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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Agriculture, Environment, and
General Government (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 131 - 204

and insert:

(c) "Grievous bodily harm of a nature that shocks the
conscience" means the following:

1. Degloving.

2. Enucleation.

3. Evisceration.

4. Exposure of one or more of the following organs:



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- 11 a. Brain.
- 12 b. Heart.
- 13 c. Intestines.
- 14 d. Kidney.
- 15 e. Liver.
- 16 f. Lung.
- 17 5. Full or partial decapitation.
- 18 6. Full or partial severance.
- 19 7. Impalement.
- 20 8. Third-degree burns on 9 percent or more of the body.

21
22 This paragraph applies only for the purpose of determining
23 compensability of employment-related posttraumatic stress
24 disorder for correctional officers.

25 (d) "Manually transporting" has the same meaning as in s.
26 112.1815(5) (e).

27 (e) "Mass killing" means three or more killings in a single
28 incident.

29 (f) "Part-time correctional officer" has the same meaning
30 as in s. 943.10(7).

31 (2) For purposes of this section and chapter 440, and
32 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
33 disorder, as described in the Diagnostic and Statistical Manual
34 of Mental Disorders, Fifth Edition, published by the American
35 Psychiatric Association, suffered by a correctional officer or
36 part-time correctional officer is a compensable occupational
37 disease within the meaning of s. 440.151 if:

38 (a) The posttraumatic stress disorder resulted from the
39 correctional officer or part-time correctional officer acting



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40 within the course of his or her employment; and

41 (b) The correctional officer or part-time correctional
42 officer is:

43 1. Examined by a licensed psychiatrist who is an authorized
44 treating physician as provided in chapter 440; and

45 2. Diagnosed by the psychiatrist described in subparagraph
46 1. as suffering from posttraumatic stress disorder due to one of
47 the following events:

48 a. Being taken hostage by an inmate or trapped in a life-
49 threatening situation as a result of an inmate's act.

50 b. Directly witnessing an injury, including an attempted
51 suicide, to a person who subsequently dies before or upon
52 arrival at a hospital emergency department if the person was
53 injured by grievous bodily harm of a nature that shocks the
54 conscience.

55 c. Participating in the physical treatment of an injury,
56 including an attempted suicide, to a person who subsequently
57 dies before or upon arrival at a hospital emergency department
58 if the person was injured by grievous bodily harm of a nature
59 that shocks the conscience.

60 d. Manually transporting a person who was injured,
61 including by suicide attempt, and subsequently dies before or
62 upon arrival at a hospital emergency department if the person
63 was injured by grievous bodily harm of a nature that shocks the
64 conscience.

65 e. Directly witnessing a death, including a death by
66 suicide, that involved grievous bodily harm of a nature that
67 shocks the conscience.

68 f. Directly witnessing a homicide regardless of whether the



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69 homicide was criminal or excusable, including murder, mass
70 killling, manslaughter, self-defense, misadventure, and
71 negligence.

72 g. Seeing for oneself a decedent whose death involved
73 grievous bodily harm of a nature that shocks the conscience.

74 (3) The posttraumatic stress disorder must be demonstrated
75 by clear and convincing medical evidence.

76 (4) Benefits for a correctional officer or part-time
77 correctional officer under this section:

78 (a) Do not require a physical injury to the correctional
79 officer or part-time correctional officer.

80 (b) Are not subject to any of the following:

81 1. Apportionment due to a preexisting posttraumatic stress
82 disorder.

83 2. Any limitation on temporary benefits under s. 440.093.

84 3. The 1-percent limitation on permanent psychiatric
85 impairment benefits under s. 440.15(3).

86 (5) The time for notice of injury or death in cases of
87 compensable posttraumatic stress disorder under this section is
88 the same as in s. 440.151(6) and is measured from one of the
89 qualifying events listed in paragraph (2) (b) or the
90 manifestation of the disorder, whichever is later. A claim under
91 this section must be properly noticed within 52 weeks after the
92 qualifying event.

93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete lines 19 - 20

97 and insert:



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notice of injury or death; requiring