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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
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Appropriations Subcommittee on Agriculture, Environment, and  
General Government (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 131 - 204

and insert:

(c) "Grievous bodily harm of a nature that shocks the  
conscience" means the following:

1. Degloving.

2. Enucleation.

3. Evisceration.

4. Exposure of one or more of the following organs:



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- 11        a. Brain.
- 12        b. Heart.
- 13        c. Intestines.
- 14        d. Kidney.
- 15        e. Liver.
- 16        f. Lung.
- 17        5. Full or partial decapitation.
- 18        6. Full or partial severance.
- 19        7. Impalement.
- 20        8. Third-degree burns on 9 percent or more of the body.

21  
22        This paragraph applies only for the purpose of determining  
23        compensability of employment-related posttraumatic stress  
24        disorder for correctional officers.

25        (d) "Manually transporting" has the same meaning as in s.  
26        112.1815(5) (e).

27        (e) "Mass killing" means three or more killings in a single  
28        incident.

29        (f) "Part-time correctional officer" has the same meaning  
30        as in s. 943.10(7).

31        (2) For purposes of this section and chapter 440, and  
32        notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress  
33        disorder, as described in the Diagnostic and Statistical Manual  
34        of Mental Disorders, Fifth Edition, published by the American  
35        Psychiatric Association, suffered by a correctional officer or  
36        part-time correctional officer is a compensable occupational  
37        disease within the meaning of s. 440.151 if:

38        (a) The posttraumatic stress disorder resulted from the  
39        correctional officer or part-time correctional officer acting



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40 within the course of his or her employment; and  
41 (b) The correctional officer or part-time correctional  
42 officer is:  
43 1. Examined by a licensed psychiatrist who is an authorized  
44 treating physician as provided in chapter 440; and  
45 2. Diagnosed by the psychiatrist described in subparagraph  
46 1. as suffering from posttraumatic stress disorder due to one of  
47 the following events:  
48 a. Being taken hostage by an inmate or trapped in a life-  
49 threatening situation as a result of an inmate's act.  
50 b. Directly witnessing an injury, including an attempted  
51 suicide, to a person who subsequently dies before or upon  
52 arrival at a hospital emergency department if the person was  
53 injured by grievous bodily harm of a nature that shocks the  
54 conscience.  
55 c. Participating in the physical treatment of an injury,  
56 including an attempted suicide, to a person who subsequently  
57 dies before or upon arrival at a hospital emergency department  
58 if the person was injured by grievous bodily harm of a nature  
59 that shocks the conscience.  
60 d. Manually transporting a person who was injured,  
61 including by suicide attempt, and subsequently dies before or  
62 upon arrival at a hospital emergency department if the person  
63 was injured by grievous bodily harm of a nature that shocks the  
64 conscience.  
65 e. Directly witnessing a death, including a death by  
66 suicide, that involved grievous bodily harm of a nature that  
67 shocks the conscience.  
68 f. Directly witnessing a homicide regardless of whether the



69 homicide was criminal or excusable, including murder, mass  
70 killling, manslaughter, self-defense, misadventure, and  
71 negligence.

72 g. Seeing for oneself a decedent whose death involved  
73 grievous bodily harm of a nature that shocks the conscience.

74 (3) The posttraumatic stress disorder must be demonstrated  
75 by clear and convincing medical evidence.

76 (4) Benefits for a correctional officer or part-time  
77 correctional officer under this section:

78 (a) Do not require a physical injury to the correctional  
79 officer or part-time correctional officer.

80 (b) Are not subject to any of the following:

81 1. Apportionment due to a preexisting posttraumatic stress  
82 disorder.

83 2. Any limitation on temporary benefits under s. 440.093.

84 3. The 1-percent limitation on permanent psychiatric  
85 impairment benefits under s. 440.15(3).

86 (5) The time for notice of injury or death in cases of  
87 compensable posttraumatic stress disorder under this section is  
88 the same as in s. 440.151(6) and is measured from one of the  
89 qualifying events listed in paragraph (2) (b) or the  
90 manifestation of the disorder, whichever is later. A claim under  
91 this section must be properly noticed within 52 weeks after the  
92 qualifying event.

93  
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete lines 19 - 20

97 and insert:



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notice of injury or death; requiring