

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

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

12 1. An injury or disease caused by the exposure to a
13 toxic substance is not an injury by accident arising out of
14 employment unless there is a preponderance of the evidence
15 establishing that exposure to the specific substance involved,
16 at the levels to which the first responder was exposed, can
17 cause the injury or disease sustained by the employee.

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

22 3. A mental or nervous injury involving a first
23 responder and occurring as a manifestation of a compensable
24 injury must be demonstrated by clear and convincing evidence.
25 For a mental or nervous injury involving a first responder,
26 payment of medical benefits under chapter 440 shall be made
27 even if the first responder's mental or nervous injury is
28 unaccompanied by a physical injury. However, payment of
29 indemnity as provided in s. 440.15 may not be made unless a
30 physical injury accompanies the mental or nervous injury.
31 Benefits for a first responder are not subject to any

1 limitation on temporary benefits under s. 440.093 or any
2 limitation on permanent impairment benefits under s.
3 440.15(3)(c).

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

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

12 (4) The finder of fact and law is not bound by any
13 statutory provision regarding attorney's fees relating to the
14 provision of indemnity or medical benefits for
15 employment-related accidents or injuries involving exposure to
16 a toxic substance or occupational disease but must consider
17 the following factors when awarding an attorney's fee:

18 (a) The time and labor required, the novelty and
19 difficulty of the questions involved, and the skill required
20 to perform the legal service properly.

21 (b) The fee customarily charged in the locality for
22 similar legal services.

23 (c) The amount involved in the controversy and the
24 benefits payable to the claimant.

25 (d) The time limitations imposed by the claimant or
26 the circumstances.

27 (e) The experience, reputation, and ability of the
28 attorney or attorneys performing services.

29 (f) The contingency or certainty of a fee.

30 (5) For the purposes of this section, the term
31 "occupational disease" means only a disease that is due to

1 causes and conditions that are characteristic of and peculiar
2 to a particular trade, occupation, process, or employment and
3 excludes all ordinary diseases of life to which the general
4 public is exposed, unless the incidence of the disease is
5 substantially higher in the particular trade, occupation,
6 process, or employment than for the general public.

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

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

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