

Bill No. SB 746

Barcode 541456

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Alexander) recommended the following ~~substitute for~~ amendment ~~(384092)~~:

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, and law enforcement officers; special provisions for 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, or an emergency medical technician or paramedic as defined in s. 401.23 employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by state or local government is also considered a first responder of the state or local government for purposes of this section.

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

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

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

14 3. A mental or nervous injury involving a first
15 responder and occurring as a manifestation of a compensable
16 injury must be demonstrated by clear and convincing evidence.
17 For a mental or nervous injury arising out of the employment
18 unaccompanied by a physical injury involving a first
19 responder, only medical benefits under s. 440.13 shall be
20 payable for the mental or nervous injury. However, payment of
21 indemnity as provided in s. 440.15 may not be made unless a
22 physical injury arising out of injury as a first responder
23 accompanies the mental or nervous injury. Benefits for a first
24 responder are not subject to any limitation on temporary
25 benefits under s. 440.093 or the 1-percent limitation on
26 permanent psychiatric impairment benefits under s.
27 440.15(3)(c).

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

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

5 (4) For the purposes of this section, the term
 6 "occupational disease" means only a disease that arises out of
 7 employment as a first responder and is due to causes and
 8 conditions that are characteristic of and peculiar to a
 9 particular trade, occupation, process, or employment and
 10 excludes all ordinary diseases of life to which the general
 11 public is exposed, unless the incidence of the disease is
 12 substantially higher in the particular trade, occupation,
 13 process, or employment than for the general public.

14 Section 2. The Legislature finds that this act
 15 fulfills an important state interest relating to the public
 16 interest in prompt and adequate response to provide for the
 17 safety of the public unique to this class of state and local
 18 government employees.

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

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

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26

27 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 of the term "first

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

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