

By Senator Torres

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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 involving
5 a first responder must be demonstrated for purposes of
6 determining eligibility for benefits for employment-
7 related accidents and injuries; removing the
8 limitation that only medical benefits are payable for
9 a mental or nervous injury unaccompanied by a physical
10 injury; revising eligibility for certain payments
11 provided under the Workers' Compensation Law;
12 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. Subsection (2) of section 112.1815, Florida
17 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.

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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 a preponderance of the ~~clear and convincing~~
37 evidence. For a mental or nervous injury arising out of the
38 employment unaccompanied by a physical injury involving a first
39 responder, ~~only~~ medical benefits under s. 440.13 shall be
40 payable for the mental or nervous injury. If the mental or
41 nervous injury results in disability or death of a first
42 responder ~~However,~~ payment of indemnity as provided in s. 440.15
43 or s. 440.16 may be due even if no physical injury occurred ~~may~~
44 ~~not be made unless a physical injury arising out of injury as a~~
45 ~~first responder accompanies the mental or nervous injury.~~
46 Benefits for a first responder are not subject to any limitation
47 on temporary benefits under s. 440.093 or the 1-percent
48 limitation on permanent psychiatric impairment benefits under s.
49 440.15(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. This act shall take effect July 1, 2017.