

Beginnings Of Workers Comp In Florida

by Drew Roberts, CPCU, ARM - Tuesday, October 18, 2011

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Workers' compensation is dictated by state governments and each one has its own variation of workers' compensation laws. Although they vary from state to state, all the laws still include a basic theory that was born in the early 1900s. The 1935 Legislature enacted Florida's first Workmen's Compensation Act, which was based on the English Law. It was the year of change for insurance in Florida. The law applied to all public and private employers with 3 or more employees, not including domestic servants, agricultural and horticultural farm labor, or agricultural labor used in the growing and harvesting of sugar cane, and sawmills with 10 or fewer employees. The compensation to injured workmen was \$18.00 per week and total per case medical costs were limited to \$250.00, with total costs involving surgery limited to \$500.00. Total compensation could not exceed to \$5,000.

A maximum fee schedule for reimbursing medical care providers was put into action by the Legislature during the 1940s. Back in 1935, the average weekly wage for benefits due an injured worker was calculated by dividing annual earnings by 52; 1941 saw the calculation changed to a procedure of averaging earnings for the 13 weeks preceding a date of accident. That same year "reasonable" attorney's fees were deemed payable to the injured worker's attorney in addition to the compensation otherwise due and payable to the injured worker.

The Florida Industrial Commission, in a preface to the act said:

The Florida Workmen's Compensation Law is a plan or system for compensating workmen accidentally injured and disable as a direct result of their employment, regardless of the question of fault or negligence. It is based, in the main, on the English Compensation Act. The principles of the Florida law are basically the same.

Strangely enough, the English deserted their workers' compensation law in 1964, while Florida and many other states based their law on the English law. The English then replaced it with a more complete health insurance law and it was in line with the compensation law developed in Germany.

The English compensation law failed primarily because it was unable to maintain the self-executing design of the system. Litigation was widespread and the costs of such added enormously to the total cost of the system.

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