

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Miller, M. offered the following:

**Amendment (with title amendment)**

Between lines 69 and 70, insert:

Section 1. Paragraph (a) of subsection (2) of section 112.1815, Florida Statutes, is amended to read:

112.1815 Firefighters, paramedics, emergency medical technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.-

(2) (a) For the purpose of determining benefits under this section relating to employment-related accidents and injuries of first responders, the following shall apply:

1. An injury or disease caused by the exposure to a toxic substance is not an injury by accident arising out of employment unless there is a preponderance of the evidence establishing

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17 that exposure to the specific substance involved, at the levels  
18 to which the first responder was exposed, can cause the injury  
19 or disease sustained by the employee.

20 2. Any adverse result or complication caused by a smallpox  
21 vaccination of a first responder is deemed to be an injury by  
22 accident arising out of work performed in the course and scope  
23 of employment.

24 3. A mental or nervous injury involving a first responder  
25 and occurring as a manifestation of a compensable injury must be  
26 demonstrated by a preponderance of the ~~clear and convincing~~  
27 evidence. For a mental or nervous injury arising out of the  
28 employment unaccompanied by a physical injury involving a first  
29 responder, ~~only~~ medical benefits under s. 440.13 shall be  
30 payable for the mental or nervous injury. If the mental or  
31 nervous injury results in disability or death of a first  
32 responder, However, payment of indemnity as provided in s.  
33 440.15 or s. 440.16 may be due even if no physical injury  
34 occurred. ~~may not be made unless a physical injury arising out~~  
35 ~~of injury as a first responder accompanies the mental or nervous~~  
36 ~~injury.~~ Benefits for a first responder are not subject to any  
37 limitation on temporary benefits under s. 440.093 or the 1-  
38 percent limitation on permanent psychiatric impairment benefits  
39 under s. 440.15(3)(c).

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**T I T L E   A M E N D M E N T**

Between lines 2 and 3, insert:

112.1815, F.S.; revising the standard by which a mental or nervous injury involving a first responder must be demonstrated for purposes of determining eligibility for benefits for employment-related accidents and injuries; removing the limitation that only medical benefits are payable for a mental or nervous injury unaccompanied by a physical injury; revising eligibility for certain payments provided under the Workers' Compensation Law; amending s.