



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.

6 (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 be  
25 payable for the mental or nervous injury. However, payment of  
26 indemnity as provided in s. 440.15 may not be made unless a  
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).

3 (b) In cases involving occupational disease, both  
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  
8 a first responder whose employer does not participate in the  
9 social security program shall not terminate after the first  
10 responder attains the age of 62.

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

20 Section 2. The Legislature finds that this act  
21 fulfills an important state interest relating to the public  
22 interest in prompt and adequate response to provide for the  
23 safety of the public unique to this class of state and local  
24 government employees.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 746

Eliminates the legal fee schedule relating to the provision of  
indemnity or medical benefits.

Corrects technical deficiencies and makes clarifying changes  
to the compensability provisions for mental or nervous  
injuries.