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A bill to be entitled  
 An act relating to workers' compensation for first responders; amending s. 112.1815, F.S.; revising the standard by which a mental or nervous injury must be demonstrated for purposes of determining eligibility for benefits for employment-related accidents and injuries; removing the limitation that only medical benefits are payable for a mental or nervous injury unaccompanied by a physical injury; revising eligibility for certain payments provided under the Workers' Compensation Law; providing that the act fulfills an important state interest; providing an effective date.

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

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:

1. An injury or disease caused by the exposure to a toxic

26 substance is not an injury by accident arising out of employment  
27 unless there is a preponderance of the evidence establishing  
28 that exposure to the specific substance involved, at the levels  
29 to which the first responder was exposed, can cause the injury  
30 or disease sustained by the employee.

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

35 3. A mental or nervous injury involving a first responder  
36 and occurring as a manifestation of a compensable injury must be  
37 demonstrated by a preponderance of the ~~clear and convincing~~  
38 evidence. For a mental or nervous injury arising out of the  
39 employment unaccompanied by a physical injury involving a first  
40 responder, ~~only~~ medical benefits under s. 440.13 shall be  
41 payable for the mental or nervous injury. If a mental or nervous  
42 injury results in disability or death of a first responder  
43 ~~However,~~ payment of indemnity as provided in s. 440.15 or s.  
44 440.16 may be due even if no physical injury occurred ~~may not be~~  
45 ~~made unless a physical injury arising out of injury as a first~~  
46 ~~responder accompanies the mental or nervous injury.~~ Benefits for  
47 a first responder are not subject to any limitation on temporary  
48 benefits under s. 440.093 or the 1-percent limitation on  
49 permanent psychiatric impairment benefits under s. 440.15(3)(c).

50 (b) In cases involving occupational disease, both

51 causation and sufficient exposure to a specific harmful  
52 substance shown to be present in the workplace to support  
53 causation shall be proven by a preponderance of the evidence.

54 Section 2. The Legislature finds that this act fulfills an  
55 important state interest relating to the public interest for the  
56 prompt and adequate provision of workers' compensation benefits  
57 to first responders employed by state or local government.

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