

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Government Operations &  
2 Technology Appropriations Subcommittee  
3 Representative Willhite offered the following:  
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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsections (5) and (6) are added to section  
8 112.1815, Florida Statutes, to read:

9 112.1815 Firefighters, paramedics, emergency medical  
10 technicians, and law enforcement officers; special provisions  
11 for employment-related accidents and injuries.—

12 (5) (a) For the purposes of this section and ch. 440 and  
13 notwithstanding sub-subparagraph (2) (a) 3., s. 440.093, and  
14 subsection 440.151(2), posttraumatic stress disorder, as  
15 described in the Diagnostic and Statistical Manual of Mental  
16 Disorders, Fifth Edition, published by the American Psychiatric

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17 Association, suffered by a first responder, is a compensable  
18 occupational disease, within the meaning of subsection (4) and  
19 s. 440.151, if the first responder:

20 1. was acting within the course of his or her employment as  
21 provided in s. 440.091, and

22 2. is diagnosed with such disorder by a psychiatrist, who  
23 is an authorized treating physician as provided in ch. 440,  
24 following examination of the first responder, due to one of the  
25 following events:

26 (I) seeing a deceased minor,

27 (II) directly witnessing the death of a minor,

28 (III) directly witnessing an injury to a minor who  
29 subsequently died prior to or upon arrival at a hospital  
30 emergency department,

31 (IV) participating in the physical treatment of an injured  
32 minor who subsequently died prior to or upon arrival at a  
33 hospital emergency department,

34 (V) manually transporting an injured minor who subsequently  
35 died prior to or upon arrival at a hospital emergency  
36 department,

37 (VI) seeing a decedent whose death involved grievous bodily  
38 harm of a nature that shocks the conscience,

39 (VII) directly witnessing a death, including suicide,  
40 involving bodily injury by grievous bodily harm of a nature that  
41 shocks the conscience,

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42 (VIII) directly witnessing a death by homicide regardless  
43 of whether the homicide was criminal or excusable, including  
44 murder, mass killing as defined in 28 U.S.C. s. 530C,  
45 manslaughter, self-defense, misadventure, and negligence,

46 (IX) directly witnessing an injury to a person who  
47 subsequently died prior to or upon arrival at a hospital  
48 emergency department if the person was injured by grievous  
49 bodily harm of a nature that shocks the conscience, including an  
50 attempted suicide by means that creates such harm,

51 (X) participating in the physical treatment of an injury to  
52 a person who subsequently died prior to or upon arrival at a  
53 hospital emergency department if the person was injured by  
54 grievous bodily harm of a nature that shocks the conscience,  
55 including an attempted suicide by means that creates such harm,  
56 or

57 (XI) manually transporting a person who subsequently died  
58 prior to or upon arrival at a hospital emergency department if  
59 the person was injured by grievous bodily harm of a nature that  
60 shocks the conscience, including an attempted suicide by means  
61 that creates such harm.

62  
63 "Directly witnessing" means to see or hear for oneself.

64 "Manually transporting" means performing manual labor on the  
65 body of a wounded person to move the person for his or her  
66 safety or medical treatment. "Minor" has the same meaning as

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67 provided in s. 1.01(13). The Department of Financial Services  
68 shall adopt rules specifying injuries qualifying as grievous  
69 bodily harm of a nature that shocks the conscience for the  
70 purposes of this section.

71 (b) Such disorder must be demonstrated by clear and  
72 convincing medical evidence.

73 (c) Benefits for a first responder under this subsection  
74 are not:

75 1. subject to apportionment due to preexisting  
76 posttraumatic stress disorder,

77 2. do not require a physical injury to the first responder,  
78 and

79 3. are not subject to

80 a. any limitation on temporary benefits under s. 440.093,  
81 or

82 b. the 1-percent limitation on permanent psychiatric  
83 impairment benefits under s. 440.15(3)(c).

84 (d) The time for notice of injury or death in cases of  
85 compensable posttraumatic stress disorder under this subsection  
86 is the time period provided in s. 440.185(1) and must be  
87 measured from the qualifying event listed in sub-sub-  
88 subparagraphs (5)(a)2.(I)-(XI) or the manifestation of the  
89 disorder, whichever is later. However, a claim under this  
90 subsection is barred unless it is properly noticed within 52  
91 weeks of the qualifying event.

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92           (6) An employing agency of a first responder, including  
93 volunteer first responders, must provide educational training  
94 related to mental health awareness, prevention, mitigation, and  
95 treatment.

96           Section 2. This act shall take effect July 1, 2018.

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

101           Remove everything before the enacting clause and insert:  
102           An act relating to workers' compensation benefits for  
103           first responders; amending s. 112.1815, F.S.;  
104           providing that first responders are entitled to  
105           benefits under the Workers' Compensation Law for  
106           posttraumatic stress disorder under specified  
107           circumstances; providing definitions; providing a  
108           standard of proof of such disorder; providing a time  
109           for notice of injury or death; requiring an employing  
110           agency to provide specified mental health training;  
111           providing an effective date.