

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
6 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 means a law enforcement officer as defined in s. 943.10, a
30 firefighter as defined in s. 633.30, or an emergency medical
31 technician or paramedic as defined in s. 401.23 employed by

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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