Amendment No.

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WITHDRAWN _ (Y/N)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: Oversight, Transparency & Administration Subcommittee
Representative Willhite offered the following:

Amendment (with title amendment)
Remove everything after the enacting clause and insert:
Section 1. Paragraph (a) of subsection (2) of section 112.1815, Florida Statutes, is amended, and subsection (5) is added to that section to read:

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

(2)(a) For the purpose of determining benefits under this section relating to employment-related accidents and injuries of first responders, the following shall apply:
1. An injury or disease caused by the exposure to a toxic substance is not an injury by accident arising out of employment unless there is a preponderance of the evidence establishing that exposure to the specific substance involved, at the levels to which the first responder was exposed, can cause the injury or disease sustained by the employee.

2. Any adverse result or complication caused by a smallpox vaccination of a first responder is deemed to be an injury by accident arising out of work performed in the course and scope of employment.

3. A mental or nervous injury involving a first responder and occurring as a manifestation of a compensable injury must be demonstrated by clear and convincing evidence. For a mental or nervous injury arising out of the employment unaccompanied by a physical injury involving a first responder, only medical benefits under s. 440.13 shall be payable for the mental or nervous injury. However, payment of indemnity as provided in s. 440.15 may not be made unless a physical injury arising out of injury as a first responder accompanies the mental or nervous injury. Benefits for a first responder are not subject to any limitation on temporary benefits under s. 440.093 or the 1-percent limitation on permanent psychiatric impairment benefits under s. 440.15(3)(c).
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(5) An employing agency of a first responder must provide educational training related to mental health awareness, prevention, mitigation, and treatment.

Section 2. Section 440.093, Florida Statutes, is amended to read:

440.093 Mental and nervous injuries.—
(1) Except as provided in subsection (4) and (5):
   (a) A mental or nervous injury due to stress, fright, or excitement only is not an injury by accident arising out of the employment.
   (b) Nothing in This section may not shall be construed to allow for the payment of benefits under this chapter for mental or nervous injuries without an accompanying physical injury requiring medical treatment.
   (c) A physical injury resulting from mental or nervous injuries unaccompanied by physical trauma requiring medical treatment shall not be compensable under this chapter.

(2) Mental or nervous injuries occurring as a manifestation of an injury compensable under this chapter shall be demonstrated by clear and convincing medical evidence by a licensed psychiatrist meeting criteria established in the most recent Edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Except as provided in subsections (4) and (5), the compensable physical injury must be and remain the major
contributing cause of the mental or nervous condition and the 
compensable physical injury as determined by reasonable medical 
certainty must be at least 50 percent responsible for the mental 
or nervous condition as compared to all other contributing 
causes combined. Compensation is not payable for the mental, 
psychological, or emotional injury arising out of depression 
from being out of work or losing employment opportunities, 
resulting from a preexisting mental, psychological, or emotional 
condition or due to pain or other subjective complaints that 
cannot be substantiated by objective, relevant medical findings.
(3) Subject to the payment of permanent benefits under s. 
440.15, in no event shall temporary benefits for a compensable 
mental or nervous injury be paid for more than 6 months after 
the date of maximum medical improvement for the injured 
employee's physical injury or injuries, which shall be included 
in the period of 104 weeks as provided in s. 440.15(2) and (4). 
Mental or nervous injuries are compensable only in accordance 
with the terms of this section.
(4) A law enforcement officer, firefighter, emergency 
medical technician, or paramedic who entered service before July 
1, 2018, is entitled to receive benefits under this chapter for 
a mental or nervous injury, whether or not such injury is 
accompanied by a physical injury requiring medical treatment,
(a) The mental or nervous injury resulted from the law enforcement officer, firefighter, emergency medical technician, or paramedic acting within the course of his or her employment as described in s. 440.091 and the law enforcement officer, firefighter, emergency medical technician, or paramedic witnessed a murder, suicide, fatal injury, child death, or mass killing as defined in 28 U.S.C. s. 530C, or treated or transported a deceased child or the victim of a murder, suicide, or fatal injury; and

(b) The mental or nervous injury is demonstrated by clear and convincing medical evidence by a licensed psychiatrist to meet the criteria for posttraumatic stress disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association and the diagnosis must have occurred within two years of when the law enforcement officer, firefighter, emergency medical technician, or paramedic witnessed a murder, suicide, fatal injury, child death, or mass killing, or treated or transported a deceased child or the victim of a murder, suicide, or fatal injury.

(5) A law enforcement officer, firefighter, emergency medical technician, or paramedic who entered service on or after July 1, 2018, is entitled to receive benefits under this chapter for a mental or nervous injury, whether or not such injury is
accompanied by a physical injury requiring medical treatment, if:

(a) The law enforcement officer, firefighter, emergency medical technician, or paramedic successfully passes a pre-employment mental health examination, which failed to reveal any diagnosis of posttraumatic stress disorder. However, this subsection does not apply if the prospective employer fails to provide the pre-employment mental health examination;

(b) The mental or nervous injury resulted from the law enforcement officer, firefighter, emergency medical technician, or paramedic acting within the course of his or her employment as described in s. 440.091 and the law enforcement officer, firefighter, emergency medical technician, or paramedic witnessed a murder, suicide, fatal injury, child death, or mass killing as defined in 28 U.S.C. s. 530C, or treated or transported a deceased child or the victim of a murder, suicide, or fatal injury; and

(c) The mental or nervous injury is demonstrated by clear and convincing medical evidence by a licensed psychiatrist to meet the criteria for posttraumatic stress disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association and the diagnosis must have occurred within two years of when the law enforcement officer, firefighter, emergency medical technician, or paramedic witnessed a murder, suicide, fatal
injury, child death, or mass killing, or treated or transported
a deceased child or the victim of a murder, suicide, or fatal
injury.

(6) A law enforcement officer, firefighter, emergency
medical technician, or paramedic is not entitled to benefits
under subsection (4) or (5) if a claim for benefits is not made
prior to or within 180 days after leaving employment with the
employing agency.

Section 3. This act shall take effect July 1, 2018.

T I T L E  A M E N D M E N T
Remove everything before the enacting clause and insert:
An act relating to workers' compensation benefits for first
responders; amending s. 112.1815, F.S.; deleting certain
limitations relating to workers' compensation benefits for
first responders; requiring employers to provide certain
education training; amending s. 440.093, F.S.; providing
that law enforcement officers, firefighters, emergency
medical technicians, and paramedics are entitled to
benefits under the Workers' Compensation Law for mental or
nervous injuries, whether or not such injuries are
accompanied by physical injuries requiring medical
treatment, under specified circumstances; providing an
effective date.