



**BICHLER | LONGO**

THE FIRST RESPONDER LAW FIRM

# Workers' Compensation Tool Kit

**We Protect Those Who  
Protect & Serve Us**



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**[www.bichlerlaw.com](http://www.bichlerlaw.com)**

**Your Guide to  
Navigating  
Injury,  
Benefits, and  
Legal Rights  
on the Job**

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# 1. Your Rights Under Florida Statute 112.18 (The Heart Bill)

The Heart Bill protects first responders diagnosed with heart disease or hypertension by presuming the condition is work-related.

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## How Presumption Works

- You are not required to show a specific on-the-job event caused your illness
  - The burden of proof shifts to the employer—they must prove your condition wasn't job-related
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## Who's Eligible?

To qualify, you must:

- Be diagnosed after starting the job
  - Provide timely notice to your employer
  - Be a full-time law enforcement officer, firefighter, or correctional officer
  - Have passed a pre-employment physical showing no evidence of heart disease or hypertension
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### What's Covered

- Hypertension (high blood pressure)
- Heart disease: Including heart attacks, coronary artery disease and arrhythmias

### What's Not Covered

- Claims with no pre-employment physical
  - Pre-existing conditions (unless aggravated on the job)
- 

## If Your Claim Gets Denied

Many denied claims are won later with legal representation.

- File a Petition for Benefits
- Go to mediation or trial if needed
- Use medical experts to support your claim

## 2. PTSD Claims for First Responders

Know your rights under Florida Statute 112.1815

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### How to Document Trauma & Preserve Your Rights

- Notify your employer as soon as possible
  - Record the date, time, and details of the triggering incident
  - Seek a mental health evaluation and obtain a formal PTSD diagnosis from a licensed professional
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### Filing Timeline: Don't Miss It

- You must be diagnosed with PTSD within that same time frame
  - You must report the event within 52 weeks of the qualifying incident
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### Covered First Responders

- Firefighters
  - Corrections Officers
  - Law Enforcement Officers
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### What the Law Says

Florida law now recognizes that post-traumatic stress disorder (PTSD) can be a work-related injury—even without a physical injury—if certain criteria are met

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### What Qualifies as a Compensable Event?

The PTSD must come from personally witnessing one of the following events:

- A homicide
- A death involving a minor
- Death of a co-worker in the line of duty
- Gruesome scenes of serious injury or death
- Suicide or attempted suicide involving a child
- Death involving a member of the public you tried to rescue

## **3. Filing a Workers' Comp Claim: Step-by-Step**

Don't guess your way through the system. Here's how to protect your rights.

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### **Step 1: Report Your Injury or Diagnosis Immediately**

- Put it in writing and keep a copy for your records
  - Report your injury, illness, or diagnosis to your supervisor as soon as possible
  - If it's a condition like PTSD or hypertension, note the date of diagnosis and the triggering event (if applicable)
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### **Step 2: Get Medical Attention**

- Get copies of all medical records
  - Be clear with the doctor about how the condition is related to your job
  - The employer (or their insurance carrier) usually selects the doctor, but you may be entitled to request a one-time change
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### **Step 3: Document Everything**

Keep a personal file with:

- Medical records
- Injury/illness report
- Names and titles of anyone you spoke to
- Communication with your employer or claims adjuster

## 3. Filing a Workers' Comp Claim: Step-by-Step Cont...

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### Step 4: Know the Common Employer Mistakes

- Telling you not to file a claim or offering to "handle it internally"
  - Failing to give you claim paperwork or contact info for the adjuster
  - Delaying the reporting process to the insurance carrier
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### Step 5: Consult with a Qualified Attorney Early

An attorney can:

- File petitions
- Attend mediations
- Handle paperwork
- Coordinate medical care
- Represent you at trial if needed
- Challenge denials or settlement offers

The sooner you get legal guidance, the better your claim will be documented, preserved, and protected.

Pro Tip: First responders are held to higher standards. Make sure your rights are protected.

## 4. What to Do If Your Claim Gets Denied

A denial is not the end—it's the beginning of the legal fight.

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### Step 1: File a Petition for Benefits (PFB)

- A Petition for Benefits is the formal legal document that starts your legal claim
  - You have 2 years from the date of injury (or 1 year from the last benefit/payment) to file
  - A PFB allows your attorney to push back against the denial and demand what you're owed
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### Step 2: Build Your Case with Expert Witnesses

- Vocational experts may be used to show how your injury affects your ability to work
  - Medical experts can offer second opinions or testify about the work-related nature of your condition
  - Experts give your case credibility, especially when the insurance company claims your injury isn't related to your job
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### Step 3: Mediation – Your First Chance to Resolve Issues or Settle

Mediation is a required step before trial. It's a confidential meeting with:

- You
- Your attorney
- A neutral mediator
- The employer/insurer

The goal: negotiate a resolution to the claim or potential settlement

If you don't reach an agreement, you still move forward to trial

### Step 4: Prepare for Trial (Final Hearing)

- A judge—not a jury—will hear your case
- Your attorney presents evidence, expert testimony, and legal arguments
- The judge will issue a written decision (by law the Judge must enter an order within 30 days)

## 5. Returning to Work (or not): Medical Separation, Retirement & Disability

Planning your exit is just as important as protecting your claim

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### The Legal & Financial Impact of Returning to Work

If you're cleared to return but still have restrictions or symptoms:

- You may be at risk of re-injury or worsening your condition
  - Not returning may affect your ongoing workers' comp benefits
  - You might waive future benefits by not accepting light-duty work
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### Strategic Exit Planning: Your Next Chapter

Smart planning involves:

- Legal evaluation of all exit options
  - Avoiding moves that weaken or end your pending claims
  - Maximizing workers' comp + pension + disability income
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### Navigating Pension Rights & Disability Benefits

Many first responders qualify for:

- Line-of-duty pensions
  - State or local disability retirement
  - Social Security Disability Insurance (SSDI)
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#### Medical Separation

- Typically requires documentation and legal/HR coordination
- You leave your job due to a disability or medical inability to perform duties
- May preserve eligibility for disability pensions or long-term benefits

#### Voluntary Retirement

- You resign or retire by personal choice, not medical necessity
- May limit or cut off access to certain benefits or legal protections
- May be used by employers to pressure you out early

## 6. Union Reps vs. Legal Counsel – Why You Need Both

Your union has your back—but they're not your lawyer.

Here's why both roles matter

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### What Your Union Can Do for You

- File internal grievances
  - Negotiate contract terms, benefits, and working conditions
  - Provide workplace representation during disciplinary actions
  - Advocate on your behalf with supervisors and command staff
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### What Legal Counsel Does

- File and litigate workers' compensation claims
  - Handle PTSD, heart/lung, and occupational disease claims
  - Represent you at mediation, deposition, and trial
  - Navigate retirement, pension, and medical separation law
  - Provide confidential legal advice that's protected under attorney-client privilege
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### We're Here to Work With Your Union, Not Against It

- We don't interfere in union business—we support it
  - We take over only when a case becomes legal, not political
  - We've worked hand-in-hand with union reps across Florida
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#### **TIPS**

You can (and should) have both. If your case moves from contract to courtroom, call us

Your union rep is there for your career. We're here for your case. Together, we've got your six