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State: Fla.

CFO Orders State to Process Comp Claims From Some Virus-Sickened State Workers: SOUTH [2020-04-01]

Florida's chief financial officer has ordered a state agency to relax its objections and to begin processing workers' compensation claims from frontline state employees who are diagnosed with COVID-19.



CFO Jimmy Patronis

CFO Jimmy Patronis ordered the Division of Risk Management to begin reviewing claims from law officers, firefighters, emergency medical workers, health care workers, correctional officers, child safety investigators and Florida National Guard members, according to a news release. Some 36 claims from state workers for COVID-19 have been filed with the division.

"If we're going to ask our public servants to fight this pandemic on our behalf, they have to know we've got their backs if they get sick," Patronis said.

The order comes a few days after Florida first-responder unions and their attorney asked the governor for a similar executive order. Until now, the Division of Risk Management had refused to even accept a first report of injury on most COVID-19 claims, said Orlando claimants' attorney Geoff Bichler, who handles comp claims for first responders around the state.

Patronis' order means that one of the first coronavirus illness cases in Florida, a Miami-based state trooper, will likely be covered by workers' comp benefits, Bichler said.

"We filed a petition seeking care and lost wages for this officer, and the state has now conceded responsibility for the condition," Bichler said in an email to WorkCompCentral on Tuesday. "The adjuster on the case has assured us that coverage will now flow freely to all of the rest of our clients with similar claims, and we look forward to those concessions as well."

The order does not call for a presumption, however, and the wording of the order raises questions. Agencies can opt out of the plan, and the state would not be liable for benefits if agencies can prove that the employee did not contract the virus during work duties, the order reads.

But the order also notes that the Division of Risk Management, which handles comp insurance for state workers, must process claims "without regard to whether any other non-compensable factor may have contributed to the employee contracting COVID-19, and compensation shall not be reduced because of any other potential causative factors."

"While the order suggests that some defenses may be available to the state in certain circumstances, we can easily sort out ongoing legal liability after this crisis has passed," Bichler said. "The operative assumption should be that all employing agencies have a legal and moral obligation to provide all legal protections to first responders in Florida as they continue to do the difficult work on the front lines of this pandemic."