

By Senator Torres

15-00224-18

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1 A bill to be entitled
2 An act relating to workers' compensation for first
3 responders; amending s. 112.1815, F.S.; revising the
4 standard by which a mental or nervous injury must be
5 demonstrated for purposes of determining eligibility
6 for benefits for employment-related accidents and
7 injuries; removing the limitation that only medical
8 benefits are payable for a mental or nervous injury
9 unaccompanied by a physical injury; revising
10 eligibility for certain payments provided under the
11 Workers' Compensation Law; providing that the act
12 fulfills an important state interest; providing an
13 effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (2) of section 112.1815, Florida
18 Statutes, is amended to read:

19 112.1815 Firefighters, paramedics, emergency medical
20 technicians, and law enforcement officers; special provisions
21 for employment-related accidents and injuries.—

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

25 1. An injury or disease caused by the exposure to a toxic
26 substance is not an injury by accident arising out of employment
27 unless there is a preponderance of the evidence establishing
28 that exposure to the specific substance involved, at the levels
29 to which the first responder was exposed, can cause the injury

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30 or disease sustained by the employee.

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

35 3. A mental or nervous injury involving a first responder
36 and occurring as a manifestation of a compensable injury must be
37 demonstrated by a preponderance of the ~~clear and convincing~~
38 evidence. For a mental or nervous injury arising out of the
39 employment unaccompanied by a physical injury involving a first
40 responder, ~~only~~ medical benefits under s. 440.13 shall be
41 payable for the mental or nervous injury. If a mental or nervous
42 injury results in disability or death of a first responder
43 ~~However,~~ payment of indemnity as provided in s. 440.15 or s.
44 440.16 may be due even if no physical injury occurred ~~may not be~~
45 ~~made unless a physical injury arising out of injury as a first~~
46 ~~responder accompanies the mental or nervous injury.~~ Benefits for
47 a first responder are not subject to any limitation on temporary
48 benefits under s. 440.093 or the 1-percent limitation on
49 permanent psychiatric impairment benefits under s. 440.15(3)(c).

50 (b) In cases involving occupational disease, both causation
51 and sufficient exposure to a specific harmful substance shown to
52 be present in the workplace to support causation shall be proven
53 by a preponderance of the evidence.

54 Section 2. The Legislature finds that this act fulfills an
55 important state interest relating to the public interest for the
56 prompt and adequate provision of workers' compensation benefits
57 to first responders employed by state or local government.

58 Section 3. This act shall take effect July 1, 2018.