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LEGISLATIVE ACTION

Senate

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House

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

**Senate Amendment (with title amendment)**

Delete lines 36 - 109

and insert:

demonstrated by a preponderance of the ~~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~~



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11 ~~physical injury arising out of injury as a first responder~~  
12 ~~accompanies the mental or nervous injury.~~ Benefits for a first  
13 responder are not subject to any limitation on temporary  
14 benefits under s. 440.093 or the 1-percent limitation on  
15 permanent psychiatric impairment benefits under s. 440.15(3)(c).

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

18 440.093 Mental and nervous injuries.—

19 (1) Except as provided in subsection (4):

20 (a) A mental or nervous injury due to stress, fright, or  
21 excitement only is not an injury by accident arising out of the  
22 employment.

23 (b) ~~Nothing in~~ This section may not shall be construed to  
24 allow for the payment of benefits under this chapter for mental  
25 or nervous injuries without an accompanying physical injury  
26 requiring medical treatment.

27 (c) A physical injury resulting from mental or nervous  
28 injuries unaccompanied by physical trauma requiring medical  
29 treatment is shall not be compensable under this chapter.

30 (2) Except as provided in subsection (4), mental or nervous  
31 injuries occurring as a manifestation of an injury compensable  
32 under this chapter must shall be demonstrated by clear and  
33 convincing medical evidence by a licensed psychiatrist meeting  
34 criteria established in the most recent edition of the  
35 Diagnostic and Statistical Manual of Mental Disorders published  
36 by the American Psychiatric Association. Except as provided in  
37 subsection (4), the compensable physical injury must be and  
38 remain the major contributing cause of the mental or nervous  
39 condition and the compensable physical injury as determined by



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40 reasonable medical certainty must be at least 50 percent  
41 responsible for the mental or nervous condition as compared to  
42 all other contributing causes combined. Compensation is not  
43 payable for the mental, psychological, or emotional injury  
44 arising out of depression from being out of work or losing  
45 employment opportunities, resulting from a preexisting mental,  
46 psychological, or emotional condition or due to pain or other  
47 subjective complaints that cannot be substantiated by objective,  
48 relevant medical findings.

49 (3) Subject to the payment of permanent benefits under s.  
50 440.15, in no event shall temporary benefits for a compensable  
51 mental or nervous injury be paid for more than 6 months after  
52 the date of maximum medical improvement for the injured  
53 employee's physical injury or injuries, which shall be included  
54 in the period of 104 weeks as provided in s. 440.15(2) and (4).  
55 Mental or nervous injuries are compensable only in accordance  
56 with the terms of this section.

57 (4) A law enforcement officer, a firefighter, an emergency  
58 medical technician, or a paramedic is entitled to receive  
59 benefits under this chapter for a mental or nervous injury,  
60 whether or not such injury is accompanied by a physical injury  
61 requiring medical treatment, if:

62 (a) The mental or nervous injury resulted while the law  
63 enforcement officer, firefighter, emergency medical technician,  
64 or paramedic was acting within the course of his or her  
65 employment as described in s. 440.091 and the law enforcement  
66 officer, firefighter, emergency medical technician, or paramedic  
67 witnessed, or arrived at the scene of, a murder, suicide, fatal  
68 injury, child death, or mass casualty incident; and



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69           (b) The mental or nervous injury is demonstrated by a  
70 preponderance of the evidence by a licensed psychiatrist to meet  
71 the criteria for posttraumatic stress disorder as described in  
72 the Diagnostic and Statistical Manual of Mental Disorders, Fifth  
73 Edition, published by the American Psychiatric Association.

74           Section 3. This act shall take effect October 1, 2018.

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76 ===== T I T L E   A M E N D M E N T =====

77 And the title is amended as follows:

78           Delete lines 3 - 12

79 and insert:

80           first responders; amending s. 112.1815, F.S.; revising  
81           the evidentiary standard for demonstrating mental and  
82           nervous injuries of first responders; deleting certain  
83           limitations relating to workers' compensation benefits  
84           for first responders; amending s. 440.093, F.S.;  
85           providing that law enforcement officers, firefighters,  
86           emergency medical technicians, and paramedics are  
87           entitled to benefits under the Workers' Compensation  
88           Law for mental or nervous injuries, regardless of  
89           whether such injuries are accompanied by physical  
90           injuries requiring medical treatment, under specified  
91           circumstances; conforming provisions to changes made  
92           by the act; providing an effective date.