

1                                   A bill to be entitled  
 2       An act relating to workers' compensation for first  
 3       responders; creating s. 112.1815, F.S.; providing a  
 4       definition of the term "first responder"; providing a  
 5       standard of proof for first responders having an injury or  
 6       disease caused by exposure to a toxic substance; providing  
 7       that any adverse result or complication relating to  
 8       smallpox vaccinations is an injury by accident arising out  
 9       of employment for first responders; providing a standard  
 10      of proof for first responders in cases involving  
 11      occupational disease; providing for the continuation of  
 12      permanent total supplemental benefits after the age of 62  
 13      for certain first responders; providing a definition of  
 14      the term "occupational disease"; providing that the act  
 15      fulfills an important state interest; providing an  
 16      effective date.

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

19  
 20           Section 1. Section 112.1815, Florida Statutes, is created  
 21 to read:

22           112.1815 Firefighters, paramedics, emergency medical  
 23 technicians, and law enforcement officers; special provisions  
 24 for employment-related accidents and injuries.--

25           (1) The term "first responder" as used in this section  
 26 means a law enforcement officer as defined in s. 943.10, a  
 27 firefighter as defined in s. 633.30, or an emergency medical  
 28 technician or paramedic as defined in s. 401.23 employed by

29 state or local government. A volunteer law enforcement officer,  
30 firefighter, or emergency medical technician or paramedic  
31 engaged by the state or a local government is also considered a  
32 first responder of the state or local government for purposes of  
33 this section.

34 (2) (a) For the purpose of determining benefits under this  
35 section relating to employment-related accidents and injuries of  
36 first responders, the following shall apply:

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

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

47 3. A mental or nervous injury involving a first responder  
48 and occurring as a manifestation of a compensable injury must be  
49 demonstrated by clear and convincing evidence. For a mental or  
50 nervous injury arising out of the employment unaccompanied by a  
51 physical injury involving a first responder, only medical  
52 benefits under s. 440.13 shall be payable for the mental or  
53 nervous injury. However, payment of indemnity as provided in s.  
54 440.15 may not be made unless a physical injury arising out of  
55 injury as a first responder accompanies the mental or nervous  
56 injury. Benefits for a first responder are not subject to any

57 limitation on temporary benefits under s. 440.093 or the 1-  
58 percent limitation on permanent psychiatric impairment benefits  
59 under s. 440.15(3)(c).

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

64 (3) Permanent total supplemental benefits received by a  
65 first responder whose employer does not participate in the  
66 social security program shall not terminate after the first  
67 responder attains the age of 62.

68 (4) For the purposes of this section, the term  
69 "occupational disease" means only a disease that arises out of  
70 employment as a first responder and is due to causes and  
71 conditions that are characteristic of and peculiar to a  
72 particular trade, occupation, process, or employment and  
73 excludes all ordinary diseases of life to which the general  
74 public is exposed, unless the incidence of the disease is  
75 substantially higher in the particular trade, occupation,  
76 process, or employment than for the general public.

77 Section 2. The Legislature finds that this act fulfills an  
78 important state interest relating to the public interest in  
79 prompt and adequate response to provide for the safety of the  
80 public unique to this class of state and local government  
81 employees.

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