



902814

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2017	.	
	.	
	.	
	.	

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~~



902814

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



902814

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



902814

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.

75

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.