

1                   A bill to be entitled  
 2           An act relating to workers' compensation benefits for  
 3           first responders; amending s. 112.1815, F.S.; deleting  
 4           certain limitations relating to workers' compensation  
 5           benefits for first responders; amending s. 440.093,  
 6           F.S.; providing that law enforcement officers,  
 7           firefighters, emergency medical technicians, and  
 8           paramedics are entitled to benefits under the Workers'  
 9           Compensation Law for mental or nervous injuries,  
 10          whether or not such injuries are accompanied by  
 11          physical injuries requiring medical treatment, under  
 12          specified circumstances; providing an effective date.

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

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 16           Section 1. Paragraph (a) of subsection (2) of section  
 17   112.1815, Florida Statutes, is amended to read:

18           112.1815 Firefighters, paramedics, emergency medical  
 19   technicians, and law enforcement officers; special provisions  
 20   for employment-related accidents and injuries.—

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

24           1. An injury or disease caused by the exposure to a toxic  
 25   substance is not an injury by accident arising out of employment

26 unless there is a preponderance of the evidence establishing  
27 that exposure to the specific substance involved, at the levels  
28 to which the first responder was exposed, can cause the injury  
29 or disease sustained by the employee.

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

34 3. A mental or nervous injury involving a first responder  
35 and occurring as a manifestation of a compensable injury must be  
36 demonstrated by clear and convincing evidence. ~~For a mental or~~  
37 ~~nervous injury arising out of the employment unaccompanied by a~~  
38 ~~physical injury involving a first responder, only medical~~  
39 ~~benefits under s. 440.13 shall be payable for the mental or~~  
40 ~~nervous injury. However, payment of indemnity as provided in s.~~  
41 ~~440.15 may not be made unless a physical injury arising out of~~  
42 ~~injury as a first responder accompanies the mental or nervous~~  
43 ~~injury.~~ Benefits for a first responder are not subject to any  
44 limitation on temporary benefits under s. 440.093 or the 1-  
45 percent limitation on permanent psychiatric impairment benefits  
46 under s. 440.15(3)(c).

47 Section 2. Section 440.093, Florida Statutes, is amended  
48 to read:

49 440.093 Mental and nervous injuries.—

50 (1) Except as provided in subsection (4):

51        (a) A mental or nervous injury due to stress, fright, or  
52 excitement only is not an injury by accident arising out of the  
53 employment.

54        (b) ~~Nothing in~~ This section may not shall be construed to  
55 allow for the payment of benefits under this chapter for mental  
56 or nervous injuries without an accompanying physical injury  
57 requiring medical treatment.

58        (c) A physical injury resulting from mental or nervous  
59 injuries unaccompanied by physical trauma requiring medical  
60 treatment is shall not be compensable under this chapter.

61        (2) Mental or nervous injuries occurring as a  
62 manifestation of an injury compensable under this chapter shall  
63 be demonstrated by clear and convincing medical evidence by a  
64 licensed psychiatrist meeting criteria established in the most  
65 recent edition of the Diagnostic and Statistical Manual of  
66 Mental Disorders published by the American Psychiatric  
67 Association. Except as provided in subsection (4), the  
68 compensable physical injury must be and remain the major  
69 contributing cause of the mental or nervous condition and the  
70 compensable physical injury as determined by reasonable medical  
71 certainty must be at least 50 percent responsible for the mental  
72 or nervous condition as compared to all other contributing  
73 causes combined. Compensation is not payable for the mental,  
74 psychological, or emotional injury arising out of depression  
75 from being out of work or losing employment opportunities,

76 | resulting from a preexisting mental, psychological, or emotional  
77 | condition or due to pain or other subjective complaints that  
78 | cannot be substantiated by objective, relevant medical findings.

79 |       (3) Subject to the payment of permanent benefits under s.  
80 | 440.15, in no event shall temporary benefits for a compensable  
81 | mental or nervous injury be paid for more than 6 months after  
82 | the date of maximum medical improvement for the injured  
83 | employee's physical injury or injuries, which shall be included  
84 | in the period of 104 weeks as provided in s. 440.15(2) and (4).  
85 | Mental or nervous injuries are compensable only in accordance  
86 | with the terms of this section.

87 |       (4) A law enforcement officer, firefighter, emergency  
88 | medical technician, or paramedic is entitled to receive benefits  
89 | under this chapter for a mental or nervous injury, whether or  
90 | not such injury is accompanied by a physical injury requiring  
91 | medical treatment, if:

92 |       (a) The mental or nervous injury resulted while the law  
93 | enforcement officer, firefighter, emergency medical technician,  
94 | or paramedic was acting within the course of his or her  
95 | employment as described in s. 440.091 and the law enforcement  
96 | officer, firefighter, emergency medical technician, or paramedic  
97 | witnessed a murder, suicide, fatal injury, or child death or  
98 | arrived on a scene where mass casualties were suffered;

99 |       (b) The law enforcement officer, firefighter, emergency  
100 | medical technician, or paramedic begins mental health treatment

101 within 15 days after the incident in paragraph (a) giving rise  
102 to the mental or nervous injury that occurred; and

103 (c) The mental or nervous injury is demonstrated by clear  
104 and convincing medical evidence by a licensed psychiatrist to  
105 meet the criteria for posttraumatic stress disorder as described  
106 in the most recent edition of the Diagnostic and Statistical  
107 Manual of Mental Disorders published by the American Psychiatric  
108 Association.

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