

CHAMBER ACTION

1 The Insurance Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to workers' compensation for first
7 responders; amending s. 440.091, F.S.; providing a
8 definition of the term "first responder"; providing a
9 standard of proof for certain injuries and diseases in
10 certain workers' compensation claims; providing that
11 certain adverse results and complications are injuries by
12 accident arising out of employment; providing for the
13 continuation of permanent total supplemental benefits for
14 certain first responders; providing a definition of the
15 term "occupational disease"; providing legislative
16 findings; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (4) is added to section 440.091,
21 Florida Statutes, to read:

HB 141

2006
CS

22 440.091 Law enforcement officer, firefighter, emergency
23 medical technician, or paramedic; when acting within the course
24 of employment.--

25 (4) (a) The term "first responder" as used in this
26 subsection means a law enforcement officer as defined in s.
27 943.10, a firefighter as defined in s. 633.30, or an emergency
28 medical technician or paramedic as defined in s. 401.23 employed
29 by state or local government. A volunteer firefighter engaged by
30 state or local government is also considered a first responder
31 for purposes of this subsection.

32 (b) For the purpose of determining benefits under this
33 chapter relating to employment-related accidents and injuries of
34 first responders, the following shall apply:

35 1. An injury or disease caused by the exposure to a toxic
36 substance is not an injury by accident arising out of employment
37 unless there is a preponderance of the evidence establishing
38 that exposure to the specific substance involved, at the levels
39 to which the first responder was exposed, can cause the injury
40 or disease sustained by the employee.

41 2. Any adverse medical condition caused by a smallpox
42 vaccination of a first responder is deemed to be an injury by
43 accident arising out of work performed in the course and scope
44 of employment.

45 3. In cases involving occupational disease, both causation
46 and sufficient exposure to a specific harmful substance shown to
47 be present in the workplace to support causation shall be proven
48 by a preponderance of the evidence.

HB 141

2006
CS

49 (c) Permanent total supplemental benefits under s.
50 440.15(1)(f) received by a first responder whose employer does
51 not participate in the social security program shall not
52 terminate after the first responder attains the age of 62.

53 (d) For the purposes of this subsection, the term
54 "occupational disease" means only a disease that is due to
55 causes and conditions that are characteristic of and peculiar to
56 a particular trade, occupation, process, or employment and
57 excludes all ordinary diseases of life to which the general
58 public is exposed, unless the incidence of the disease is
59 substantially higher in the particular trade, occupation,
60 process, or employment than for the general public.

61 Section 2. The Legislature finds that this act fulfills an
62 important state interest.

63 Section 3. This act shall take effect October 1, 2006.