

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Ross offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (4) is added to section 440.091,
6 Florida Statutes, to read:

7 440.091 Law enforcement officer, firefighter, emergency
8 medical technician, or paramedic; when acting within the course
9 of employment.--

10 (4) (a) The term "first responder" as used in this
11 subsection means a law enforcement officer as defined in s.
12 943.10, a firefighter as defined in s. 633.30, or an emergency
13 medical technician or paramedic as defined in s. 401.23 employed
14 by state or local government. A volunteer firefighter engaged by
15 state or local government is also considered a first responder
16 for purposes of this subsection.

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

20 1. An injury or disease caused by the exposure to a toxic
21 substance is not an injury by accident arising out of employment
22 unless there is a preponderance of the evidence establishing
23 that exposure to the specific substance involved, at the levels
24 to which the first responder was exposed, can cause the injury
25 or disease sustained by the employee.

26 2. Any adverse medical condition caused by a smallpox
27 vaccination of a first responder is deemed to be an injury by
28 accident arising out of work performed in the course and scope
29 of employment.

30 3. In cases involving occupational disease, both causation
31 and sufficient exposure to a specific harmful substance shown to
32 be present in the workplace to support causation shall be proven
33 by a preponderance of the evidence.

34 (c) Permanent total supplemental benefits under s.
35 440.15(1)(f) received by a first responder whose employer does
36 not participate in the social security program shall not
37 terminate after the first responder attains the age of 62.

38 (d) For the purposes of this subsection, the term
39 "occupational disease" means only a disease that is due to
40 causes and conditions that are characteristic of and peculiar to
41 a particular trade, occupation, process, or employment and
42 excludes all ordinary diseases of life to which the general
43 public is exposed, unless the incidence of the disease is
44 substantially higher in the particular trade, occupation,
45 process, or employment than for the general public.

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46 Section 2. The Legislature finds that this act fulfills an
47 important state interest.

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

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

51 Remove the entire title and insert:

52 A bill to be entitled

53 An act relating to workers' compensation for first
54 responders; amending s. 440.091, F.S.; providing a
55 definition of the term "first responder"; providing a
56 standard of proof for certain injuries and diseases in
57 certain workers' compensation claims; providing that
58 certain adverse results and complications are injuries by
59 accident arising out of employment; providing for the
60 continuation of permanent total supplemental benefits for
61 certain first responders; providing a definition of the
62 term "occupational disease"; providing legislative
63 findings; providing an effective date.

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