

## AM I ENTITLED TO RECEIVE LOST WAGES IF I GET INJURED ON THE JOB IN FLORIDA?

The workers' compensation system in Florida does compensate injured workers for their lost wages if they are temporarily or permanently unable to work due to their work-related injuries. Generally there are three types of compensation for lost wages:

1. Temporary Partial Disability (TPD)
2. Temporary Total Disability (TTD)
3. Permanent Total Disability (PTD)

The type and amount of compensation you receive depends upon multiple factors including the nature and severity of your injuries, your medically imposed work restrictions, your employer's ability or inability to accommodate your work restrictions, and your average income in the 13 weeks immediately preceding the date of your injury.

### What are Temporary Partial Disability (TPD) benefits?

Injured workers may be entitled to temporary partial disability benefits if they are not deemed totally disabled by their authorized treating physician, are medically able to perform some type of work, and are not making at least 80% of their pre-injury wages.

In most cases, your treating physician will determine that you are capable of returning back to work with certain restrictions. You are then required to provide your employer with the treating physician's restrictions. If your employer has work available within your restrictions, you are required to return to

work. If your employer is unable to accommodate your restrictions, you are entitled to receive temporary partial disability benefits. These benefits are typically paid every 14 days.

The amount you receive is determined by your average earnings for the 13 weeks immediately preceding the date of injury which is referred to as your average weekly wage (AWW). If you qualify for temporary partial disability, you will receive 64 percent of your average weekly wage.

### What are Temporary Total Disability (TTD) benefits?

Injured workers are entitled to temporary total disability if their treating physician determines that the injuries are so severe that they are temporarily totally disabled and not able to work at all. As with temporary partial disability, the benefits are typically paid biweekly. The amount you receive is 66 2/3 percent of your average weekly wage.

### What are Permanent Total Disability (PTD) benefits?

You may qualify for permanent total disability benefits if your injuries are so severe that you are unable to ever work again. Not only do you have to show that you cannot perform your current job duties but that you are unable to perform any work at all.

In the following cases, an injured worker is presumed to be permanently and totally disabled unless the employer or carrier



can establish that the employee is physically capable of engaging in at least sedentary duty within a 50 mile radius of the employee's residence:

1. Spinal cord injury involving severe paralysis of an arm, leg, or the trunk;
2. Amputation of an arm, a hand, a foot, or a leg involving the effective loss of that appendage;
3. Severe brain or closed-head injury;
4. Second-degree or third-degree burns of 25 percent or more of the total body or third-degree burns of 5 percent or more to the face and hands;
5. Total or industrial blindness.

In all other cases, the burden is on the injured worker and his or her attorney to establish that the employee is not able to engage in at least sedentary duty within a 50 mile radius of the employee's home. As with temporary total disability, the benefits are paid out at 66 2/3 of your average weekly wage. Entitlement to permanent total disability benefits end at age 75.

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## **UNDERSTANDING YOUR AUTO INSURANCE POLICY**

**Legal**  
*Fall 2021*  
**Wise**

So often we hear the term “full coverage” as it relates to automobile insurance. This term is very broad and can mean something different depending on who you ask. In the state of Florida, there are only two types of automobile insurance coverage required by law: Personal Injury Protection (PIP) and Property Damage (PD).

Insurance is intended to protect you from serious losses. Here is a brief overview of important coverages:

**Bodily Injury Liability (BI):** This provides coverage for personal injuries in an accident where you are found to have been at fault. You will see this coverage listed as two amounts, such as \$10,000/\$20,000. These amounts represent how much coverage is available per person/per accident and can be purchased in many different increments. This coverage pays for the medical treatments and other expenses incurred by another driver, the other driver's passengers, your passengers and pedestrians. This coverage can essentially protect you from personal liability. You should consider your personal assets when you are electing a coverage amount.

**Property Damage Liability (PD):**

Florida requires drivers to have property damage liability coverage. This covers the repair or replacement of other people's vehicles or property when you are determined to be at fault in an accident. This coverage amount can also be purchased in different amounts.

**Collision and Comprehensive:** Collision pays for the repair of your car or replacement of its market value, regardless

of who was at fault. Comprehensive pays for replacement or repairs after your car has been stolen or damaged as a result of events such as fire, flood and windstorm. Pay close attention to the deductible you select, as this is the amount that you will be paying out of pocket when having your own insurance cover any damages.

**Personal Injury Protection (PIP):**

Florida requires drivers to carry \$10,000 in PIP coverage, but you can purchase additional coverage. This is primary insurance coverage for your own medical bills when injuries are suffered in a motor vehicle collision no matter who is at fault. This coverage pays 80% of related medical bills, leaving a co-pay of 20%, and also reimburses lost wages at 60%. Effective July 1, 2012, in order to be eligible for these types of benefits, medical treatment must be obtained within 14 days of an accident.

**Medical Payments Coverage:**

Limits are similar to those of bodily injury liability, and most state laws will not

allow you to purchase more of this coverage than the liability coverage you carry. We recommend no less than the amount of coverage that equals your bodily injury coverage. This is an optional coverage which can be purchased in increments of \$1,000 or \$5,000, up to \$25,000. There is no deductible.

**Uninsured/Underinsured Motorist Coverage (UM/UIM):**

This is the most important coverage for your family. This is an elective coverage that covers your injuries and damages in the event that an at fault party does not carry or carries very minimal BI coverage. It pays medical costs and losses from pain and suffering resulting from an accident. This is very important in Florida, as BI coverage is not mandatory.

**Uninsured Motorist Property Damage:**

Pays for damage to your property by someone without or not enough insurance to reimburse your costs. Recommended if you do not have collision coverage





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**All Injuries, All The Time**



From Left to Right: Attorneys Grace Reeves,  
Edward Murphy, Kennedy Legler, Alyson Battaglia

## Uninsured Motorist Insurance Coverage: To Have or Not to Have?



Many of you may wonder what it means to be “fully covered” under Florida Law in the context of a car accident. A common misconception is that being “fully covered” means that if you are in a car accident that was caused by someone else that 100% of your damages will be covered by the at-fault driver’s insurance. If that is what you think, then you would be **WRONG!**

Unfortunately, Florida Law only requires that you have minimal coverage. This minimal coverage includes \$10,000 in Personal Injury Protection coverage, which pays a portion of your medical bills up to \$10,000, and \$10,000 in Property Damage Liability coverage, which pays for damages that you cause to someone else’s vehicle if you caused the accident. Florida Law does **NOT** require its drivers to obtain Bodily Injury Coverage; a type of insurance that would cover you for damages in excess of the \$10,000 in Personal Injury Protection.

In fact, forget about Florida drivers having the minimum coverage required by law, a recent study shows that over 20% of Florida’s drivers don’t have ANY

insurance at all!<sup>1</sup> The result of this unfortunate fact is that not only does the failure of so many Florida drivers to carry the required coverage cause increased insurance rates, but it also means that if you are operating a vehicle in Florida without Uninsured Motorist Coverage, you are putting yourself at unnecessary risk.

Uninsured Motorist Coverage is valuable coverage that is available for purchase which will provide you with coverage for bodily injuries you may sustain in a car accident, or even as a pedestrian in some instances, when the at-fault driver either has no coverage or does not have enough coverage to compensate you for the injuries and damages that you sustained in a car accident. Such additional damages which you may be entitled to include:

lost wages and/or loss of the ability to earn income, pain, suffering, and mental anguish, payment of future medical expenses, disfigurement, inconvenience, and loss of enjoyment of life.

So, the simple answer to the question at the top of this article is to **HAVE!**

If you or someone you know has had an auto accident or just needs general advice regarding insurance, please do not hesitate to contact us free of charge. We are here for you, as Sarasota and Bradenton’s trusted personal injury attorneys for over 30 years!

All injuries, all the time.

Call us 24/7 at: (941) 748-5599 or visit us at: [www.allinjurieslaw.com](http://www.allinjurieslaw.com).

<sup>1</sup>Insurance Research Council, One in Eight Drivers Uninsured, March 22, 2021, <https://www.insurance-research.org/sites/default/files/downloads/UM%20NR%20032221.pdf>.

### CASE CAPSULES

The following represents a list of recent cases where we recovered monetary damages on behalf of our clients:

- Medical malpractice case  
Amount recovered: \$1.8 million
- Motor vehicle accident involving drunk driver  
Amount recovered: \$5 million - arbitration award
- Motor vehicle accident involving pickup truck and cable wire  
Amount recovered: \$2.5 million
- Medical negligence  
Amount recovered: \$800,000
- Motor vehicle accident during course and scope of employment  
Amount recovered: \$1 million

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## WE'VE MOVED



For many of you who we may have represented in the past, you may have noticed that our old location is vacant and that our names have been removed from the sign. Do not fret! We are not gone; we have moved to a larger, more updated location and are now located at: 2411 Manatee Avenue West, just two convenient blocks from our old location. Come check out our new digs when you are in the area!

No, this is not a Morgan & Morgan building!

The content of this newsletter is not to provide legal advice. Each case is different and requires its own analysis. The topics contained within this newsletter are for the informational purposes only, and this newsletter is not to be distributed to any other persons without the permission of Legler, Murphy & Battaglia. The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide on representation, ask us to send you free written information about our qualifications and experience.

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