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## What Exactly Is Workers' Compensation In Florida?

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What exactly is workers' compensation in Florida? Read this article or Call personal injury attorney Keith Warnock now for a FREE initial consultation: (386) 675-1148.

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## What Exactly Is Workers' Compensation In Florida?

Worker's compensation insurance is purchased by the employer/business and provides benefits for job related employee injuries. Florida Law requires all employers to purchase worker's compensation coverage (with a few exceptions). The Florida Legislature enacted the State's first "Workman's" compensation Act in 1935. Prior to the enactment of Florida's worker's compensation law if you were injured on the job in order to recover damages you were obligated to prove that the employer was negligent in causing your injuries. Since most injuries were not caused by the negligence of the employer this left the employee without any right to recover damages for on the job injuries. Thus the worker's compensation system developed as a means to providing much needed benefits to injured workers'.

Under the workers' compensation system fault and negligence are not at issue. The employers must provide benefits for work related injuries without regard to fault so long as two conditions are met. First, the injury must arise out of the worker's employment. Second, the injury must occur in the course and scope of the worker's employment. In exchange for the right to receive guaranteed benefits, employees who are injured on the job are not allowed to sue their employer for negligence.

The benefits that the injured worker is entitled to is limited to economic damages only. The injured worker may only recover two types of benefits 1) medical benefits and 2) wage loss benefits. Wage loss benefits are paid if the person is either unable to work or if work limitations prevent the injured worker from returning to the job. In this regard, workers' compensation differs from other areas of civil liability such as a car accident case or a slip and fall personal injury case where plaintiffs in such cases can seek compensation for non-economic damages such as pain and suffering, loss of enjoyment of life and inconvenience and so forth. Furthermore, in a workers' compensation claim, the injured worker does not have a right to a jury trial and any dispute is decided by an administrative law judge.

**Does Someone Have To Be Injured In Their Physical Place Of Employment In Order To Pursue A Workers' Compensation Claim?**

No, you do not have to be injured in your physical place of employment in order to pursue a worker's compensation claim. For example, if you are a traveling employee, such as a truck driver or a sales person, and are involved in a car accident you will be covered by worker's compensation insurance. As long as you are actually working for the employer providing the employer a benefit the injury does not have to occur on the actual property of the employer.

## **What Steps Does Someone Need To Take After Suffering An On The Job Injury?**

First, you should immediately report the accident. Preferably you should report the accident to a supervisor or a manager. We recommend that you report the accident on the day that it happens. However, you need to make sure that you at least report the accident within 30 days. If you fail to report a work related accident within 30 days the employer or insurance carrier may deny your claim.

Second, when you report an accident it is important that you state what body part(s) you injured. For example, if you have a back injury make sure you specifically tell your employer you injured your back. After a work accident is reported the employer should report the accident to the employer's work compensation insurance company. The insurance company representative will then rely on your description of the accident and injuries when authorizing medical treatment. Therefore, it is important to be specific and complete as possible.

Following a work accident the insurance carrier or the employer will authorize you to see a doctor. Usually the first doctor to be authorized is a primary care provider or a walk in clinic. When you go to the first doctor appointment and any new doctor thereafter make sure you provide a complete accurate history of how you were injured and what injuries you sustained. It is important that the history you give the doctor is accurate and consistent with the history that you provided to your employer. Once you begin treating with a workers' compensation doctor make sure that you follow the doctor's advice and follow up with all recommended medical treatment.

When you are injured on the job, in addition to medical care, you may be entitled to wage loss benefits. If the doctor has you on a no work status you are entitled to workers' compensation checks until such time as the doctor releases you to go back to work. If the doctor places you on light duty with work restrictions and the employer does not have a job available for you than you are entitled to workers' compensation checks until the doctor releases you to go back to work full duty. If at anytime the employer or the insurance carrier is not providing you with medical care for your work related injuries or you are not receiving wages you are entitled to you should contact an experienced workers' compensation attorney immediately.

For more information on **Workers' Compensation In Florida**, a free initial consultation is your next best step. Get the information and legal answers you are seeking by calling **(386) 675-1148** today.

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