



976104

LEGISLATIVE ACTION

Senate

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House

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The Committee on Banking and Insurance (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 156 - 349

and insert:

a. Being seriously injured by an inmate in a manner that shocks the conscience.

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

c. Directly witnessing an injury, including an attempted suicide, to a person who subsequently dies before or upon



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11 arrival at a hospital emergency department if the person was  
12 injured by grievous bodily harm of a nature that shocks the  
13 conscience.

14 d. Participating in the physical treatment of an injury,  
15 including an attempted suicide, to a person who subsequently  
16 dies before or upon arrival at a hospital emergency department  
17 if the person was injured by grievous bodily harm of a nature  
18 that shocks the conscience.

19 e. Manually transporting a person who was injured,  
20 including by suicide attempt, and subsequently dies before or  
21 upon arrival at a hospital emergency department if the person  
22 was injured by grievous bodily harm of a nature that shocks the  
23 conscience.

24 f. Directly witnessing a death, including a death by  
25 suicide, that involved grievous bodily harm of a nature that  
26 shocks the conscience.

27 g. Directly witnessing a homicide regardless of whether the  
28 homicide was criminal or excusable, including murder, mass  
29 killings, manslaughter, self-defense, misadventure, and  
30 negligence.

31 h. Seeing for oneself a decedent whose death involved  
32 grievous bodily harm of a nature that shocks the conscience.

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

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

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

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



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40 1. Apportionment due to a preexisting posttraumatic stress  
41 disorder.

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

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

45 (5) The time for notice of injury or death in cases of  
46 compensable posttraumatic stress disorder under this section is  
47 the same as in s. 440.151(6) and is measured from one of the  
48 qualifying events listed in paragraph (2)(b) or the  
49 manifestation of the disorder, whichever is later. A claim under  
50 this section must be properly noticed within 52 weeks after the  
51 qualifying event.

52 (6) The Department of Financial Services shall adopt rules  
53 specifying injuries qualifying as grievous bodily harm of a  
54 nature that shocks the conscience for the purposes of this  
55 section.

56 (7) An employing agency of a correctional officer or part-  
57 time correctional officer shall provide educational training  
58 related to mental health awareness, prevention, mitigation, and  
59 treatment.

60  
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete lines 3 - 16

64 and insert:

65 workers' compensation for law enforcement and  
66 correctional officers; amending s. 112.1815, F.S.;  
67 defining the term "first responder" for the purposes  
68 of including part-time and auxiliary law enforcement



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69 officers for workers' compensation benefits for  
70 posttraumatic stress disorder and for educational  
71 training related to mental health; creating s.  
72 112.18155, F.S.; defining terms; providing that, under  
73 certain circumstances, posttraumatic stress disorder  
74 suffered by correctional officers and part-time  
75 correctional officers is an occupational disease  
76 compensable