



1 technician or a paramedic as defined in s. 401.23 employed by  
2 state or local government. A volunteer firefighter engaged by  
3 state or local government is also considered a first responder  
4 for purposes of this section.

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

8 1. An injury or disease caused by the exposure to a  
9 toxic substance is not an injury by accident arising out of  
10 employment unless there is a preponderance of the evidence  
11 establishing that exposure to the specific substance involved,  
12 at the levels to which the first responder was exposed, can  
13 cause the injury or disease sustained by the employee.

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

18 3. A mental or nervous injury involving a first  
19 responder and occurring as a manifestation of a compensable  
20 injury must be demonstrated by clear and convincing evidence.  
21 For a mental or nervous injury involving a first responder,  
22 payment of medical benefits under chapter 440 shall be made  
23 even if the first responder's mental or nervous injury is  
24 unaccompanied by a physical injury. However, payment of  
25 indemnity as provided in s. 440.15 may not be made unless a  
26 physical injury accompanies the mental or nervous injury.  
27 Benefits for a first responder are not subject to any  
28 limitation on temporary benefits under s. 440.093 or any  
29 limitation on permanent impairment benefits under s.  
30 440.15(3)(c).

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

5           (3) Permanent total supplemental benefits received by  
6 a first responder whose employer does not participate in the  
7 social security program shall not terminate after the first  
8 responder attains the age of 62.

9           (4) In cases involving first responders having an  
10 alleged exposure to toxic substances or an occupational  
11 disease, payment for attorney's fees shall be made as provided  
12 in s. 440.34, except that the amount of such fee shall be a  
13 reasonable fee after considering all relevant factors, and the  
14 limitations specified in s. 440.34(1) and (7) do not apply.

15           Section 2. The Legislature finds that this act  
16 fulfills an important state interest.

17           Section 3. This act shall take effect upon becoming a  
18 law.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1744

4 The committee substitute provides the following changes:

- 5   o   Reinstates current law by providing that in order for a  
6       mental injury to be a compensable injury, the mental or  
7       nervous injury must be demonstrated by clear and  
8       convincing evidence.
- 9   o   Eliminates the current six-month limitation on temporary  
10      total disability benefits for compensable mental or  
11      nervous injuries after a first responder reaches maximum  
12      medical improvement and the 1 percent limitation for  
13      permanent impairment benefits for psychiatric impairment.
- 14   o   Revises the attorney fee language that authorizes  
15      additional hourly fees for toxic and occupational  
16      diseases involving a first responder to clarify that the  
17      remaining provisions of s. 440.34, F.S., would still  
18      apply.
- 19   o   Transfers provisions of the bill from ch. 440, F.S., to  
20      ch. 112, F.S., which addresses state and local government  
21      employees.