

Bill No. SB 1744

Barcode 093430

CHAMBER ACTION

Senate

House

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The Committee on Banking and Insurance (Alexander) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 112.1815, Florida Statutes, is created to read:

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

(1) The term "first responder" as used in this section means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.30, and an emergency medical technician or a paramedic as defined in s. 401.23 employed by state or local government. A volunteer firefighter engaged by state or local government is also considered a first responder for purposes of this section.

(2)(a) For the purpose of determining benefits of the section relating to employment-related accidents and injuries

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1 of first responders, the following shall apply:

2 1. An injury or disease caused by the exposure to a
3 toxic substance is not an injury by accident arising out of
4 employment unless there is a preponderance of the evidence
5 establishing that exposure to the specific substance involved,
6 at the levels to which the first responder was exposed, can
7 cause the injury or disease sustained by the employee.

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

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

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

29 (3) Permanent total supplemental benefits received by
30 a first responder whose employer does not participate in the
31 social security program shall not terminate after the first

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1 responder attains the age of 62.

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

8 Section 2. The Legislature finds that this act
9 fulfills an important state interest.

10 Section 3. This act shall take effect upon becoming a
11 law.

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14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete everything before the enacting clause

17

18 and insert:

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A bill to be entitled

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An act relating to workers' compensation for

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first responders; creating s. 112.1815, F.S.;

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providing a definition; providing standard of

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proof for first responders with an injury or

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disease caused by exposure to a toxic

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substance; providing that any adverse result or

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complication relating to small pox vaccinations

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is an injury by accident arising out of

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employment for first responders; providing

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standard of proof for first responders in cases

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involving occupational disease; providing for

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the continuation of permanent total

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1 supplemental benefits after the age of 62 for
2 certain first responders; revising attorney's
3 fees for first responders in cases involving
4 exposure to toxic substances or occupational
5 diseases; providing that the act fulfills an
6 important state interest; providing an
7 effective date.

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