

Florida businesses, attorneys react to workers comp ruling

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Businesses and attorneys are weighing the impact of Thursday's ruling by the Florida Supreme Court that a St. Petersburg firefighter who was injured on the job should have been granted longer workers comp coverage. The court ruled that [Bradley Westphal](#) deserved up to five years of benefits because he was totally disabled, rather than the two-year limit under the current state law.

Associated Industries of Florida set a conference call for media and members on Monday after noon. Several law firms put out news releases and alerts to clients about the case.

The AIF announcement said that case "arguably represents a significant impact to the workers' compensation system" that could apply to all cases dating back to 1994, when state law was changed.

"Accordingly, this case could have significant rate and claims impacts for many employers and carriers across the state," the AIF release said.

[Karen Gilmartin](#), a defense attorney, said the ruling itself applies to a narrow band of workers comp claims, because Westphal was totally disabled, but it was a temporary disability from an injury.

"But we suspect injured workers and their attorneys may seek to apply this to all of their cases, which would basically double the exposure of my clients," Gilmartin said.

Gilmartin, in the Miami office of Kelley Kronenberg, said she expects the legislature to address the Westphal case, but she's not sure how fast they will act.

In 2008, the legislature acted quickly to limit the impact of a high court ruling on workers comp. The Florida Supreme Court had ruled that plaintiff attorney fees in a case brought by a nurse, Emma Murray, were unreasonable, while state law required them to be "reasonable."

The legislature's fix was to remove the word "reasonable" from the statute.

"This case [Westphal] will be a little more complicated I think," Gilmartin said.

A Jan. 2 study from Florida Office of Insurance Regulation said Florida's market for workers' compensation insurance [remained competitive in 2012](#) and identified ways to keep costs down.