Florida Senate - 2007

By the Committee on General Government Appropriations; and Senators Alexander, Atwater, Gaetz and Fasano

	601-2492-07
1	A bill to be entitled
2	An act relating to workers' compensation for
3	first responders; creating s. 112.1815, F.S.;
4	providing a definition of the term "first
5	responder"; providing a standard of proof for
б	first responders having an injury or disease
7	caused by exposure to a toxic substance;
8	providing that any adverse result or
9	complication relating to smallpox vaccinations
10	is an injury by accident arising out of
11	employment for first responders; providing a
12	standard of proof for first responders in cases
13	involving occupational disease; providing for
14	the continuation of permanent total
15	supplemental benefits after the age of 62 for
16	certain first responders; providing a
17	definition of the term "occupational disease";
18	providing that the act fulfills an important
19	state interest; providing an effective date.
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21	Be It Enacted by the Legislature of the State of Florida:
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23	Section 1. Section 112.1815, Florida Statutes, is
24	created to read:
25	112.1815 Firefighters, paramedics, emergency medical
26	technicians, and law enforcement officers; special provisions
27	for employment-related accidents and injuries
28	(1) The term "first responder" as used in this section
29	<u>means a law enforcement officer as defined in s. 943.10, a</u>
30	firefighter as defined in s. 633.30, or an emergency medical
31	technician or paramedic as defined in s. 401.23 employed by
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1	state or local government. A volunteer law enforcement
2	officer, firefighter, or emergency medical technician or
3	paramedic engaged by the state or a local government is also
4	considered a first responder of the state or local government
5	for purposes of this section.
б	(2)(a) For the purpose of determining benefits under
7	this section relating to employment-related accidents and
8	injuries of first responders, the following shall apply:
9	1. An injury or disease caused by the exposure to a
10	toxic substance is not an injury by accident arising out of
11	employment unless there is a preponderance of the evidence
12	establishing that exposure to the specific substance involved,
13	at the levels to which the first responder was exposed, can
14	cause the injury or disease sustained by the employee.
15	2. Any adverse result or complication caused by a
16	smallpox vaccination of a first responder is deemed to be an
17	injury by accident arising out of work performed in the course
18	and scope of employment.
19	3. A mental or nervous injury involving a first
20	responder and occurring as a manifestation of a compensable
21	injury must be demonstrated by clear and convincing evidence.
22	For a mental or nervous injury arising out of the employment
23	unaccompanied by a physical injury involving a first
24	responder, only medical benefits under s. 440.13 shall by
25	payable for the mental or nervous injury. However, payment of
26	<u>indemnity as provided in s. 440.15 may not be made unless a</u>
27	physical injury arising out of injury as a first responder
28	accompanies the mental or nervous injury. Benefits for a first
29	responder are not subject to any limitation on temporary
30	benefits under s. 440.093 or the 1-percent limitation on
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1 permanent psychiatric impairment benefits under s. 2 440.15(3)(c). (b) In cases involving occupational disease, both 3 4 causation and sufficient exposure to a specific harmful 5 substance shown to be present in the workplace to support 6 causation shall be proven by a preponderance of the evidence. 7 (3) Permanent total supplemental benefits received by a first responder whose employer does not participate in the 8 9 social security program shall not terminate after the first 10 responder attains the age of 62. (4) For the purposes of this section, the term 11 12 'occupational disease" means only a disease that arises out of 13 employment as a first responder and is due to causes and conditions that are characteristic of and peculiar to a 14 particular trade, occupation, process, or employment and 15 excludes all ordinary diseases of life to which the general 16 17 public is exposed, unless the incidence of the disease is substantially higher in the particular trade, occupation, 18 process, or employment than for the general public. 19 20 Section 2. The Legislature finds that this act 21 fulfills an important state interest relating to the public 2.2 interest in prompt and adequate response to provide for the 23 safety of the public unique to this class of state and local 2.4 government employees. Section 3. This act shall take effect upon becoming a 25 26 law. 27 28 29 30 31

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CS for SB 746

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	Senate Bill 746
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4	Eliminates the legal fee schedule relating to the provision of indemnity or medical benefits.
5	Corrects technical deficiencies and makes clarifying changes
<pre>6 to the compensability provisions for mental or nerv injuries. 7</pre>	to the compensability provisions for mental or nervous
	injuries.
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