

# Florida Workers' Compensation Decision Reinforces Employer Immunity in Mental Injury Cases

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Florida's workers' compensation system is built on a trade-off: employees give up the right to sue their employer in civil court in exchange for guaranteed benefits after workplace injuries. But what happens when the injury is mental or emotional without physical injury, and the employee never files a workers' compensation claim?



## What Employers Need to Know After the Fifth DCA's *Steak 'N Shake* Ruling

On June 13, 2025, the Fifth District Court of Appeal answered that question in *Steak N Shake v. Spears*. The decision is a significant clarification of Florida workers' compensation law and reaffirms that employers are immune from civil lawsuits unless the statutory process is followed—even in cases involving emotional trauma.

### Background

Amber Spears, a Steak 'N Shake employee, was held at gunpoint during a robbery at work. The assailant grabbed her and made repeated threats to kill her. Although clearly traumatized, Spears did not suffer any physical injury that required medical treatment. Instead of filing a workers' compensation claim, she sued her employer in circuit court, seeking damages for emotional distress.

The trial court sided with the employee, relying on Fla. Stat. § 440.093(1), which limits benefits for mental and nervous injuries:

"A mental or nervous injury due to stress, fright, or excitement only is not an injury by accident arising out of the employment. Nothing in this section shall be construed to allow for the payment of benefits under this chapter for mental or nervous injuries without an accompanying physical injury requiring medical treatment."

Based on this language, the trial court found that Spears' injuries fell outside the workers' compensation framework and allowed the civil suit to proceed.

## The Appellate Court Disagrees

The Fifth DCA reversed. The Court emphasized that only a workers' compensation carrier or a judge of compensation claims can determine whether an injury is compensable—not a circuit court. As the Court noted, under Fla. Stat. § 440.13(1)(d):

“‘Compensable’ means a determination by a carrier or judge of compensation claims that a condition suffered by an employee results from an injury arising out of and in the course of employment.”

Since Spears never filed a workers' compensation claim, the carrier never evaluated or determined compensability, and no judge issued a ruling on compensability. Without that, the employer's statutory immunity remained intact under F.S. §440.11.

## Key Takeaways for Florida Employers

This decision has serious implications for how emotional injury claims are handled in the workplace. Here is what you should know:

1. Workers' compensation is the exclusive remedy. Unless one of the two narrow exceptions applies—intentional torts or lack of coverage—employers are shielded from civil liability under 440.11(1), Florida Statutes.
2. Only the comp system decides compensability. Employees cannot simply declare that their claim does not qualify under workers' compensation law and sue in civil court. They must first file with the employer's carrier or seek a ruling from a judge of compensation claims.
3. Emotional trauma claims may still be compensable. If accompanied by any physical injury that requires medical treatment—even minor—mental or nervous injuries may qualify for benefits under the statute. Employers should not assume these claims fall outside the system.
4. Early reporting and documentation remain critical. Employers should encourage immediate reporting of any workplace incidents, even those involving emotional distress, so carriers can properly evaluate potential claims.
5. Use this case as a defense tool. For pending or future lawsuits that attempt to bypass the system, this case provides a solid basis to seek dismissal.

## Bottom Line

The *Steak 'N Shake* decision is a reminder that the Florida workers' compensation system exists to centralize and streamline how workplace injuries are addressed, physical or emotional. Employers who carry proper coverage and follow statutory procedures retain strong immunity protections.

For businesses navigating workplace incidents involving mental or emotional distress, the first step should always be a thorough evaluation under the workers' compensation framework. Skipping this step could expose your organization to unnecessary legal battles.

Florida employers needing workers' compensation representation may reach me at [\*\*spencer.shaw@henlaw.com\*\*](mailto:spencer.shaw@henlaw.com) to schedule a consultation.