Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION
ADOPTED ______ (Y/N)
ADOPTED AS AMENDED ______ (Y/N)
ADOPTED W/O OBJECTION ______ (Y/N)
FAILED TO ADOPT ______ (Y/N)
WITHDRAWN ______ (Y/N)
OTHER ______

Committee/Subcommittee hearing bill: Government Operations & Technology Appropriations Subcommittee
Representative Willhite offered the following:

Amendment (with title amendment)
Remove 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 ch. 440 and notwithstanding sub-subparagraph (2)(a)3., s. 440.093, and subsection 440.151(2), posttraumatic stress disorder, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric

Published On: 2/12/2018 5:40:13 PM
Page 1 of 5
Association, suffered by a first responder, is a compensable occupational disease, within the meaning of subsection (4) and s. 440.151, if the first responder:

1. was acting within the course of his or her employment as provided in s. 440.091, and
2. is diagnosed with such disorder by a psychiatrist, who is an authorized treating physician as provided in ch. 440, following examination of the first responder, due to one of the following events:

   (I) seeing a deceased minor,
   (II) directly witnessing the death of a minor,
   (III) directly witnessing an injury to a minor who subsequently died prior to or upon arrival at a hospital emergency department,
   (IV) participating in the physical treatment of an injured minor who subsequently died prior to or upon arrival at a hospital emergency department,
   (V) manually transporting an injured minor who subsequently died prior to or upon arrival at a hospital emergency department,
   (VI) seeing a decedent whose death involved grievous bodily harm of a nature that shocks the conscience,
   (VII) directly witnessing a death, including suicide, involving bodily injury by grievous bodily harm of a nature that shocks the conscience,
(VIII) directly witnessing a death by homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing as defined in 28 U.S.C. s. 530C, manslaughter, self-defense, misadventure, and negligence,

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

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

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

“Directly witnessing” means to see or hear for oneself. “Manually transporting” means performing manual labor on the body of a wounded person to move the person for his or her safety or medical treatment. “Minor” has the same meaning as
provided in s. 1.01(13). The Department of Financial Services shall adopt rules specifying injuries qualifying as grievous bodily harm of a nature that shocks the conscience for the purposes of this section.

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

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

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

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

3. are not subject to

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

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

(d) The time for notice of injury or death in cases of compensable posttraumatic stress disorder under this subsection is the time period provided in s. 440.185(1) and must be measured from the qualifying event listed in sub-sub-subparagraphs (5)(a)2.(I)-(XI) or the manifestation of the disorder, whichever is later. However, a claim under this subsection is barred unless it is properly noticed within 52 weeks of the qualifying event.
(6) An employing agency of a first responder, including volunteer first responders, must provide educational training related to mental health awareness, prevention, mitigation, and treatment.

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

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TITLE AMENDMENT

Remove everything before the enacting clause and insert:

An act relating to workers' compensation benefits for first responders; amending s. 112.1815, F.S.; providing that first responders are entitled to benefits under the Workers' Compensation Law for posttraumatic stress disorder under specified circumstances; providing definitions; providing a standard of proof of such disorder; providing a time for notice of injury or death; requiring an employing agency to provide specified mental health training; providing an effective date.