

UNIFORM SETTLEMENT RELEASES

The Florida Bar Workers' Compensation Section has approved two standardized release forms for settlements of workers' compensation claims. The Florida Bar Workers' Compensation Rules Advisory Committee drafted a "Release of Any and All Workers' Compensation Claims" and a "General Release." The Section's Executive Council revised and adopted the standard release forms. These forms are published below. The uniform releases are intended to streamline the settlement process and avoid additional litigation over settlements.

Litigation at the trial and appellate levels concerning enforcement of settlements in workers' compensation cases has substantially increased since judges of compensation claims no longer approve settlements. Frequently parties leave mediation believing they have reached an agreement. Upon receiving the settlement documents it is discovered that an issue was not discussed and there is no meeting of the minds on a material term. Issues such as whether a general release or a Medicare Set Aside Agreement is required have caused disputes and additional litigation. The use of a variety of settlement documents has also led to delay, confusion and disagreement.

The Release of Any and All Workers' Compensation Claims is intended for the settlement of strictly the workers' compensation claim. The General Release is intended for use in a settlement of a workers' compensation claim that involves a release of all claims. Workers' compensation attorneys and parties must realize that a general release does not discharge certain causes of action. For example, a settlement of an individual's rights under the Fair Labor Standards Act is invalid absent approval by a court of competent jurisdiction or Department of Labor supervision. *See, Alvarez Perez v. Sanford-Orlando Kennel Club, Inc.*, 469 F. Supp. 2d 1086 (M.D. Fla. 2006); *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350 (11th Cir. 1982). Each form addresses the essential terms generally required for the parties to obtain an enforceable agreement. Certain cases require unique terms such as annuities or Medicare Set Aside Agreements. The forms contain blanks for the parties to address such issues.

Use of these standardized form releases will streamline the settlement process. The Workers' Compensation Section and Office of the Judges of Compensation Claims will post the "Release of Any and All Workers' Compensation Claims" and "General Release" on their respective web sites. Parties may bring these forms to mediation. If an agreement is reached, the final settlement agreement is immediately executed. This avoids delay to prepare settlement documents and later obtain signatures. Subsequent disputes are eliminated. Carriers will close their file and claimants will obtain their money without unnecessary delay. Use of these forms will reduce litigation to enforce settlements and save valuable judicial resources.

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