

1 A bill to be entitled
 2 An act relating to workers' compensation benefits for
 3 first responders; amending s. 112.1815, F.S.; deleting
 4 provisions that limit certain workers' compensation
 5 benefits for first responders; amending s. 440.093,
 6 F.S.; providing that mental or nervous injuries
 7 suffered by law enforcement officers, firefighters,
 8 emergency medical technicians, or paramedics are
 9 compensable under the Workers' Compensation Law under
 10 specified conditions; providing an effective date.

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 12 Be It Enacted by the Legislature of the State of Florida:

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 14 Section 1. Paragraph (a) of subsection (2) of section
 15 112.1815, Florida Statutes, is amended to read:

16 112.1815 Firefighters, paramedics, emergency medical
 17 technicians, and law enforcement officers; special provisions
 18 for employment-related accidents and injuries.-

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

22 1. An injury or disease caused by the exposure to a toxic
 23 substance is not an injury by accident arising out of employment
 24 unless there is a preponderance of the evidence establishing
 25 that exposure to the specific substance involved, at the levels

26 | to which the first responder was exposed, can cause the injury
27 | or disease sustained by the employee.

28 | 2. Any adverse result or complication caused by a smallpox
29 | vaccination of a first responder is deemed to be an injury by
30 | accident arising out of work performed in the course and scope
31 | of employment.

32 | 3. A mental or nervous injury involving a first responder
33 | and occurring as a manifestation of a compensable injury must be
34 | demonstrated by clear and convincing evidence. ~~For a mental or~~
35 | ~~nervous injury arising out of the employment unaccompanied by a~~
36 | ~~physical injury involving a first responder, only medical~~
37 | ~~benefits under s. 440.13 shall be payable for the mental or~~
38 | ~~nervous injury. However, payment of indemnity as provided in s.~~
39 | ~~440.15 may not be made unless a physical injury arising out of~~
40 | ~~injury as a first responder accompanies the mental or nervous~~
41 | ~~injury.~~ Benefits for a first responder are not subject to any
42 | limitation on temporary benefits under s. 440.093 or the 1-
43 | percent limitation on permanent psychiatric impairment benefits
44 | under s. 440.15(3)(c).

45 | Section 2. Section 440.093, Florida Statutes, is amended
46 | to read:

47 | 440.093 Mental and nervous injuries.—

48 | (1) Except as provided in subsection (4):

49 | (a) A mental or nervous injury due to stress, fright, or
50 | excitement only is not an injury by accident arising out of the

51 employment.

52 (b) ~~Nothing in~~ This section may not ~~shall~~ be construed to
53 allow for the payment of benefits under this chapter for mental
54 or nervous injuries without an accompanying physical injury
55 requiring medical treatment.

56 (c) A physical injury resulting from mental or nervous
57 injuries unaccompanied by physical trauma requiring medical
58 treatment is ~~shall~~ not ~~be~~ compensable under this chapter.

59 (2) Mental or nervous injuries occurring as a
60 manifestation of an injury compensable under this chapter shall
61 be demonstrated by clear and convincing medical evidence by a
62 licensed psychiatrist meeting criteria established in the most
63 recent edition of the diagnostic and statistical manual of
64 mental disorders published by the American Psychiatric
65 Association. Except as provided in subsection (4), the
66 compensable physical injury must be and remain the major
67 contributing cause of the mental or nervous condition and the
68 compensable physical injury as determined by reasonable medical
69 certainty must be at least 50 percent responsible for the mental
70 or nervous condition as compared to all other contributing
71 causes combined. Compensation is not payable for the mental,
72 psychological, or emotional injury arising out of depression
73 from being out of work or losing employment opportunities,
74 resulting from a preexisting mental, psychological, or emotional
75 condition or due to pain or other subjective complaints that

76 cannot be substantiated by objective, relevant medical findings.

77 (3) Subject to the payment of permanent benefits under s.
78 440.15, in no event shall temporary benefits for a compensable
79 mental or nervous injury be paid for more than 6 months after
80 the date of maximum medical improvement for the injured
81 employee's physical injury or injuries, which shall be included
82 in the period of 104 weeks as provided in s. 440.15(2) and (4).
83 Mental or nervous injuries are compensable only in accordance
84 with the terms of this section.

85 (4) A mental or nervous injury suffered by a law
86 enforcement officer, firefighter, emergency medical technician,
87 or paramedic is compensable under this chapter, whether or not
88 the mental or nervous injury is accompanied by a physical injury
89 requiring medical treatment, if:

90 (a) The mental or nervous injury is demonstrated by clear
91 and convincing medical evidence by a licensed psychiatrist to
92 meet the criteria for posttraumatic stress disorder as described
93 in the most recent edition of the Diagnostic and Statistical
94 Manual of Mental Disorders published by the American Psychiatric
95 Association; and

96 (b) The mental or nervous injury arose out of an activity
97 performed within the course of employment as described in s.
98 440.091.

99 Section 3. This act shall take effect July 1, 2017.