

**Mr. Chairman, Senators, my name is Andres Trujillo, Legislative Director for the United Transportation Union in Florida. We represent Trainmen, Conductors and Engineers in Railroads in our State and Nationally who work under the Federal Employees Liability Act.**

**We also represent Bus Operators, Truck Drivers and Commuter and Light Rail Systems Employees who are covered under the Florida Workers Compensation System.**

**Mr. Chairman, this Bill represents a fundamental change in the balance and compromise the Florida Workers Compensation System is.**

**The System is a compromise and significant departure from Common Law. It guaranteed Medical Care and Basic Compensation for Lost Wages, to Workers hurt while on duty for an Employer, without determination of fault.**

**In exchange, the Employers receive an Extraordinarily and Artificially depressed level of Liability for injuries and even death, and the ability to send hurt Employees to Worker's Compensation Clinics, which result in lower**

**Medical Bills, likely due to lower standards of care.**

**Now, Employers, through this Bill, want to have their cake and eat it too.**

**This Bill tears a page from the Federal Employee's Liability Act, but mind you, just one page.**

**That is the one where fault can now be assigned to the Employee by the Employer, by claiming a Deviation from Employment.**

**Yes, this Bill's broadly crafted wording, would affect not just those engage in Horseplay while at work, and not just those who engage in "Personal Privilege" actions while under the Employer's knowledge and assent, in the premises or out, while under pay, but it also explicitly includes workers performing work for the Employer.**

**Here is a broadly crafted example of this application under this Bill:**

**Most Florida Employees are hardworking people who want to get the job done. Say one of them comes across a situation, or a challenge and even**

**though his Employer may not have provided Training or even the appropriate tools to performing this task, he sets about to getting the job done.**

**There are two likely outcomes here now. If he/she is successful, it is called innovation and initiative, the backbone of American success and entrepreneurship.**

**But if he/she were to get hurt while attempting to help his employer, it will now be called a Deviation from Employment.**

**To further compound how unfair this proposal is, this Employee has no Appeal Mechanism to his/her employer's decision to deny benefits, as none is found in this Bill.**

**If some Florida Employers want to alter the Worker's Compensation System so fundamentally, unilaterally and unfairly, perhaps they would consider scrapping the System altogether in favor of one mirrored after the Federal Employee's Liability Act, under which Railroad and Airline Workers are protected.**

**Under these premises, all interested Parties have the ability to claim or assign fault or responsibility, there is an appeal process for both Parties and injuries and deaths are cared for and compensated under realistic Market Driven Values.**

**I imagine we'll hear from supporters of this Bill, giving us some horror stories of Fraud or Unjust Claims as the reason to take this Axe to the Florida Workers Compensation System and hack it in half, keeping the half they like.**

**If there are instances of Fraud or even Unjustly Filed Claims in their eyes, a scalpel maybe the instrument to carve out the solution, not the unjust Axe we find before us.**

**I ask you to please consider the intentional and unintentional effects this Law would have on Florida's injured workers and on the Judicial System as well, should it ever go into effect, and stop it here.**

**Thank you Mr. Chairman, Senators.**