Florida Supreme Court asked to review workers comp constitutionality case by Stephanie Goldberg

An advocacy group has petitioned the Florida Supreme Court to review a case that challenges the constitutionality of the state’s workers compensation system.

The state Supreme Court has acknowledged the receipt of an appeal filed by Florida Workers’ Advocates to review The State of Florida v. Florida Workers’ Advocates et al., which questions whether workers comp is an adequate exclusive remedy for injured workers, a spokeswoman for Florida’s 3rd District Court of Appeal said Tuesday.

In most states, exclusive remedy means workers injured on the job can receive benefits only through the workers comp system, though a liability lawsuit may be allowed in the case of gross employer negligence.

A three-judge panel from Florida’s 3rd District Court of Appeal in June unanimously reversed Miami-Dade Circuit Court Judge Jorge Cueto’s August 2014 ruling. Judge Cueto declared the state’s workers compensation system unconstitutional because changes made to it mean it no longer provides “an adequate exclusive replacement remedy” in place of common-law torts, according to court records.

The Florida appeals court judges, however, declined to rule on the constitutionality of exclusive remedy, records show.

The judges said intervening plaintiffs in the case, which included Florida Workers’ Advocates, the Workers’ Injury Law and Advocacy Group, and Elsa Padgett, an injured Miami-Dade County worker, lacked standing to challenge the constitutionality of the Florida statute that establishes workers comp as exclusive remedy.

The case originally involved injured farm worker Julio Cortes and his employer, Velda Farms L.L.C.

Upcoming Holidays

Veteran’s Day 1  Wednesday, November 11
Thanksgiving Day 2  Thursday, November 26
Christmas Day 3  Friday, December 25
New Years Day 3  Friday, January 1

1 Howard Leasing will be open for normal business. Please note that this is a banking holiday and this will effect payroll dating.
2 Howard Leasing will be observing this holiday on both Thursday and Friday. Please note that this is a banking holiday and this will effect payroll dating.
3 Howard Leasing will be closed. Please note that this is a banking holiday and this will effect payroll dating.
Contractors rules expand employers risk

New Labor Department guidance on classifying workers as employees versus independent contractors is expecting to increase litigation against employers. Experts recommend that firms, particularly those with a significant number of independent contractors, conduct an audit now to ensure they are classified properly under the Fair Labor Standards Act, though the expectation is that fewer workers will be classified as independent contractors.

Many companies at times, have a hard time determining whether an individual providing services are employees or independent contractors.

For more information on determining if those providing services to your company are independent contractors or employees, please reference the links below:


Notable Bill passed by Florida Legislature:

Senate Bill (SB) 982-

This bill amends the Florida Civil Rights Act (FLCRA) to prohibit discrimination on the basis of pregnancy, adding “pregnancy” to the law as a protected class. The Florida Supreme Court has recognized that pregnancy is a protected characteristic under the previous version of the FLCRA.

FL 760.01(2) now reads as:

“The general purpose of the Florida Civil Rights Act of 1992 are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife or unrest, to preserve the public safety, health, and general welfare, and to promote the interest, rights, and privileges of individuals within the state.”

Christmas Club disbursements are quickly approaching. As the deduction savings “plan” comes to an end in October, it is important to understand how these funds are distributed to those employee’s who have choose to participate.

The Christmas Club deductions will end on October 31st.

Live checks will be sent out to the employee’s address currently on file no later than November 13th.

If you need to make address changes or updates, please do so by October 15th.

Did you know?

Some status changes will result in a new Medicare number. For example, you sign up for Medicare using your Social Security number on your 65th birthday, and you have chosen to delay claiming Social Security until you turn 70. Medicare sends you a Medicare card with your Medicare number: your Social Security number with an “A” behind it. The “A” is Social Security’s code that you are the retired worker.

When you turn 70, you decide to apply for spouse benefits under your spouse’s Social Security. Medicare sends you a new Medicare card with a new Medicare number: your spouse’s Social Security number with a “B” behind it. The “B” is Social Security’s code for the wife of the retired worker. (For men that claim spouse benefits, the code is “B1” for the husband of the retired worker.)