



945328

LEGISLATIVE ACTION

| Senate     | . | House |
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| Comm: RCS  | . |       |
| 02/28/2018 | . |       |
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|            | . |       |

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The Committee on Appropriations (Book) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsections (5) and (6) are added to section 112.1815, Florida Statutes, to read:

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

(5) (a) For the purposes of this section and chapter 440,



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11 and notwithstanding sub-subparagraph (2)(a)3. and ss. 440.093  
12 and 440.151(2), posttraumatic stress disorder, as described in  
13 the Diagnostic and Statistical Manual of Mental Disorders, Fifth  
14 Edition, published by the American Psychiatric Association,  
15 suffered by a first responder is a compensable occupational  
16 disease within the meaning of subsection (4) and s. 440.151 if:

17 1. The posttraumatic stress disorder resulted from the  
18 first responder acting within the course of his or her  
19 employment as provided in s. 440.091; and

20 2. The first responder is examined and subsequently  
21 diagnosed with such disorder by a licensed psychiatrist who is  
22 an authorized treating physician as provided in chapter 440 due  
23 to one of the following events:

24 a. Seeing for oneself a deceased minor;

25 b. Directly witnessing the death of a minor;

26 c. Directly witnessing an injury to a minor who  
27 subsequently died before or upon arrival at a hospital emergency  
28 department;

29 d. Participating in the physical treatment of an injured  
30 minor who subsequently died before or upon arrival at a hospital  
31 emergency department;

32 e. Manually transporting an injured minor who subsequently  
33 died before or upon arrival at a hospital emergency department;

34 f. Seeing for oneself a decedent whose death involved  
35 grievous bodily harm of a nature that shocks the conscience;

36 g. Directly witnessing a death, including suicide, that  
37 involved grievous bodily harm of a nature that shocks the  
38 conscience;

39 h. Directly witnessing a homicide regardless of whether the



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40 homicide was criminal or excusable, including murder, mass  
41 killing as defined in 28 U.S.C. s. 530C, manslaughter, self-  
42 defense, misadventure, and negligence;

43 i. Directly witnessing an injury, including an attempted  
44 suicide, to a person who subsequently died before or upon  
45 arrival at a hospital emergency department if the person was  
46 injured by grievous bodily harm of a nature that shocks the  
47 conscience;

48 j. Participating in the physical treatment of an injury,  
49 including an attempted suicide, to a person who subsequently  
50 died before or upon arrival at a hospital emergency department  
51 if the person was injured by grievous bodily harm of a nature  
52 that shocks the conscience; or

53 k. Manually transporting a person who was injured,  
54 including by attempted suicide, and subsequently died before or  
55 upon arrival at a hospital emergency department if the person  
56 was injured by grievous bodily harm of a nature that shocks the  
57 conscience.

58 (b) Such disorder must be demonstrated by clear and  
59 convincing medical evidence.

60 (c) Benefits for a first responder under this subsection:

61 1. Do not require a physical injury to the first responder;  
62 and

63 2. Are not subject to:

64 a. Apportionment due to a preexisting posttraumatic stress  
65 disorder;

66 b. Any limitation on temporary benefits under s. 440.093;

67 or

68 c. The 1-percent limitation on permanent psychiatric



69 impairment benefits under s. 440.15(3).

70 (d) The time for notice of injury or death in cases of  
71 compensable posttraumatic stress disorder under this subsection  
72 is the same as in s. 440.151(6) and is measured from one of the  
73 qualifying events listed in subparagraph (a)2. or the  
74 manifestation of the disorder, whichever is later. A claim under  
75 this subsection must be properly noticed within 52 weeks after  
76 the qualifying event.

77 (e) As used in this subsection, the term:

78 1. "Directly witnessing" means to see or hear for oneself.

79 2. "Manually transporting" means to perform physical labor  
80 to move the body of a wounded person for his or her safety or  
81 medical treatment.

82 3. "Minor" has the same meaning as in s. 1.01(13).

83 (f) The Department of Financial Services shall adopt rules  
84 specifying injuries qualifying as grievous bodily harm of a  
85 nature that shocks the conscience for the purposes of this  
86 subsection.

87 (6) An employing agency of a first responder, including  
88 volunteer first responders, must provide educational training  
89 related to mental health awareness, prevention, mitigation, and  
90 treatment.

91 Section 2. The Legislature determines and declares that  
92 this act fulfills an important state interest.

93 Section 3. This act shall take effect October 1, 2018.

94  
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete everything before the enacting clause



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98 and insert:

99                                   A bill to be entitled  
100           An act relating to workers' compensation benefits for  
101           first responders; amending s. 112.1815, F.S.;  
102           providing that, under certain circumstances,  
103           posttraumatic stress disorder suffered by a first  
104           responder is an occupational disease compensable by  
105           workers' compensation benefits; specifying the  
106           evidentiary standard for demonstrating such disorder;  
107           specifying that benefits do not require a physical  
108           injury and are not subject to certain apportionment or  
109           limitations; providing a time for notice of injury or  
110           death; providing definitions; requiring the Department  
111           of Financial Services to adopt certain rules;  
112           requiring an employing agency to provide specified  
113           mental health training; providing a declaration of  
114           important state interest; providing an effective date.