# HALL BOOTH SMITH, P.C.

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Of Counsel

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BIOGRAPHY | CREDENTIALS | MEMBERSHIPS | PUBLICATIONS | IN THE PRESS

## Biography

Rayford H. Taylor is Of Counsel in the HBS Atlanta, Jacksonville, and Tallahassee offices. He received his undergraduate degree from Florida State University and his Juris Doctor from Florida State University, where he also served on the Board of Directors for several years.

After completing law school, he was in private practice with Taylor, Brion, Buker and Green, P.A. He was recruited to head the CLE Division of The Florida Bar and served in that position for three years, then was promoted to serve as the Bar's General and Legislative Counsel. Rayford was responsible for lobbying for and coordinating all legislative issues involving the Bar, its sections and committees, and the legal profession in Florida. As General Counsel, he was responsible for coordinating and consulting on all litigation involving The Bar.

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During his time at The Florida Bar, the Florida Supreme Court approved the creation of an advanced certification program for attorneys in multiple areas of the law. Rayford was responsible for the establishment, organization, and operation of those programs

## Services

Appellate

Government Affairs

Insurance Coverage

Workers' Compensation

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until leaving the Bar to enter into private practice.

Rayford was a founding and managing partner of Stiles, Taylor and Grace, P.A., a Florida-based firm representing the business and insurance community. He represented clients before the Florida Legislature, the courts, and various state agencies and handled workers compensation cases throughout North Florida. He opened and managed that firm’s first branch office in Tallahassee and subsequently its Atlanta office from 2002 through 2010.

In 2011, he joined Casey Gilson, LLC, to focus entirely on workers' compensation defense and appellate practice. During this time, he represented clients throughout both Georgia and Florida. He joined HBS in 2016 to continue this type of representation.

Rayford has handled over 200 appeals before the Florida Supreme court, the Georgia Supreme Court, and all five appellate district courts in Florida where he maintains a successful winning percentage of over 95%. He has extensive experience representing various legal groups and corporate clients before the Florida legislature as well as clients before various Florida and Georgia executive branch agencies. He has represented businesses and insurance companies in workers compensation matters in Florida and in Georgia for a number of years.

He regularly lectures on various workers’ compensation issues and topics at programs presented by the American Bar Association, The Florida Bar, the Georgia Bar, and the Atlanta Claims Association. He was one of the founding members of the National Workers' Compensation Defense Network and throughout his membership served as Treasurer, Vice-President, and on the Board of Directors for the organization. In 2008, he was inducted into the Charter Class of the National College of Workers Compensation Lawyers, where he served as the first Nomination Committee chair and its second President. Currently, he is an ex-officio member of the Board of Directors of the College.

# Credentials

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## Admitted

State Courts:

- Florida, 1974
    - Supreme Court
- Georgia, 2002
    - Supreme Court

U.S. District Courts:

- U.S. District Court for the Northern District of Georgia, 2022
- U.S. District Court for the Middle District of Georgia, 2022

## Education

- J.D., Florida State University, 1974
- B.S., Accounting, Florida State University, 1969

## Memberships

- American Bar Association (ABA): Member, 1987-Present
    - Labor and Employment Law Section: Co-Chair (Former)
    - Workers' Compensation Committee Employer/Insurer: Co-Chair (Former)
- Atlanta Bar Association: Member, 2003-Present
    - Workers' Compensation Section: Member
- Georgia Defense Lawyers Association: Member

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- National College of Workers' Compensation Lawyers: Member; First Nomination Committee Chair, President
    - Charter Class Inductee, 2008
    - Board of Directors: Ex Officio Member
- National Workers' Compensation Defense Network: Treasurer, Vice-President, Board of Directors Member, Founding Member
- State Bar of Georgia, Workers' Compensation Section: Member

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- The Florida Bar, Workers Compensation and Appellate Law Sections: Member

# Publications

- **Centers for Medicare and Medicaid Services Proposes Changes Under Section 111**
  HBS Workers' Compensation Blog; March 5, 2024
- **Florida's One-Time Change Provision & Consequences for Employer/Carrier Failure to Act**
  HBS Workers' Compensation Blog; March 31, 2023
- **Florida Court Allows Bonus Paid After Date of Accident to be Added to Workers' Compensation Wages Amount**
  HBS Workers' Compensation Blog; February 4, 2022
- **Recent Appellate Decisions Interpreting Florida's Workers Compensation Statute**
  HBS Workers' Compensation Blog; January 24, 2022

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- **Florida's First District Court Of Appeal Again Rules The Six-Month Limitation On Temporary Indemnity Benefits For Mental Injury Does Not Apply If The Injured Worker Did Not Receive Permanent Impairment Benefits For Their Physical Injury**
  HBS Workers' Compensation Blog; August 10, 2021
- **Florida Employers Cannot Be Required to Pay For an Evaluation by a Health Care Provider That Has, As Its Sole Purpose, a Recommendation for Marijuana Treatment**
  HBS Workers' Compensation Blog; July 23, 2021
- **Florida Court Rules Receipt of Unemployment Compensation Benefits are Primary and Employer/Carriers Are Not Required to Affirmatively Assert an Offset Defense Prior to Payment of Any Temporary Partial Disability Benefits**
  HBS Workers' Compensation Blog; July 23, 2021
- **The Florida First District Court of Appeal Has Again Interpreted Section 440.13(2)(F) Fla. Stat., The "One**

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**Time Change" Statute, To Permit an Injured Worker to Select Their Own Physician When an Alternate Physician Was Not Timely Provided**
HBS Workers' Compensation Blog; June 30, 2021

- **Florida Employers and Carriers May Be Subject To Monetary Damage Awards to Claimants in Rule NISI Proceedings Following Recent Appellate Court Decision**
  HBS Workers' Compensation Blog; June 23, 2021
- **Stunt Performer's $8 Million Judgement Was Reversed Because Employers Had Workers' Compensation Immunity**
  HBS Workers' Compensation Blog; June 14, 2021
- **A Florida Appellate Court Ruled Cancellation of a Workers' Compensation Policy for Nonpayment Was Effective, Even Though the Insured Employer Had a Certificate of Insurance**
  HBS Workers' Compensation Blog; March 29, 2021
- **2021 Florida Workers' Compensation Legislation**
  HBS Workers' Compensation Blog; March 24, 2021
- **Georgia Workers' Compensation Insurance Policy – A Brief Discussion**
  HBS Workers' Compensation Blog; March 2, 2021
- **Florida Employer/Carriers Should Specifically Identify Each Body Part And The Type Of Injury Accepted As Compensable**
  HBS Workers' Compensation Blog; September 28, 2020
- **What Constitutes Provision Of An Alternate Physician In Florida?**
  HBS Workers' Compensation Blog; June 9 2020
- **COVID-19 And Workers' Compensation Liability Policy Coverage**
  HBS Workers' Compensation Blog; May 26, 2020
- **Florida's Chief Financial Officer Requires Workers' Compensation For Front Line State Employees**
  HBS Workers' Compensation Blog; April 15, 2020
- **Florida's Expert Medical Adviser (EMA) Statute Is Constitutional**
  HBS Workers' Compensation Blog; June 28, 2019

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# In the Press

## Centers for Medicare and Medicaid Services Proposes Changes Under Section 111

March 5, 2024

CMS has clarified its plans to amend Section 111 relating to workers' compensation settlements, announcing its plan to change its TPOC under Section 11 and increase the CMP to be imposed on reporting entities.

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## Concurrent Jurisdiction in Workers' Compensation Claims

December 4, 2023

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Workers' compensation is, at its core, one of the more state-specific areas of the law. Each state legislates its own statutes and regulations and operates its own administrative body, often very differently...

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## Florida's One-Time Change Provision & Consequences for Employer/Carrier Failure to Act

March 31, 2023

Written by: Rayford H. Taylor, Esq. In Florida, a failure by an employer/carrier to promptly grant an employee's change of physician deprives the employer/carrier of the right to select the doctor, as once again, Florida courts have been called upon to address the "one-time change" provision of F.S. 440.13(2)(f) in the case of Andrews v.

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## Florida Court Allows Bonus Paid After Date of Accident to be Added to Workers' Compensation Wages Amount

February 4, 2022

Written by: Rayford H. Taylor, Esq. The Employee, in the case of Noa v. City of Aventura and Florida League of Cities, appealed an Order of the judge of compensation claims (JCC) denying an increase in her average weekly wage (AWW). The Employee contended she was entitled to include a pro rata share of her

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## Florida's First District Court Of Appeal Again Rules The Six-Month

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# Limitation On Temporary Indemnity Benefits For Mental Injury Does Not Apply If The Injured Worker Did Not Receive Permanent Impairment Benefits For Their Physical Injury

August 10, 2021

Written by: Rayford H. Taylor, Esq. The Court of Appeal was asked to again  interpret Section 440.093(3) Fla. Stat. concerning entitlement to temporary indemnity benefits based upon a mental injury arising out of a workers' compensation accident in the case of Le'Tavia Jones v. State of Florida, Dept. of Corrections, and Div. of Risk Management, 1D20-1741

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# Florida Employers Cannot Be Required to Pay For an Evaluation by a Health Care Provider That Has, As Its Sole Purpose, a Recommendation for Marijuana Treatment

July 23, 2021

Written by: Rayford H. Taylor, Esq. The First District Court of Appeal in the case of Patrick Sean Jones v. Grace Health Care, _____ So.2d _____, (1D19-1684, June 30, 2021) was presented with the question of whether an employer/carrier should be required to pay for an evaluation for a referral for medical marijuana. The case

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# Florida Court Rules Receipt of Unemployment Compensation Benefits are Primary and Employer/Carriers Are Not Required to Affirmatively Assert an Offset Defense Prior to Payment of Any Temporary Partial Disability Benefits

July 23, 2021

Written by: Rayford H. Taylor, Esq. The First District Court of Appeal in the recent case of N. Hannoush Jewelers, Inc. v. Bly, 1D20-2432, (Fla. 1st DCA

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June 30, 2021) addressed the effect of an employee's receipt of unemployment compensation benefits (UC) on any award of temporary partial disability (TPD) benefits. The injured worker sought

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## The Florida First District Court of Appeal Has Again Interpreted Section 440.13(2)(F) Fla. Stat., The "One Time Change" Statute, To Permit an Injured Worker to Select Their Own Physician When an

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## Alternate Physician Was Not Timely Provided

June 30, 2021

Written by: Rayford H. Taylor, Esq. An employer/carrier must aggressively pursue obtaining an appointment with the newly authorized physician or risk having the injured worker select the alternate physician. While we do not know what period of time is acceptable, we know that taking longer than 50 days from the request for a physician to

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## Florida Employers and Carriers May Be Subject To Monetary Damage Awards to Claimants in Rule NISI

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## Proceedings Following Recent Appellate Court Decision

June 23, 2021

Written by: Rayford H. Taylor, Esq. Circuit court judges in Florida have the authority to require provision of benefits ordered by a jcc but which are found to be willfully withheld. Trial courts can use a Rule Nisi proceeding to not only order the provision of the benefit being denied, but also impose a monetary

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## Stunt Performer's $8 Million Judgement Was Reversed Because Employers Had Workers' Compensation

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## Immunity

June 14, 2021

Written by: Rayford H. Taylor, Esq. The case of Stalwart Films, LLC v. Bernecker, 855 S.E.2d 120 (2021) involved a wrongful death action brought by a stunt performer's family against the film production company and television show producer alleging negligence arising from his fatal fall during the filming of a television show. The State Court

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S.E.2d 120 (2021) involved a wrongful death action brought by a stunt performer's family against the film production company and television show producer alleging negligence arising from his fatal fall during the filming of a television show. The State Court

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## A Florida Appellate Court Ruled Cancellation of a Workers' Compensation Policy for Nonpayment Was Effective, Even Though the Insured Employer Had a Certificate of Insurance

March 29, 2021

Written by: Rayford Taylor, Esq. The First District Court of Appeal recently issued an opinion in the case of Dennis

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F. Scott v. James A. Jones Construction Co. v. Central Florida Siding Pros, LLC, et al., Case No. 1D20-689 (Fla. 1st DCA March 16, 2021). While the instant case did not create any new law,

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## 2021 Florida Workers' Compensation Legislation

March 24, 2021

Written by: Rayford H. Taylor Esq. The Florida Legislature began its annual session on March 2, 2021 and will conclude on April 30, 2021, absent any extensions. There have been three bills introduced thus far which seeks to amend Chapter 440 Fla. Stat., which is Florida's Workers' Compensation Statute. Senate Bill 1458 and House Bill

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## Georgia Workers' Compensation

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## Insurance Policy – A Brief Discussion

March 2, 2021

Written by: Rayford H. Taylor, Esq. Georgia employers are generally aware they must purchase and maintain workers' compensation insurance to operate within the state. Those employers obtain coverage for themselves and their employees, but often do not pay attention to the types of coverages included in a workers' compensation and employer's liability insurance policy. This

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## Florida Employer/Carriers Should Specifically Identify Each Body Part and the Type of Injury

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## Accepted as Compensable

September 28, 2020

Written by: Rayford H. Taylor, Esq. The First District Court of Appeal (1st DCA) issued an opinion in the case of Julio Sanchez v. Yellow Transportation/Gallagher Bassett, which held the Claimant did not have to establish the workplace accident was the major contributing cause (MCC) for requested treatment. The Judge of Compensation Claims (JCC) denied

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## What Constitutes Provision Of An Alternate Physician In Florida?

June 9, 2020

Written by: Rayford H. Taylor, Esq. The First District Court of Appeal (First District) in City of Bartow v. Flores, 1D18-1927 (May 29, 2020) has certified a question of

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great public importance to the Florida Supreme Court on the issue of when a workers' compensation carrier has "provided" an alternate physician pursuant to F.S. 440.13(2)(f).

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## COVID-19 And Workers' Compensation Liability Policy Coverage

May 26, 2020

Written by: Rayford Taylor, Esq.  It has been suggested that if an employee cannot obtain workers' compensation benefits because of COVID-19, that employee might sue the employer under the employer's liability portion of a workers' compensation policy. For purposes of this discussion, workers' compensation policies essentially consist of two parts.  Part One, known as Workers'

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## FLORIDA'S

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# CHIEF FINANCIAL OFFICER REQUIRES WORKERS' COMPENSATION COVERAGE FOR FRONT LINE STATE EMPLOYEES

April 15, 2020

Written by: Rayford H. Taylor, Esq. Florida's Chief Financial Officer, Jimmy Patronis, has issued Directive 2020-05 to provide workers' compensation coverage to "frontline state employees" who contract COVID-19. Florida's Risk Management Department provides workers' compensation coverage to state employees. The Risk Management Department will now have to provide workers' compensation coverage to such workers who

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## FLORIDA'S EXPERT MEDICAL ADVISER (EMA) STATUTE IS CONSTITUTIONAL

June 28, 2019

Written by: Rayford Taylor, Esq. Teresita DeJesus Abreu v. Riverland Elementary School and Broward County School Board, So.3d (Fla. 1st DCA June 18, 2019). In 2015, the Claimant injured her shoulder while at work. The Employer/Carrier accepted compensability of the accident and authorized treatment. The treating doctor performed an arthroscopic shoulder surgery to address a partial

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## An Employee Injured While On A Regularly

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## Scheduled Lunch Break is Not Entitled to Workers' Compensation Benefits

February 28, 2019

By: Rayford Taylor, Esq. On February 26, 2019, The Georgia Court of Appeals in Daniel v. Bremen-Bowdon Investment Co. ruled that an employee injured while on a regularly scheduled lunch break is not entitled to workers' compensation benefits under the ingress and egress rule. At the time of the incident, Ms. Daniel was employed as

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## Hall Booth Smith Expands in Florida with New Jacksonville Office

June 12, 2017

ATLANTA – Hall Booth Smith,

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P.C. announces the opening of an office in Jacksonville, Florida, the firm’s 13th office in the Southeast and second in Florida. The new office, to be co-managed by J. Brent Allen and Duke Regan, also expands the firm’s industry-leading medical malpractice practice. Joining Allen and Regan, both civil trial lawyers, are partner Bill Fuller, of

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