A bill to be entitled

An act relating to workers' compensation benefits for
first responders; amending s. 112.1815, F.S.; deleting
certain limitations relating to workers' compensation
benefits for first responders; amending s. 440.093,
F.S.; providing that law enforcement officers,
firefighters, emergency medical technicians, and
paramedics are entitled to benefits under the Workers'
Compensation Law for mental or nervous injuries,
whether or not such injuries are accompanied by
physical injuries requiring medical treatment, under
specified circumstances; providing an effective date.

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

Section 1. Paragraph (a) of 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:

1. An injury or disease caused by the exposure to a toxic
substance is not an injury by accident arising out of employment
unless there is a preponderance of the evidence establishing
that exposure to the specific substance involved, at the levels
to which the first responder was exposed, can cause the injury
or disease sustained by the employee.
2. Any adverse result or complication caused by a smallpox vaccination of a first responder is deemed to be an injury by accident arising out of work performed in the course and scope of employment.

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

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

440.093 Mental and nervous injuries.—
(1) Except as provided in subsection (4):
(a) A mental or nervous injury due to stress, fright, or excitement only is not an injury by accident arising out of the employment.
(b) Nothing in This section shall be construed to allow for the payment of benefits under this chapter for mental or nervous injuries without an accompanying physical injury requiring medical treatment.
(c) A physical injury resulting from mental or nervous
injuries unaccompanied by physical trauma requiring medical
treatment is not be compensable under this chapter.

(2) Mental or nervous injuries occurring as a manifestation
of an injury compensable under this chapter shall be
demonstrated by clear and convincing medical evidence by a
licensed psychiatrist meeting criteria established in the most
recent edition of the Diagnostic and Statistical Manual of
Mental Disorders published by the American Psychiatric
Association. Except as provided in subsection (4), the
compensable physical injury must be and remain the major
contributing cause of the mental or nervous condition and the
compensable physical injury as determined by reasonable medical
certainty must be at least 50 percent responsible for the mental
or nervous condition as compared to all other contributing
causes combined. Compensation is not payable for the mental,
psychological, or emotional injury arising out of depression
from being out of work or losing employment opportunities,
resulting from a preexisting mental, psychological, or emotional
condition or due to pain or other subjective complaints that
cannot be substantiated by objective, relevant medical findings.

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

(4) A law enforcement officer, firefighter, emergency
medical technician, or paramedic is entitled to receive benefits under this chapter for a mental or nervous injury, whether or not such injury is accompanied by a physical injury requiring medical treatment, if:

(a) The mental or nervous injury resulted while the law enforcement officer, firefighter, emergency medical technician, or paramedic was acting within the course of his or her employment as described in s. 440.091 and the law enforcement officer, firefighter, emergency medical technician, or paramedic witnessed a murder, suicide, fatal injury, or child death or arrived on a scene where mass casualties were suffered;

(b) The law enforcement officer, firefighter, emergency medical technician, or paramedic begins mental health treatment within 15 days after the incident in paragraph (a) giving rise to the mental or nervous injury that occurred; and

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

Section 3. This act shall take effect July 1, 2018.