

Personnel Management and Services
Nelson E. Diaz, Deputy Superintendent

**SUBJECT: RECOMMENDATION FOR INCREASE IN HOURLY FEE FOR
CONTRACTED WORKERS' COMPENSATION DEFENSE COUNSEL**

The School Board of Miami-Dade County, Florida, moved from being fully insured, including defense costs, for workers' compensation claims to a State of Florida approved self-insured employer in 1974. Since then, the Board has paid claims, including wage replacement, medical care and defense costs out of its general fund, while purchasing excess coverage to respond in the event of a catastrophic claim.

At the time the Board became self-insured for workers' compensation, it contracted with selected law firms which specialize in workers' compensation defense. Over the last several years since then, some of the same firms continue to provide workers' compensation defense to the Board, because of their expertise and recommendation from the excess carrier. A number of new firms have been added to also provide this service as the defense of workers' compensation claims has become more involved, including representation at the District Court of Appeals, and on occasion before the State of Florida Supreme Court. All firms have minority representation, which is part of the report submitted to the Board from the Board Attorney annually, as well as minority owned firms which provide excellent defense work.

Authorization is requested to increase the hourly fee for contracted workers' compensation defense counsel from \$75/hour to \$90/hour, effective March 1, 2000.

This item will be made available prior to the Board meeting of February 9, 2000.