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
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).

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

440.093 Mental and nervous injuries.—
(1) Except as provided in subsection (4):
(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 is shall not be compensable under this chapter.
(2) Except as provided in subsection (4), mental or nervous injuries occurring as a manifestation of an injury compensable under this chapter must 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 subsection (4), 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, a firefighter, an emergency medical technician, or a paramedic 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 mental or nervous injury resulted while the law enforcement officer, firefighter, emergency medical technician, or paramedic was 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, or arrived at the scene of, a murder, suicide, fatal injury, child death, or mass casualty incident; and
(b) The mental or nervous injury is demonstrated by a preponderance of the 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.

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

And the title is amended as follows:

Delete lines 3 - 12 and insert:

first responders; amending s. 112.1815, F.S.; revising the evidentiary standard for demonstrating mental and nervous injuries of first responders; deleting certain limitations relating to workers’ compensation benefits for first responders; 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, regardless of whether such injuries are accompanied by physical injuries requiring medical treatment, under specified circumstances; conforming provisions to changes made by the act; providing an effective date.