer or carrier, at its own
24 expense, shall provide such injured employee with appropriate
25 training and education for suitable gainful employment and may
26 cooperate with federal and state agencies for vocational
27 education and with any public or private agency cooperating
28 with such federal and state agencies in the vocational
29 rehabilitation of such injured employees. For purposes of
30 this section only, "suitable gainful employment" means
31 employment or self-employment which is reasonably attainable

1 in light of the individual's age, education, previous
2 occupation, and injury and which offers an opportunity to
3 restore the individual as soon as practicable and as nearly as
4 possible to his average weekly earnings at the time of injury.
5 If such services are not voluntarily offered or accepted, the
6 Division of Workers' Compensation of the Department of Labor
7 and Employment Security, upon application of the employee,
8 employer, or carrier, after affording the parties an
9 opportunity to be heard, may refer the employee to a qualified
10 physician or facility for the evaluation of the practicality
11 of, the need for, and the kind of service, treatment, or
12 training, necessary and appropriate to restore the employee to
13 suitable gainful employment. On receipt of such report, and
14 after affording the parties an opportunity to be heard, the
15 deputy commissioner may order that the service and treatment
16 recommended in the report, or such other rehabilitation
17 treatment or service deemed necessary, be provided at the
18 expense of the employer or carrier. The employer or carrier
19 must select a rehabilitation provider to perform any services
20 or treatment ordered by the deputy commissioner. If the
21 injured employee objects to the rehabilitation provider
22 selected by the employer, the employer or carrier must submit
23 a list of three providers from which the injured employee must
24 select a provider within 30 days after receipt of the list.
25 Failure to select a rehabilitation provider within the time
26 prescribed constitutes a refusal to accept rehabilitation and
27 subjects the injured employee to a reduction in benefits under
28 paragraph (d). For the purposes of this paragraph, the term
29 "rehabilitation provider" means any individual, self-employed
30 person, partnership, corporation, clinic, hospital, or other
31 facility that performs rehabilitation services or treatment.

1 Section 4. The Division of Workers' Compensation of
2 the Department of Labor and Employment Security shall submit a
3 report to the Legislature by March 1, 1990, on the issues of
4 physical and vocational rehabilitation. The report shall
5 include specific findings as to the effectiveness, costs, and
6 value of the current system of such rehabilitation and make
7 specific recommendations to improve the system. The division
8 may contract with public or private agencies to gather data
9 and aid in the preparation of the report. The Director of the
10 Division of Workers' Compensation shall appoint a five-member
11 Rehabilitation Study Commission to review the final report to
12 the Legislature. The commission shall include with the report
13 its review of all the recommendations and findings made by the
14 division. The commission shall include two members
15 representing the private rehabilitation industry, one member
16 representing labor, one member representing self-insured funds
17 or groups, and one member representing insurance carriers.
18 The commission shall select a chairman and shall meet at the
19 call of the chairman or the Director of the Division of
20 Workers' Compensation. The members of the commission shall
21 receive no compensation for their services, but are entitled
22 to reimbursement for travel expenses as provided in section
23 112.061, Florida Statutes. The commission is abolished on
24 June 1, 1990.

25 Section 5. This act shall take effect upon becoming a
26 law.

27
28
29
30
31

SENATE SUMMARY

For purposes of payments under workers' compensation, provides criteria for valuation of attendant or custodial care that is provided by a family member. Defines the term "family member." Provides that attorney's fees in workers' compensation proceedings may not be based on medical benefits that are to be provided more than 5 years after such proceedings. Requires an injured employee to select a rehabilitation provider within a specified time or become subject to a reduction in benefits. Requires the Division of Workers' Compensation of the Department of Labor and Employment Security to prepare a report for the Legislature. Creates the Rehabilitation Study Commission to review the division's report.

By the Committee on Commerce and Senator Hollingsworth

This publication was produced at an estimated cost of 1.5 cents per page for the information of members of the legislature and the public.

1 A bill to be entitled
2 An act relating to workers' compensation;
3 amending s. 440.13, F S.; providing criteria
4 for valuation of certain medical services when
5 provided by a family member; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (2) of section 440.13, Florida
11 Statutes, is amended to read:

12 440.13 Medical services and supplies; penalty for
13 violations; limitations.--

14 (2)(a) Subject to the limitations specified in s.
15 440.19(1)(b), the employer shall furnish to the employee such
16 medically necessary remedial treatment, care, and attendance
17 by a health care provider and for such period as the nature of
18 the injury or the process of recovery may require, including
19 medicines, medical supplies, durable medical equipment,
20 orthoses, prostheses, and other medically necessary apparatus.
21 The carrier shall not deauthorize a health care provider
22 furnished by the employer to provide remedial treatment, care,
23 and attendance, without the agreement of the employer, unless
24 a deputy commissioner determines that the deauthorization of
25 the health care provider is in the best interests of the
26 injured employee. The division may assess a civil penalty of
27 \$100 against a carrier which deauthorizes a health care
28 provider who has been authorized by the employer without first
29 obtaining the approval of such deauthorization from the
30 employer or an order from a deputy commissioner approving the
31 deauthorization. Any list of health care providers developed

1 by a carrier, not including pharmacists, from which health
2 care providers are selected to provide remedial treatment,
3 care, and attendance shall include representation of each type
4 of health care provider defined in s. 440.13(3)(d)1.d.,
5 Florida Statutes, 1981, and shall not discriminate against any
6 of the types of health care providers as a class.

7 (b) If the employer fails to provide such treatment,
8 care, and attendance after request by the injured employee,
9 the employee may do so at the expense of the employer, the
10 reasonableness and the necessity to be approved by a deputy
11 commissioner. The employee shall not be entitled to recover
12 any amount personally expended for such treatment or service
13 unless he has requested the employer to furnish the same and
14 the employer has failed, refused, or neglected to do so or
15 unless the nature of the injury required such treatment,
16 nursing, and services and the employer or the superintendent
17 or foreman thereof, having knowledge of such injury, has
18 neglected to provide the same. Nor shall any claim for
19 medical, surgical, or other remedial treatment be valid and
20 enforceable unless, within 10 days following the first
21 treatment, except in cases where first-aid only is rendered,
22 and thereafter at such intervals as the division by regulation
23 may prescribe, the health care provider or health care
24 facility giving such treatment or treatments furnishes to the
25 employer, or to the carrier if the employer is not self-
26 insured, a report of such injury and treatment on forms
27 prescribed by the division; however, a deputy commissioner,
28 for good cause, may excuse the failure of the health care
29 provider or health care facility to furnish any report within
30 the period prescribed and may order the payment to such
31 employee of such remuneration for treatment or service

1 rendered as the deputy commissioner finds equitable. Along
2 with such reports, the health care provider shall furnish a
3 sworn statement that the treatment or services rendered were
4 reasonable and necessary with respect to the bodily injury
5 sustained. The sworn statement shall read as follows: "Under
6 penalty of perjury, I declare that I have read the foregoing;
7 that the facts alleged are true, to the best of my knowledge
8 and belief; and that the treatment and services rendered were
9 reasonable and necessary with respect to the bodily injury
10 sustained."

11 (c) Each medical report obtained or received by the
12 employer, the carrier, or the injured employee, or the
13 attorney for any of them, with respect to the remedial
14 treatment, care, and attendance of the injured employee,
15 including any report of an examination, diagnosis, or
16 disability evaluation, shall be filed with the Division of
17 Workers' Compensation within 15 days after receipt of the
18 report. A medical report not previously filed with the
19 division shall not be received in evidence in a contested case
20 unless the party offering the report has furnished a copy
21 thereof to the opposing party or his attorney at least 5 days
22 prior to the hearing at which it is offered. The health care
23 provider or health care facility shall also furnish to the
24 injured employee, or to his attorney, on demand, a copy of
25 each such report without charge to the injured employee,
26 except actual cost to the health care provider or health care
27 facility furnishing the copy. Each such health care provider
28 or health care facility shall provide to the division such
29 additional information with respect to the remedial treatment,
30 care, and attendance that the division may reasonably request
31

1 | as part of its investigation of a claim filed by an injured
2 | worker for benefits under this chapter.

3 | (d) The employer shall provide appropriate
4 | professional or nonprofessional custodial care when the nature
5 | of the injury so requires, but family members may not be paid
6 | for such care when the services they provide do not go beyond
7 | those which are normally provided by family members
8 | gratuitously.

9 | (e) The value of nonprofessional attendant or
10 | custodial care provided by a family member shall be determined
11 | as follows:

12 | 1. If the family member is not employed, the per hour
13 | value shall be that of the federal minimum wage.

14 | 2. If the family member is employed and elects to
15 | leave that employment to provide attendant or custodial care,
16 | the per hourly value of that care shall be at the per hourly
17 | value of their former employment, not to exceed the per hourly
18 | value of such care available in the community at large.

19 | (f) For purposes of this subsection, the term "family
20 | member" means a spouse, father, mother, brother, sister,
21 | child, or grandchild.

22 | Section 2. This act shall take effect upon becoming a
23 | law.

24 |
25 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 | COMMITTEE SUBSTITUTE FOR
27 | Senate Bill 1236

28 | The committee substitute for SB 1236 deletes: provisions
29 | modifying benefits secured as a result of certain legal
30 | services; provisions modifying the process of selection of a
31 | rehabilitation provider; and, provisions mandating a report
 | on physical and vocational rehabilitation by the Division of
 | Workers' Compensation.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Casteel, MWC	Fort	1. COM	Fav/CS
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Workers' Compensation

BILL NO. AND SPONSOR:

CS/SB 1236 by Commerce and
Senator Hollingsworth

I. SUMMARY:

A. Present Situation:

Section 440.13, F.S., provides that family members may not be paid for professional or nonprofessional custodial care when their services do not go beyond those which are normally provided by family members gratuitously.

In recent years, there have been various decisions from the First District Court of Appeal relating to this issue. In 1984, in the case of Farm v. Ferrell, 458 So.2d 1147 (Fla. 1st DCA 1984), the court held a claimant's wife was entitled to \$3.35 per hour for her services. In 1987, in the case of Southland v. Anaya, 513 So.2d 203 (Fla. 1st DCA 1987), the court held that family members performing attendant care services were entitled to compensation at the market rate above the hourly wage of \$3.35 per hour. The case was remanded to the trial court to decide the dollar value of the family members' attendant care. Thus, the issue does not appear well settled.

B. Effect of Proposed Changes:

Section 440.13, F.S., as amended, would limit the value of nonprofessional attendant or custodial care, provided by a family member who is not employed, to the federal minimum wage per hour. If the family member is employed and elects to leave his employment to provide attendant or custodial care, the hourly value of that care is the hourly value of his former employment, not to exceed the hourly value of such care available in the community at large. A "family member" is defined as a spouse, father, mother, brother, sister, child, or grandchild.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

HB 1329

HOUSE BILL 1329 (CHAPTER 88-) amends s. 440.13, F.S., and would limit the value of nonprofessional attendant or custodial care, provided by a family member who is not employed, to the federal minimum wage per hour. If the family member is employed and elects to leave his employment to provide attendant or custodial care, the hourly value of that care is the hourly value of his former employment, not to exceed the hourly value of such care available in the community at large. A "family member" is defined as a spouse, father, mother, brother, sister, child, grandchild, father-in-law, mother-in-law, aunt, or uncle.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Casteel <i>MWC</i>	Fort <i>MS</i>	1. COM	Fav/CS
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Workers' Compensation

BILL NO. AND SPONSOR:

CS/SB 1236 by Commerce and
Senator Hollingsworth

I. SUMMARY:

A. Present Situation:

Section 440.13, F.S., provides that family members may not be paid for professional or nonprofessional custodial care when their services do not go beyond those which are normally provided by family members gratuitously.

In recent years, there have been various decisions from the First District Court of Appeal relating to this issue. In 1984, in the case of Farm v. Ferrell, 458 So.2d 1147 (Fla. 1st DCA 1984), the court held a claimant's wife was entitled to \$3.35 per hour for her services. In 1987, in the case of Southland v. Anaya, 513 So.2d 203 (Fla. 1st DCA 1987), the court held that family members performing attendant care services were entitled to compensation at the market rate above the hourly wage of \$3.35 per hour. The case was remanded to the trial court to decide the dollar value of the family members' attendant care. Thus, the issue does not appear well settled.

B. Effect of Proposed Changes:

Section 440.13, F.S., as amended, would limit the value of nonprofessional attendant or custodial care, provided by a family member who is not employed, to the federal minimum wage per hour. If the family member is employed and elects to leave his employment to provide attendant or custodial care, the hourly value of that care is the hourly value of his former employment, not to exceed the hourly value of such care available in the community at large. A "family member" is defined as a spouse, father, mother, brother, sister, child, or grandchild.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

HB 1329

HOUSE BILL 1329 (CHAPTER 88-) amends s. 440.13, F.S., and would limit the value of nonprofessional attendant or custodial care, provided by a family member who is not employed, to the federal minimum wage per hour. If the family member is employed and elects to leave his employment to provide attendant or custodial care, the hourly value of that care is the hourly value of his former employment, not to exceed the hourly value of such care available in the community at large. A "family member" is defined as a spouse, father, mother, brother, sister, child, grandchild, father-in-law, mother-in-law, aunt, or uncle.