

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Smith offered the following:

Amendment (with title amendment)

Between lines 76 and 77, insert:

Section 1. Subsection (2) of section 112.1815, Florida Statutes, is amended to read:

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

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

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

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

24 3. A mental or nervous injury involving a first responder
25 and occurring as a manifestation of a compensable injury must be
26 demonstrated by a preponderance of the clear and convincing
27 evidence. For a mental or nervous injury arising out of the
28 employment unaccompanied by a physical injury involving a first
29 responder, ~~only~~ medical benefits under s. 440.13 shall be
30 payable for the mental or nervous injury. If the mental or
31 nervous injury results in disability or death of a first
32 responder ~~However,~~ payment of indemnity as provided in s. 440.15
33 or s. 440.16 may be due even if no physical injury occurred ~~may~~
34 ~~not be made unless a physical injury arising out of injury as a~~
35 ~~first responder accompanies the mental or nervous injury.~~
36 Benefits for a first responder are not subject to any limitation
37 on temporary benefits under s. 440.093 or the 1-percent
38 limitation on permanent psychiatric impairment benefits under s.

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39 440.15(3)(c).

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

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T I T L E A M E N D M E N T

47 Between lines 2 and 3, insert:
48 112.1815, F.S.; revising the standard by which a mental or
49 nervous injury involving a first responder must be demonstrated
50 for purposes of determining eligibility for benefits for
51 employment-related accidents and injuries; removing the
52 limitation that only medical benefits are payable for a mental
53 or nervous injury unaccompanied by a physical injury; revising
54 eligibility for certain payments provided under the Workers'
55 Compensation Law; amending s.