



NEWS & 440 Report

Summer 2024

WORKERS' COMPENSATION SECTION
50TH ANNIVERSARY GALA

SAVE *the* DATE

THURSDAY, JUNE 26, 2025 AT 6PM
THE BOCA RATON

Focus On
PARALLEL PRACTICE AREAS



NEWS & 440 Report

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Susan Trainor, Tallahassee
Copy Editor

Willie Mae Shepherd, Tallahassee
Program Administrator

Jack Holland, Tallahassee
Layout & Design

All correspondence and letters to the editor should be addressed to:

Matthew J. Troy
mtroy@conroysimberg.com

Kenneth M. Hesser
ken@hklawfl.com

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The 50th anniversary of the Workers' Compensation Section calls for something momentous. In conjunction with the Annual Florida Bar Convention at the beautiful The Boca Raton resort, the Section's anniversary Gala will be a memorable evening for all. Please be sure to save the date. Visit the Section's social media platforms (www.flabarwcs.org, Facebook, X, Instagram) for more information, and watch for emails with updates on how you can purchase tickets for this once-in-a-lifetime event.



MESSAGE FROM THE CHAIR

Karen J. Cullen

I am delighted to present to you the latest edition of the *NEWS & 440 Report*, a testament to the hard work and dedication of our Section. This issue is particularly special as it delves into practice areas that intersect with workers' compensation such as employment law, personal injury, and dependency, among others. I can personally think of numerous occasions over the course of my career where my handling of a workers' compensation claim was complicated by other legal issues that were outside of the area of my expertise. This issue aims to shed light on these other areas of law, providing insightful analyses and practical guidance to help you navigate the complexities that arise when these practice areas converge. I hope you will find it helpful.

As for other section business, to name just a few things, the Executive Council continues to develop relationships between the bar and bench with the JCC roundtables that will be conducted quarterly throughout the state. We continue to encourage more involvement of the younger lawyers (aka "emerging leaders"). Recently we formed the Women in Work Comp Committee, which held their first official "kickoff" meeting at WCI. Finally, the Executive Council is continuing to discuss the formation of a program that will help promote professionalism within our practice.

I would also like to take this opportunity to remind you of upcoming events, open to all members of the Section. Next year marks a momentous occasion for the Workers' Compensation Section as we celebrate our 50th anniversary. This milestone will be commemorated with a gala—a night dedicated to reflecting on the past, celebrating the present, and envisioning the future of the workers' compensation practice in Florida—to be held on June 26, 2025, at 6 p.m. during the Annual Florida Bar Convention in Boca Raton. The next issue of the *NEWS & 440 Report* will focus on this special event.

Additional events include the Out-of-State Retreat planned for October 9-13, 2024, in Napa Valley. Our Ski Retreat CLE will be at the Canyons in Park City, Utah, from February 25 to March 1, 2025.

In closing, I encourage you to engage with your colleagues, share your insights, and apply the knowledge gained to your practice. Your continued involvement is what makes our Section not just a professional resource, but a dynamic community dedicated to excellence in workers' compensation law. Thank you for your ongoing commitment and for making this publication a vital tool for our profession. I look forward to your feedback and to seeing how the information presented here will support and enhance your practice.

Karen J. Cullen
Section Chair

“
ALONE,
we can do so little;
TOGETHER,
we can do so much.
HELEN KELLER
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MESSAGE FROM THE EDITORS

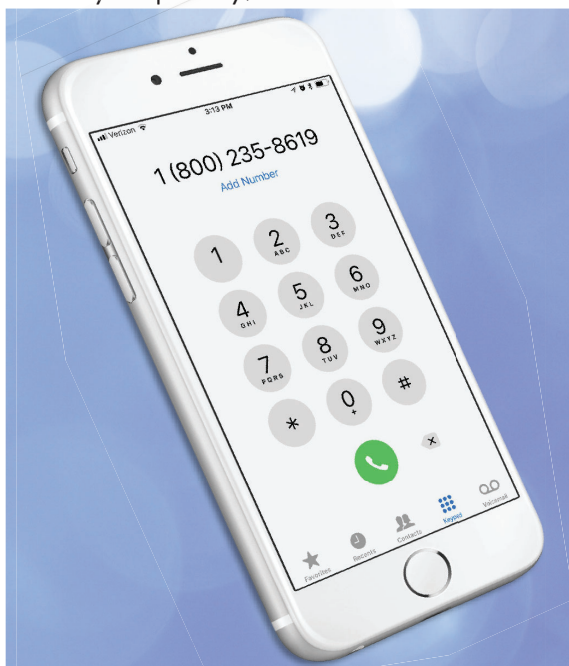
Kenneth M. Hesser & Matthew J. Troy

The editors hope you enjoy this Summer 2024 issue of the *NEWS & 440 Report*. You will note that our cover, in a departure from our typical covers, highlights the upcoming 50th Anniversary Gala for our Section, to take place next June in Boca Raton. We plan to use the next four editions of this publication not only to highlight the great history of our section, but also to feature our present-day leaders (and future leaders), focusing on what is guaranteed to be an evolving and always-changing next half-century of workers' compensation practice in the state.

For this issue, what struck us in particular were the answers to our 440 Q&A feature, asking the membership a simple question ... What was your first job? Many of our most successful titans of the Section started out in the most modest of jobs ... delivering newspapers for pennies, bussing tables at restaurants, working hard labor in the Florida summers. Remembering our humble beginnings is crucial in our current practice, regardless of which "side" you represent. The Bar's focus on professionalism, specifically its 2011 change to our oath as attorneys, implicitly asks us all to focus on this humility, which is often cultivated by an early job. As workers' compensation attorneys especially, we must remember the individuals

who, frankly, are indispensable for our livelihoods, doing jobs that most of us once did ourselves. This is important for all of us to remember.

The theme of this issue focuses on topics that are parallel to our workers' compensation practice. While many in our membership focus exclusively on workers' compensation, others choose to have more diverse practices. Jonathan Israel contributed an article on the topic of longshore litigation, Carlos Leach added two articles—one on employment claims and the other on Wage & Hour litigation and a summary of recent Department of Labor rules, and Joe Coughlan provided a summary of guardianship issues that often arise in workers' compensation claims. Judge Iliana Forte shared her experience as a litigator outside of the workers' compensation practice and how it contributed to her path to the judiciary. Whether your practice is confined to workers' compensation or is multifaceted, it's always a good idea to be open to new topics and issues. In addition to our articles, we also have two spotlights: on mediator Lisa Ann Thompson and on attorney Esther Zapata Ruderman. Finally, Rogers Turner contributes his invaluable case law summary. Thank you to our contributors!



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The Longshore and Harbor Workers' Compensation Act: The Line Where State Workers' Compensation Coverage Ends

by Jon Israel and Zachary Pestcoe

The historical context surrounding the passage of the Longshore and Harbor Workers' Compensation Act (Longshore Act) sheds light on the scope and purpose of the Longshore Act itself. In the early 1900s, states across the country adopted workers' compensation statutes. Under these state workers' compensation statutes, generally, in the event a worker was injured during the course and scope of their employment, regardless of who was at fault for such injuries, workers were due statutory medical and indemnity benefits from their employer. Under these same workers' compensation statutes, injured employees were barred from civilly pursuing their employers for any associated negligence.

While state workers' compensation statutes provided a clear statutory scheme for compensating employees injured within each state, the U.S. Supreme Court's decision in *Southern Pacific Co. v. Jensen*, 244 U.S. 205 (1917) made it clear that state workers' compensation laws did not apply to workers on the navigable waters of the United States. The states' authority to legislate workers' compensation stopped at the edge of the navigable waters of the United States, at what came to be called the "Jensen Line." See, *Id.*

Pursuant to Article III, Section 2, Clause 1 of the United States Constitution, the federal government has jurisdiction over "all Cases of admiralty and maritime Jurisdiction." 28 U.S.C. § 1333 provides that district courts have "original jurisdiction, exclusive of the courts of the States" over "[a]ny civil case of admiralty or maritime jurisdiction." Recognizing that state workers' compensation statutes failed to legislate beyond the Jensen Line, in 1927, Congress passed the Longshore Act to fill the gaps and create a statutory scheme to compensate

employees who are injured upon the navigable waters of the United States.

Status and Situs Under the Longshore Act

For an employee to be covered under the Longshore Act, an employee must have the appropriate "status" and "situs." See, *P.C. Pfeiffer Co. v. Ford*, 444 U.S. 69, 73-74; See also, *Northeast Marine Terminal v. Caputo*, 432 U.S. 249 (1977). "The ... situs test provides compensation for an 'employee' whose disability or death 'results from an injury occurring upon the navigable waters of the United States (including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel).'" See, *P.C. Pfeiffer Co. v. Ford*, 444 at 73. To determine whether a specific adjoining area is an appropriate "situs" to support longshore jurisdiction, courts are often required to make fact-intensive inquiries and determinations concerning the location of the work at issue.

"The status test defines an employee as 'any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harborworker including a ship repairman, shipbuilder, and shipbreaker ...' § 2(3), 33 U.S.C. § 902(3)." *Id.* A worker has appropriate status if "a significant portion of his regularly assigned duties requires that he perform work related to traditional longshoremen operations or harbor work," even if the worker has "incidental duties" unrelated to maritime employment. *Smart v. Marathon Seafood*, 444 So.2d 48 (Fla. 1st DCA 1983). In other words, to determine if an employee has appropriate status, courts must engage in a fact-intensive

continued, next page

Longshore Act, continued

inquiry regarding the scope of the employees' work duties. *Id.* Only workers with appropriate status and situs can pursue benefits under the Longshore Act.

Statutory Exceptions Under the Longshore Act

The Longshore Act contains numerous statutory exceptions that would prevent coverage from attaching to a worker who otherwise has appropriate status and situs. For a worker to be covered under the Longshore Act, the worker must meet the statutory definition of an "employee" and must not meet any of the statutory exceptions barring coverage. Specifically, a worker is not an "employee" under the Longshore Act if they are otherwise covered by a state workers' compensation act and they are:

- A. individuals employed exclusively to perform office clerical, secretarial, security, or data processing work;
- B. individuals employed by a club, camp, recreational operation, restaurant, museum, or retail outlet;
- C. individuals employed by a marina and who are not engaged in construction, replacement, or expansion of such marina (except for routine maintenance);
- D. individuals who (i) are employed by suppliers, trans-

porters, or vendors, (ii) are temporarily doing business on the premises of an employer described in paragraph (4), and (iii) are not engaged in work normally performed by employees of that employer under this chapter;

- E. aquaculture workers;
- F. individuals employed to build any recreational vessel under sixty-five feet in length, or individuals employed to repair any recreational vessel, or to dismantle any part of a recreational vessel in connection with the repair of such vessel;
- G. a master or member of a crew of any vessel; or
- H. any person engaged by a master to load or unload or repair any small vessel under eighteen tons net; 33 USC § 902.

While not an exhaustive list of exceptions to coverage, it is important to note the Longshore Act does not cover an "employee of the United States, or an agency thereof, or of any State of foreign government, or any subdivision thereof" or any injury that "was occasioned solely by the intoxication of the employee or by the willful intention of the employee to injure or kill himself or another." 33 U.S.C. § 903.

Attorneys' Fees Shifting Under the Longshore Act

If situs and status exist and the Longshore Act governs an injury, generally, a Longshore Act claimant is initially responsible for their attorneys' fees and costs. Pursuant to 33 U.S.C. § 928 "if the employer or carrier declines to pay any compensation on or before the thirtieth day after receiving written notice of a claim for compensation ... a reasonable attorney's fee against the employer or carrier ... shall be paid directly by the employer or carrier to the attorney for the claimant in a lump sum after the compensation order becomes final." 33 U.S. Code § 928. "If the employer or carrier pays or tenders payment of compensation without an award" a carrier or employer can still be liable for a claimant's attorneys' fees and costs under the Longshore Act if the matter is set "for an informal conference," the claimant obtains a favorable recommendation, and "the employer or carrier refuse to accept such written recommendation, within fourteen days after its receipt by them." *Id.* Under such circumstances, "if the compensation thereafter

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Longshore Act, continued

awarded is greater than the amount paid or tendered by the employer or carrier” the employer/carrier may be responsible to claimant’s attorneys for a reasonable attorney’s fee. *Id.*

Conclusion

Maritime workers often operate in potentially dangerous working environments. Maritime workers may be limited in the safety measures they are permitted to take so they can effectively perform their work duties and protect their fellow workers. While a maritime worker must meet numerous “tests” and avoid numerous exceptions to be covered under the Longshore Act, generally the Longshore Act provides maritime workers with compensation in the event of injury, regardless of fault, where injured maritime workers would otherwise be without redress. To effectively litigate under the Longshore Act, it is important to understand how to establish Longshore Act jurisdiction and how employer/carriers may be liable for claimants’ attorneys’ fee exposure.



Jon Israel is a senior partner with Rudolph, Israel, Tucker & Ellis in Jacksonville, Florida. He graduated from the University of Michigan (B.A., 1991) and the University of Florida College of Law (J.D., 1994). He was admitted to The Florida Bar in 1995. Mr. Israel is an active member of the North Florida legal community and the community at large. The firm represents clients under the Longshore and Harbor Workers’ Compensation Act, Defense Base Act, Florida’s Workers’ Compensation Act, and Social Security disability claims.



Zachary Pestcoe is an associate attorney with Rudolph, Israel, Tucker & Ellis (RITE). He attended the University of Florida where he earned degrees in economics and political science. Mr. Pestcoe returned to the University of Florida for law school where he obtained his J.D. (cum laude). He was admitted to The Florida Bar in 2022. Prior to joining RITE, Mr. Pestcoe practiced at a boutique litigation firm in Jacksonville as a complex commercial litigator, primarily handling consumer class action cases.



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Analyzing the Department of Labor's Final Rule Through the Lens of the Florida Workers' Compensation Laws

by Carlos Leach

Earlier this year, the Department of Labor issued a final rule about classifying workers as employees or as independent contractors. The rule went into effect on March 11, 2024, and it has left many attorneys who handle labor and employment cases wondering how this new regulation will affect their practice area. More specifically, they are wondering how this final rule will affect the enforcement of workers' compensation laws regarding misclassifying an individual as an independent contractor as opposed to an employee. Before we dive into the answer, let's get into what the final rule is all about.

Department of Labor's Final Rule

The Department of Labor's final rule provides guidance on how to analyze who is an employee or an independent contractor under the Fair Labor Standards Act (FLSA). Specifically, the final rule rescinds the 2021 Independent Contractor Rule established under the Trump administration and replaces it with guidance on how to analyze employee or independent contractor classification that is more consistent with the FLSA as interpreted by long-standing judicial precedent. Employee or Independent Contractor Classification Under the Fair Labor Standards Act, 89 Fed. Reg. 1639 (Jan. 24, 2024).

In 2021, the Trump administration designated two "core factors" in determining whether someone could be classified an independent contractor. The Independent Contractor Rule considered only a worker's investments and initiative as part of the opportunity for profit or loss and prohibited considering whether the work performed was central or important to the potential employer's business. *Id.* at 1638. The factors sought to focus on the level of control the individual had in the relationship and

the opportunity for profit or loss.

Under the final rule, the Department of Labor instead relies on the multifactor "economic reality" test used by courts, for example, the court in *Shaw v. Set Enters., Inc.*, 241 F. Supp. 3d 1318, to determine whether a worker is an employee or an independent contractor. The "economic reality" test looks at the relationship between the alleged employee and the alleged employer and whether that relationship demonstrates dependence. This test relies on the totality of these six circumstances where no one factor is determinative:

1. opportunity for profit or loss depending on managerial skill;
2. investments by the worker and the potential employer;
3. degree of permanence of the work relationship;
4. nature and degree of control;
5. extent to which the work performed is an integral part of the potential employer's business; and
6. skill and initiative.

Does this final rule affect the analysis for determining worker classification under other laws?

No, the Department of Labor is clear on this as well. The final rule only revises the Department's interpretation under the FLSA. It has no effect on other laws—federal, state, or local—that use different standards for employee classification. The Department has instructed that the FLSA does not preempt any other laws that protect workers and mandates businesses to comply with all federal, state, and local laws that apply.

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Analyzing DOL's Final Rule, continued

The Florida Workers' Compensation Act requires most Florida employers to purchase workers' compensation insurance that covers their employees. Under Chapter 440 of the Florida Statutes, employers who are required to purchase benefits for their employees are not required to provide coverage for independent contractors unless the employees are construction workers. Hence, in order to succeed in an argument that an individual was misclassified as an independent contractor, four of seven factors provided by the statute must apply. Thus, pursuant to Florida law, someone classified as an independent contractor is not entitled to workers' compensation benefits unless the court has determined that the individual is indeed an independent contractor as defined by Chapter 440 of the Florida Statutes. The Department of Labor's final rule has no effect on this analysis.



Carlos Leach is the managing partner and founder of The Leach Firm, P.A. Before starting his injury firm in Orlando, Florida, Mr. Leach was a partner at one of the nation's largest plaintiff firms. Since 2004, he has been dedicated to helping individuals across the country as their trusted personal injury lawyer in Orlando. Mr. Leach is well-versed in a variety of practice areas involving unpaid wages, tips, termination, discrimination, personal injury, and work-related injuries.

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Guardianships and Workers' Compensation: A Convergence Navigating Legal Complexities

by Joseph T. Coughlan and Hamlet Beglaryan

You spent months litigating a case that was amicably resolved via settlement. You painstakingly worked out every detail to include in the settlement release. Your client began actions to comply with the terms of the settlement agreement. You put the case in your rearview and moved on to the next. A year later your client calls you furious because a new lawyer has become involved and claims the settlement agreement is void because an injured worker lacked capacity at the time the agreement was executed. Your heart sinks and your stomach turns. Hopefully your malpractice insurance is current!

This scenario underscores the critical importance of understanding the junction of guardianships and workers' compensation, as these legal domains often overlap in cases involving incapacitated individuals. This article briefly explores the key aspects of both legal domains and their intersection, providing practical insights for legal practitioners.

Workers' Compensation

The primary goal of workers' compensation laws is to provide a self-executing system for the prompt delivery of benefits to employees who suffer work-related injuries or illnesses. These benefits typically include compensation for lost wages and medical treatment. A central aim of this scheme is to support injured workers without the need for traditional lawsuits against their employers, to simplify the resolution of workplace injury claims, and to promote workplace safety by encouraging employers to maintain safe working conditions.

Guardianships

Guardianships are court-appointed arrangements where a guardian is designated to make decisions on behalf of a ward who lacks the legal capacity to do so for themselves. The lack of capacity most frequently arises

in the context of minors and individuals with cognitive disabilities. The guardian is responsible for managing the ward's medical, financial, and personal affairs, ensuring their overall well-being.

The process of establishing guardianship involves petitioning the court, which in turn appoints a panel to evaluate the individual's capacity and determines the necessity of a guardian. Competency panels are typically comprised of a medical doctor, a psychologist, and a layperson. In the absence of objections raised, courts typically adopt the competency panel's findings.

Guardianships can be private (typically a close family member or friend) or public (typically a professional fiduciary focused solely on providing guardianship services for a fee), and they can be limited or plenary, depending on the ward's capacity to make decisions. The lack of a suitable private guardian and the costs associated with public guardianships are major variables deserving of due consideration in the context of workers' compensation claims.

Intersection of Guardianships and Workers' Compensation

When an individual is incapacitated, a guardian must be appointed to handle the affairs associated with an ongoing workers' compensation claim or to settle the claim. This ensures that the ward's interests are adequately protected. The guardian may sign necessary documentation on behalf of the ward, provided the probate court grants authorization.

There are expenses associated with establishing guardianship, and the approval of a workers' compensation

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Guardianships and Workers' Compensation: A Convergence Navigating Legal Complexities, continued

settlement does not end the guardianship. The guardian must hire an attorney, present annual reports and accountings, and seek court approval for major decisions.

While obtaining guardianship may be unavoidable in many situations, attorneys representing employers and carriers are well advised to inquire whether an injured worker executed any estate planning documents prior to becoming incapacitated. Properly executed durable powers of attorney, health care powers of attorney, special needs trusts, and guardianship designations can reduce or eliminate the need to obtain a guardian.

Legal Considerations and Scenarios

Scenario 1: Injured Worker With Cognitive Impairment

Consider Sarah, an employee at a manufacturing plant who suffers a severe head injury due to a machinery malfunction. As a result of the accident, Sarah experiences significant cognitive impairment, affecting her ability to make sound decisions. The parties agree to settle the workers' compensation claim, but there are concerns about Sarah's capacity to manage her finances and understand the settlement terms.

In such cases, it is crucial to consult with the treating physician to assess the worker's capacity. If the physician determines that the worker cannot understand the consequences of entering into a contract, guardianship may be necessary. However, guardianship should only be pursued if less restrictive means, such as a financial advisor, are insufficient.

Scenario 2: Minors Involved in Settlement

Michael, a worker who dies in a workplace accident, leaves behind minor children (both biological and stepchildren) and a spouse. The spouse wishes to settle the death benefits in a lump sum rather than monthly payments. The probate court must approve the minors' involvement in the settlement, and a guardian ad litem may be appointed to represent their interests.

The spouse, unless appointed as the guardian, cannot settle the claim on behalf of the minors. This remains true in the case of stepchildren. Unlike many other areas of the law, the Florida workers' compensation scheme considers an unadopted stepchild who is dependent upon the injured worker to be a child of that injured worker for the purposes of receiving benefits.

Scenario 3: Worker With Progressive Cognitive Decline

Consider John, a construction worker who has been diagnosed with early-onset Alzheimer's disease. As his condition progresses, John's ability to make informed decisions deteriorates. His employer and John agree to a workers' compensation settlement, but as his cognitive abilities decline, concerns arise about his capacity to understand and manage the settlement.

In this scenario, it is essential to monitor John's cognitive condition closely. If his capacity to make decisions is compromised, a guardianship may be necessary to protect his interests. However, if John had previously executed a durable power of attorney or health care power of attorney, these documents could allow a trusted individual to manage his affairs without the need for a court-appointed guardian.

Scenario 4: Injured Worker With Mental Health Issues

Lisa, a first responder, suffers a compensable mental breakdown due to workplace stressors, leading to a diagnosis of post traumatic stress disorder. Her mental health condition impairs her ability to make rational decisions. The parties agree to settle her workers' compensation claim, but there are concerns about her capacity to understand the settlement terms and manage her finances.

In such cases, it is crucial to involve mental health professionals to assess Lisa's capacity. If it is determined that she cannot make informed decisions, a guardianship may be necessary. However, if Lisa had previously established a special needs trust or other estate planning documents, these could provide a framework for managing her affairs without the need for a guardianship.

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Guardianships and Workers' Compensation: A Convergence Navigating Legal Complexities, continued

Who pays the bill?

In *Southeastern Concrete Floor v. Charlton*, a claimant suffered a work-related injury that exacerbated a preexisting psychiatric condition, leading to the appointment of a guardian. The First DCA held that an employer is obligated to pay for the services of a guardian only to the extent that those services were incurred in and about the handling of the claimant's rights, duties, and responsibilities under Chapter 440. The appellate court emphasized that the employer's responsibility for guardianship fees is limited to those directly related to the workers' compensation claim. See, *S.E. Concrete Floor v. Charlton*, 584 So. 2d 574 (Fla. 1st DCA 1991).

In *Florida Cypress Gardens v. Lavoy*, a claimant was totally incapacitated due to a work-related injury, and a guardianship was established. The trial court initially ordered the employer and carrier to reimburse all fees related to the guardianship, including those not directly connected to the workers' compensation claim. However, upon appeal, the First DCA clarified that only the fees incurred in handling the claimant's rights under Chapter 440 were reimbursable. See, *Fla. Cypress Gardens v. Lavoy*, 932 So. 2d 542 (Fla. 1st DCA 2006).

Recently, these concepts were revised in the matter of *Lyon-Hall v. Green Bandit Lawn Care, Inc.*, wherein the court denied several claims for reimbursement of guardianship fees and costs. The claims included fees for legal services necessary to set up the guardianship and to exercise the powers granted to or perform the duties required of the guardian under Chapter 440. The court found that these fees were not directly related to the handling of the claimant's rights, duties, and responsibilities under Chapter 440.

Significantly, the court emphasized the need for an actual dispute over workers' compensation benefits before an employer or carrier is responsible for paying the associated guardianship fees. The court ruled that without a genuine dispute regarding the benefits, the employer or carrier is not obligated to cover the costs of establishing and maintaining the guardianship.

The court highlighted that there was no actual dispute over the workers' compensation benefits in this case. The employer and carrier had already agreed to the benefits, and there was no contention regarding the amount or entitlement. As a result, the court concluded that the employer and carrier were not responsible for the guardianship fees, as these were not incurred in the context of a disputed claim. This decision underscores the importance of a clearly defined dispute in workers' compensation cases to determine financial responsibilities. See, *Lyon-Hall v. Green Bandit Lawn Care, Inc.*, 367 So. 3d 1235 (Fla. 1st DCA 2023).

Opinion on Legal Development and Future Trends

The legal landscape surrounding guardianships and workers' compensation has evolved significantly over the years. The cases discussed in this article highlight a trend toward more stringent requirements for employers and carriers to cover guardianship fees only when directly related to disputed workers' compensation claims. This trend is likely to continue, with courts emphasizing the need for clear and actual disputes over benefits to determine financial responsibilities.

In the future, we can expect further developments in this area of law. Legislative changes and court rulings may increasingly focus on protecting the rights of incapacitated individuals while ensuring that employers and carriers are not unduly burdened with unrelated guardianship costs. Additionally, there may be a push toward more comprehensive guardianship reforms, including better oversight and accountability for guardians, as well as increased use of less restrictive alternatives to guardianship.

These considerations must be carefully addressed for ongoing workers' compensation claims but play a particularly important role in the settling of workers' compensation claims. Specifically, it is critical that the injured worker, or an appropriately appointed guardian, consider that a not insignificant portion of any potential settlement funds will ultimately be utilized and consumed throughout the administrative process of guardianships before they ever reach the ward or are used for the ward's benefit.

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Guardianships and Workers' Compensation: A Convergence Navigating Legal Complexities, continued

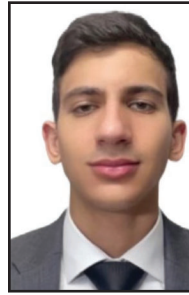
Therefore, the decision of whether a proposed settlement figure is truly in the best interest of an injured worker must take on a whole new dimension of analysis in the context of guardianships.

Conclusion

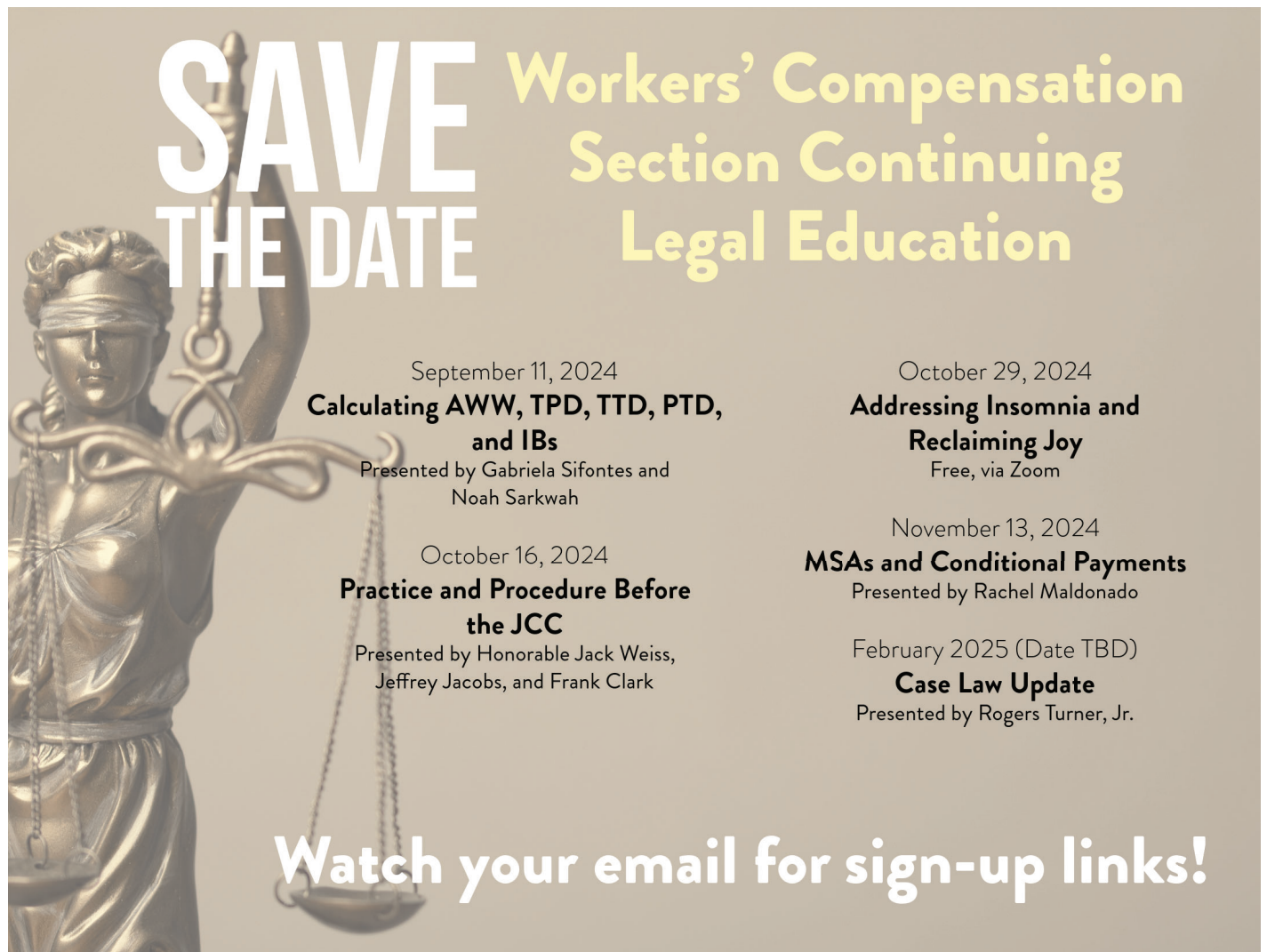
Navigating the complexities of guardianship and workers' compensation necessitates careful consideration of legal requirements and the best interests of the ward. Attorneys must be diligent in ensuring that all parties' rights and needs are addressed. While guardianship can be overwhelming and costly, it is essential for achieving a rational and logical resolution in cases involving incapacitated individuals.



Joseph "Joe" Thomas Coughlan, Esq., cofounded Coughlan's Law, PLLC, located in Casselberry, Florida. With a strong commitment to serving those in need, Mr. Coughlan represents clients throughout the state of Florida, focusing on personal injury, workers' compensation, probate and trust litigation, and civil litigation.



Hamlet Beglaryan is a legal assistant at Coughlan's Law, PLLC. He is pursuing associate and paralegal degrees. Mr. Beglaryan is bilingual in English and Armenian and has full professional proficiency in Russian and limited working proficiency in Spanish.



SAVE THE DATE

Workers' Compensation Section Continuing Legal Education

September 11, 2024 Calculating AWW, TPD, TTD, PTB, and IBs Presented by Gabriela Sifontes and Noah Sarkwah	October 29, 2024 Addressing Insomnia and Reclaiming Joy Free, via Zoom
October 16, 2024 Practice and Procedure Before the JCC Presented by Honorable Jack Weiss, Jeffrey Jacobs, and Frank Clark	November 13, 2024 MSAs and Conditional Payments Presented by Rachel Maldonado
	February 2025 (Date TBD) Case Law Update Presented by Rogers Turner, Jr.

Watch your email for sign-up links!

Focus: PARALLEL PRACTICE AREAS

The Legal Trifecta: Exploring Overlaps Between Workers' Compensation and Employment Laws

by T'Keara N. Watson and Carlos Leach

Every area of law comes with its own complexities, and workers' compensation law is no different. There are several instances where workers' compensation law collides with other areas of the law. Specifically, often employment law concepts must be analyzed with workers' compensation cases. Indeed, there is a regular overlap between the Americans with Disabilities Act, as amended (ADAAA) and the state equivalent, the Florida Civil Rights Act (FCRA), the Family Medical Leave Act (FMLA), and workers' compensation laws. In this article, we will provide a brief description of the laws pertaining to employment laws and explain how all three areas can potentially cross paths simultaneously with workers' compensation laws.

The ADAAA is a federal law that prohibits discrimination against qualified individuals with disabilities. The FCRA has a state version of this law, and it follows the same analysis. The ADAAA and FCRA require that reasonable accommodations be made to provide individuals with disabilities equal access to services, programs, and opportunities, such as employment and housing. To be considered a person with a disability, the person must have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or be regarded as having such an impairment. The impairment must limit major life activities such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning, or working. There are occasions when an employee's on-the-job injury might result in a disability because the injury is such that it is an impairment that affects a major life activity.

The FMLA allows eligible employees up to 12 weeks of leave for several reasons including an employee's own serious health condition. The FMLA requires an employee to have worked for the employer for at least

12 months, have at least 1,250 hours of service for the employer during the 12-month period, and work for a location where the employer has at least 50 employees within 75 miles. If an employee suffers a work-related injury that also qualifies as a serious health condition, the FMLA and the workers' compensation law will overlap.

Now, let's discuss the potential overlap of all three. We'll provide three separate scenarios and determine which law does or does not apply and why or why not.

Employee A has been working with Company A for 10 months. While carrying boxes of inventory into the office, Employee A trips over a cord left in front of Company A's door, causing her to fall and break her hip. Employee A has a doctor's visit and is advised that she must have surgery and will need two months of therapy. Employee A will not be able to lift objects or walk up and down stairs. In this scenario, Employee A can establish a claim under both the ADAAA and workers' compensation, but not an FMLA claim. Employee A has a claim under the ADAAA due to the fact that she suffered from an injury that has significantly impaired her ability to walk. As such, Company A will be responsible for providing Employee A with a reasonable accommodation with respect to potential time away from work and upon her return to work while she is still recovering. Employee A also has a workers' compensation claim because she suffered from an injury while executing her work duties. However, Employee A does not have an FMLA claim because she had not been working with Company A for at least 12 months at the time of her injury and so does not meet the eligibility requirements for receiving FMLA.

Employee B has been working remotely with Company B for approximately three years. Employee B's work duties require him to answer the phone and provide status

continued, next page

The Legal Trifecta: Exploring Overlaps Between Workers' Compensation and Employment Laws, continued

updates to Company B's consumers, all of which can be done using his work laptop. While heading back home after lunch, Employee B is involved in an auto accident and breaks his femur bone. Employee B is advised that he will need to undergo surgery but should be able to do his regular work and will still be able to walk, aided by crutches. Here, Employee B will not have a valid claim under any of the laws. Although Employee B has worked with Company B for over 12 months, Employee B will have an issue with establishing that his injury is considered a serious medical condition to qualify for FMLA. Further, Employee B's injuries will not prevent him from completing the essential functions of his job, since everything he has to do can be completed online and doesn't require physical movement. In addition, Employee B may also have difficulty establishing that breaking a bone is considered a disability as stated in the ADAAA, especially since he is still able to walk. It also doesn't help Employee B's case that he is a remote employee and, according to his injuries, will not need an accommodation from Company B. Lastly, Employee B will not be able to file a workers' compensation claim because Employee B's injury was completely unrelated to his work duties and occurred when he was clocked out. Employee B will not be able to show that he suffered from a work-related injury.

Employee C has been working with Company C at a construction site with no days off for 15 months. While heading to his toolbox for nails, he is hit in the head by a wooden plank. Employee C must now have brain surgery due to his doctor finding blood on his brain. He is advised by his surgeon that he will need five months to fully recover and return to work. In addition, he will not be able to lift, climb, or stand for more than 15 minutes upon his return to work. Employee C provides medical documentation to Company C, along with his work restrictions. Here, Employee C will be able to establish a claim under FMLA, ADAAA, and the workers' compensation law. Employee C is an eligible employee under the FMLA law. Further, Employee C suffered from a serious injury that led to a serious health condition that prevents him from performing the essential functions of his job. As such, Employee C may rightfully request time off under

FMLA. In addition, Employee C will be able to establish a claim under the ADAAA. Employee C has to undergo brain surgery and will have an extensive recovery time. Employee C's surgeon also stated that Employee C will not be able to lift, climb, or stand for extended periods of time. Employee C's condition will not only be considered a disability, but he will also be entitled to a reasonable accommodation from Company C during his recovery process and once he returns to work. Finally, Employee C will be able to file a workers' compensation claim. Employee C suffered from an injury while on the job and conducting his work duties. This scenario is an example of all three laws overlapping and all being applicable.

Because your clients do not have experience in employment law, workers' compensation, or legalese for that matter, it may be difficult for them to know when they have a valid claim and what to do about it next. Often, people fail to exercise their rights against their employers because they do not know the full context of what those rights are. That's why it's important to ask the right questions and to obtain as much information as possible when speaking with a potential client. What may have originally started out as only a workers' compensation claim could easily turn into a scenario where two additional laws may apply to a client's particular situation.



T'Keara N. Watson is an associate attorney at The Leach Firm, P.A., where she handles matters pertaining to discrimination, FMLA interference, and workers' compensation retaliation. She is a graduate of Florida A&M University College of Law.



Carlos Leach is the managing partner and founder of The Leach Firm, P.A. Before starting his injury firm in Orlando, Florida, Mr. Leach was a partner at one of the nation's largest plaintiff firms. Since 2004, he has been dedicated to helping individuals across the country as their trusted personal injury lawyer in Orlando. Mr. Leach is well-versed in a variety of practice areas involving unpaid wages, tips, termination, discrimination, personal injury, and work-related injuries.

All Roads Lead to Comp

by Judge Iliana Forte

After graduating from law school, I was very fortunate to be hired by Judge Edward Almeyda and former Judge Charles Hill. I had clerked for them before graduation, so I was becoming familiar with the workers' compensation practice. At the University of Miami where I attended law school, there was only one course being taught in workers' compensation law, but the professor was not a workers' compensation practitioner and the entire semester was spent on course and scope of the employment, and not much else. Workers' compensation was not exactly the practice area most students were aspiring to pursue. In fact, I don't believe most students knew what workers' compensation was. Even so, for years I believed that workers' compensation was the best-kept secret.

At the time, our firm did mostly defense work, but we did represent claimants so long as there was no conflict with our defense clients. We also did some insurance defense work. So, this is where my career began as a workers' compensation practitioner. Soon after, Judge Medina-Shore also joined the firm. This was also the beginning of her career in the practice of workers' compensation. Eventually the firm dissolved and everyone went their own way. But as many of you know, in time, we were all appointed judges of compensation claims (JCC). In fact, Judge Mily Rodriguez Powell, who also practiced with Judge Almeyda as a young attorney, was the first to be appointed as a JCC before being elevated to the circuit court. No other firm has achieved this feat.

In 2007, I started my own firm. I kept handling defense and representing claimants. And I also had a general litigation practice that included real estate, bankruptcy, family law, and tort claims. I also started a title company. After 10 years as a sole practitioner, in 2017, I closed my practice and went to work for the City of Miami as an assistant city attorney.

At the city, I was initially hired to handle the workers' compensation cases. A few years later, I was assigned disciplinary matters, employment issues, and tort litigation. I had to learn employment law very quickly, since this was an area I had not practiced before. I practiced in federal court defending wage and hour claims. I handled

arbitrations. I had hearings before the Public Employees Relations Commission involving collective bargaining disputes. And I participated in civil jury trials. Having this diverse legal background has been helpful in my current position as a JCC. It may seem to those outside this field that workers' compensation simply involves work injuries, but this practice touches on many complex issues. It involves the calculation of wages, penalties and interest, supplemental benefits, present value calculation—so math is required. And we deal with fraud, contract disputes, employer/employee relationships, independent contractors, knowing the rules of evidence (that apply to workers' compensation), and the application of other statutory provisions beyond Chapter 440—to name a few of the issues.

From my perspective, after practicing in different areas of the law, I find workers' compensation to be the most gratifying, by far—whether representing claimants or doing defense. As a judge, I know of no other area of law where motions are ruled on within 15 days or sooner (mainly without the need for a hearing). Where discovery is limited and does not involve having to answer interrogatories or requests for admissions. Where the members of the Bar are cordial and receptive to helping each other. Where you get to know the judges and you can expect a timely ruling on your case. The litigation, while at times contentious, is less stressful than other practice areas. In my career, all roads have led me to comp. I still believe workers' compensation is the best-kept secret.



Judge Iliana Forte was appointed judge of compensation claims in the Fort Lauderdale district in 2014. She is a member of the United States District Court Southern District of Florida and the United States Court of Appeals for the Eleventh Circuit.



ATTORNEY SPOTLIGHT

Lisa Ann Thomas

State Mediator

Office of the Judges of Compensation Claims

Altamonte Springs, Florida

Who is someone who inspires you and why

My grandfather, Fernando Domingo Sordo, M.D., inspired me. He came to this country seeking freedom. Although he was a licensed physician in Cuba, when he immigrated to the United States of America, he worked at the Doral Country Club in Doral, Florida, in the wine cellar cataloging inventory. He studied at the University of Miami for a refresher course to take the foreign exam. Then he completed the American board exam, so he could become licensed and practice in the United States. He demonstrated hard work and embodied fortitude.

Why do you practice workers' compensation law?

Previously, I practiced complex litigation. One of my cases had been filed in 2006. I began working on the case when I joined a firm as a paralegal in 2012. Then, I, along with the partner of my firm at the time, took the case to trial in 2016 after I was barred. After trial, the case was appealed, and the Florida Supreme Court issued its final opinion on the matter in 2021.

I began practicing workers' compensation law to witness a court system that yielded results for the litigants on a more expedited basis.

Proudest accomplishment within the section?

I have two proud moments: First, I was afforded the opportunity to attend a trial with one of my former partners, and the judge complimented the brevity with which I cross-examined a claimant. My second proud accomplishment was becoming a state mediator. I add to the efficiency of the court by mediating cases, narrowing the issues for trial, and facilitating settlements.

Favorite workers' compensation law case?

Given my background in litigating medical device and mass tort cases, my favorite workers' compensation case is *Gore v. Lee Cty. Sch. Bd.*, 43 So. 3d 846 (Fla. 1st DCA 2010), which stands for the proposition

continued, next page

that the claimant's use of a prosthetic device was sufficient to toll the statute of limitations and that the only question that remained was to determine whether the employer had actual knowledge of the claimant's continuous use of the medical apparatus.

What is something few people know about you?

In 1999, I was awarded Disney's Dreamers and Doers Award, which honors students who exemplify academic achievement. I was an entertainment cast member, but the rest is confidential. I danced in shows and parades, did meet and greets, and even got to visit the Give Kids Village.

Favorite quote?

"The power I exert on the Court depends on the power of my arguments, not my gender." – Sandra Day O'Connor

Favorite song lyric?

"When I find myself in times of trouble, Mother Mary comes to me
Speaking words of wisdom, let it be
And in my hour of darkness she is standing right in front of me

Speaking words of wisdom, let it be" – Let it Be, by The Beatles

Best place you have traveled and what makes it special?

The best place I have traveled to is Key West. While not a far destination, it is where I first learned to SCUBA dive and explored a lively reef.

Something we did not know about you?

In 1987, due to my father's friendship with one of the trainers, I got to be one of the few children that got to sit on Shamu during the show at SeaWorld. While a frequent occurrence in the 80s, the trainers rarely enjoy the proximity to the killer whales today.

If you could have lunch with anyone from history, who would it be and why?

Despite being self-educated, Abraham Lincoln served as the 16th president of the United States of America and a lawyer. He promoted the abolition of slavery, and he laid the foundation for the expanded rights of African Americans. I would love to have lunch with President Lincoln to find out who inspired him.

Is your Bar contact information up-to-date?



The Florida Bar's website (www.FLORIDABAR.org) offers members the ability to update their address and/or other member information. After logging in, Florida lawyers may update their contact information as well as upload a profile photo and handle other Bar business.



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DEFYING UNIFORMITY: Spotlight on Diverse Leaders in the Workers' Compensation Legal Community

Esther Zapata Ruderman
Conroy Simberg, West Palm Beach, Florida

Where did you grow up?

Tampa, Florida.

Where did you go to undergraduate? Major? Law School?

I received a Bachelor of Science degree in business administration from the University of Florida with a major in finance. I received my J.D. from the University of Florida.

What made you decide to be an attorney?

When I was in high school, I participated in a semester program that allowed me to intern with a circuit court judge, Judge John Gilbert, in Tampa, Florida. That experience confirmed my desire to practice law.

If you could go back in time, what would you tell yourself in your first year of practice?

Don't panic. In time you will learn the law and become a worthy attorney.

How long have you been practicing workers' compensation?

35 years.

Do you practice for the claimant or the defense in workers' compensation? Have you ever practiced for the other side?

In 1994, I worked for Adams Coogler and handled a few claimants' cases. However, once I joined Conroy Simberg, I have been on the defense side for 30 years.

What do you like best about practicing workers' compensation?

Workers' comp is never boring. The law is ever changing. The litigation is interesting, and my partners are great to work with.

If you could change something in Florida workers' compensation, what would it be?

I wish we had in-person motion hearings again (perhaps two days per month). I miss the camaraderie of the attorneys.

What accomplishment(s) in your career are you most proud of?

Becoming a partner in my firm; prevailing on challenging cases.

What three accomplishments in life are you most proud of?

My two wonderful children, my very happy marriage, and an enjoyable career.

Do you think pineapple belongs on pizza?

Not a fan.

Would you rather speak all languages or speak to animals?

I would rather speak all languages.

Which food makes you gag?

Sardines.

Who would you choose to narrate your life?

My sister Martha.

In one word, describe how you feel when you watch the sunset?

Peaceful.

What would be the title of your Netflix documentary?

I am a first generation American. My parents are from Ecuador. The title of the documentary would be "Daughter of Immigrants and the American Dream."

What is something that has sparked joy for you in the past year?

Celebrating my 30th wedding anniversary with my wonderful husband Marc.

What life hack is now an unconscious standard practice in your everyday life?

Not always relying on emails. Picking up the phone and calling the client or counsel can many times resolve the issue amicably.

440 Q&A

What was your FIRST JOB? (Where you received an ACTUAL PAYCHECK)?



Took tickets, made concessions, and ushered at a movie theater at age 15.

Brian Sutter, Port Charlotte

Bussed tables when I was 14

Ken Hesser, Gainesville

Cashier at TG&Y store.

Willie Mae Shepherd, Tallahassee

Bussing tables at 12.

Tracey Hyde, Panama City

P.E. assistant at summer camp, 14 years old.

Sal Richardson, Fort Lauderdale

Workers' compensation secretary.

Holley Akers, Jacksonville

Hostess at a steak house.

Dawn Traverso, Aventura

Grunt for mom and pop wallpaper installation company.

Chris McClure, Miami

Dairy Queen.

Ya'Sheaka Williams, Tampa

Hawks Cay – assistant to the tennis pro ... strung rackets, swept the courts, picked up balls, and got great discounts on tennis stuff!

Phil Augustine, Orlando

Winn Dixie (stock crew).

Matthew Troy, Orlando

Entertainment cast member for the Walt Disney World Company.

Lisa Ann Thomas, Orlando

440 Q&A

What was your FIRST JOB? (Where you received an ACTUAL PAYCHECK)?



At 16, lifeguard at a community pool.

Michael Rudolph, Jacksonville

Working at a stationery store in Baldwin, putting together the *Sunday Times*.

Barry Stein, Miami

Removing asbestos at age 16 during summers.

Daniel Colling, Stuart

The infamous McDonald's.

Al Hilado, Orlando

Delivering the *Miami News* at age 11.

Stephen Renick, Palm Beach Gardens

Threw the *Detroit Free Press* at 5:30 a.m. for 1.9 cents a paper. The afternoon delivery boys only got 1.5 cents, so we were better than them.

David Wiitala, North Palm Beach

In high school, I worked on the Jungle Cruise at WDW. I still have the entire spiel stuck in the back of my head. "Hello crew, my name is Greg, and I will be your guide, your skipper, and probably your swimming instructor down these rivers of adventure ..." Fun fact: back then, the gun used to shoot the hippos was a real gun loaded with blanks. At end of the night, you would spend the last 15 minutes of your shift cleaning your gun.

Gregory Stoner, Lake Mary

At age 11, delivering a weekly local paper for 1 cent a paper.

Ray Malca, Miami

Shined shoes for 25 cents a pair in Wisconsin Dells, primarily for tourists and members of the U.S. Army.

George Cappy, Tampa

440 Q&A

What was your FIRST JOB? (Where you received an ACTUAL PAYCHECK)?



Delivered *Newsday* on Long Island in 7th grade.

Richard Berman, Fort Lauderdale

IHOP dishwasher/busboy.

James Fee, Miami

Worked the deli counter at Frankie's Deli, Westbury, Long Island.

Sal Sicuso, Miami

Ocean lifeguard at St. Johns Marine Rescue.

William Goebel, Tequesta

Marble Slab Creamery.

Jesse Roweg, Daytona Beach

Bussing tables at the Holiday Inn/restaurant near the turnpike on Lake Worth Road, 14 years old, still have nightmares about the pancake syrup.

Christopher Cumberland, Panama City

Service scheduler/dispatcher for a home security system installation company.

Julio D. Fernandez, Lehigh Acres

Worked at a tent and awning company in Indiana, got to put up, take down, and clean big party tents.

Joshua Nelson, Lakeland

I was a rowing coach!

Natalie Cavallaro, Tallahassee

My first job was selling women's shoes in the basement of a Jacksonville department store. I was really bad at it. My boss was subsequently arrested for child pornography. What a great start to my career as a lawyer.

Gerald Rosenthal, Palm Beach Gardens

Worked at Palm Auto Mall in Punta Gorda detailing cars that were sold off the lot, and detailing cars brought in for service.

Bryan Greenberg, Port Charlotte

Dishwasher at Cassidy's Family Restaurant on the Jersey Shore, \$3.35/hour.

Andy Reich, Palm City

440 Q&A

What was your FIRST JOB? (Where you received an ACTUAL PAYCHECK)?



My first job was at age 14 working in the orange groves in the summer heat, pulling vines out of the trees, digging trenches for irrigation, and clearing debris when the trees were trimmed. It was the hardest and dirtiest work I have ever done, and we worked from dawn to dusk everyday.

Glen Weiland, Orlando

Cleaned dog kennels inside and out for three months for \$5/hour in Wilmington, Delaware.

David Cohen, Pompano Beach

A salesperson at a clothing store at age 15 during the summer in downtown Miami.

Martha Fornaris, Coral Gables

Morgan's Farm, Cedar Grove, N.J. in 1968, hoeing and picking tomatoes, cucumbers, peppers, eggplant, and squash on a 35 acre farm for \$1.50 an hour. Between the heat, snakes, mosquitos, and heat rash—and that black crap on your hands and arms from the tomatoes—the TOUGHEST job I ever had.

Lou Pfeffer, Jupiter

Drug store delivery boy, age 16 in Baltimore.

Mark Tudino, Plantation

Grocery store stocker.

Antonio Bruni, Pensacola

I worked at a car wash for three years in high school. They always put me on windows, which was a tough job, hopping in and out of cars/reaching in the back seat/back windows. I loved it, though, because I was able to drive pretty much every kind of car you can imagine (for 50 feet) before I even had a license. I also learned how to drive stick. I grinded quite a few clutches in my day before I got the hang of it.”

Mark Lee, Tampa

16 years old at Orlando Tennis Center (OTC). Actual employer was City of Orlando, and I was hired to assist the tennis pro with giving lessons to the very few students who were worse players than I was.

Thomas A. Vaughan II, Orlando

UPCOMING QUESTION:

What is the FIRST MUSIC CONCERT you attended?

Email your answer to

ken@hklawfl.com,

and it may appear in our fall edition.

Case Law Update

by W. Rogers Turner, Jr.

Captain D's LLC v. Unified Brands/Akins, ___So. 3d___ (Fla. 6th DCA 7/12/24)

WC Liens/Equitable Distribution/Competent Evidence

The DCA reversed the trial judge's reduction of an employer's full value of their WC lien on the employee's third-party recovery. The parties appeared at an Equitable Apportionment hearing. The employer's lien amount is to be determined pursuant to section 440.39, Fla. Stat., and by the "Manfredo Formula," which requires evidence regarding the alleged full value of the third-party case, and then the actual amount recovered by the plaintiff/claimant. The judge based the percentage reduction of the lien on unsworn testimony by the employee's attorney that the full value was \$1 million. While expert testimony is not required (and the opinion states that had the attorney been sworn the evidence could have been considered), absent competent evidence, the case was remanded for recalculation of the lien. [Click here to view opinion.](#)

Palm Beach Cty. School Brd./Sedgwick v. Josaphat, ___So. 3d___ (Fla. 1st DCA 6/12/24)

Ongoing Compensability

The claimant received initial treatment for a January 2021 compensable right wrist sprain for several months. A year after the last treatment, the E/C denied a request for additional orthopedic and PCP treatment. The E/C asserted that no further treatment was warranted, and ultimately the JCC awarded the requested treatment. The DCA reversed, analyzing the medical necessity, MCC, and the claimant's burden of proof. They held the claimant did not establish MCC, and that all three doctors testified the claimant reached MMI and required no further treatment. The DCA specifically disagreed with the JCC's finding that the E/C was prohibited from denying the cases under the 120 Day Rule, noting the E/C can argue the injury is no longer the MCC of a need for treatment and other benefits. They also addressed the JCC's reliance on a subsequently corrected medical opinion regarding the claimant's MMI status. [Click here to view opinion.](#)

Detroit Tigers/Sedgwick v. Sadders, ___So. 3d___ (Fla. 1st DCA 6/12/2024)

Average Weekly Wage/Catch-All Provision

The DCA reversed the JCC's AWW determination. The claimant's seven-year contract as a pitcher varied his salary depending on which minor league subclassification

he played in. The salary would be paid in a predetermined amount during each month of the championship playing season (the five-month playing season). Although he might be expected to perform services outside that period, he was also allowed to work elsewhere/earn additional money (but did not do so). The claimant hurt his left shoulder during the 2018 season, being paid \$1,500 a month. He went back to college and took a subsequent outside sales job. He then sought an adjustment of his AWW. At issue was whether his full-time wages should be calculated at a yearly salary of \$18,000 (\$1,500 x 12 months) or, as the E/C urged, a yearly salary of \$7,500 (\$1,500 x 5 months of the season). The DCA reversed the JCC's determination that the AWW was \$348.84 (\$1,500 divided by 4.3). This figure comported with the claimant's 12-month argument. The DCA rejected the JCC's finding that the claimant should not be held to the "stringent terms of the contract" because it limited his payments to five months but they could control his activities year-round. Under the agreed-upon catch-all analysis, the DCA noted that although the JCC has broad discretion in determining the AWW, the analysis must be limited to the actual earnings and contract. They found no CSE to support the JCC's rejection of the plain language of the contract, or to reform the contract's explicit terms. A concurring opinion noted that the operative contract between employer and employee is not always determinative, and prospective actual earnings may be used in some circumstances. [Click here to view opinion.](#)



W. Rogers Turner, Jr., is a shareholder in the Winter Park office of HR Law, P.A. He is board certified by The Florida Bar as a specialist in workers' compensation law and is AV rated by Martindale Hubbell. He is a member of The Florida Bar's Workers' Compensation Section Executive Council, past chair of the Board Certification Committee, and past president of the Judge William Wieland American Inn of Court. Mr. Turner earned a B.A. in German and history from Tulane University, an M.P.A. with a concentration in health policy from Florida State University, and a J.D. from Stetson University College of Law

EVENTS

WORKERS' COMPENSATION SECTION ANNUAL OUT-OF-STATE RETREAT

October 9-13, 2024
Marriott Napa Valley, Napa, California

WORKERS' COMPENSATION SECTION EXECUTIVE COUNCIL MEETING

January 17, 2025, 11:30 a.m.
Joe's Stone Crab, Miami, Florida

WORKERS' COMPENSATION SECTION SKI RETREAT

February 25-March 1, 2025
Westgate Park City Resort & Spa
Park City, Utah

WORKERS' COMPENSATION SECTION EDUCATIONAL FORUM

April 9-12, 2025
Omni Champions Gate

Workers' Compensation Section Executive Council Meeting

Wednesday, April 9, 2025, 3 p.m.

FLORIDA BAR ANNUAL CONVENTION

June 25-28, 2025
The Boca Raton Resort

Workers' Compensation Section 50th Anniversary Gala

Thursday, June 26, 2025, 6 p.m.



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