



976104

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2022	.	
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The Committee on Banking and Insurance (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 156 - 349

and insert:

a. Being seriously injured by an inmate in a manner that shocks the conscience.

b. Being taken hostage by an inmate or trapped in a life-threatening situation as a result of an inmate's act.

c. Directly witnessing an injury, including an attempted suicide, to a person who subsequently dies before or upon



976104

11 arrival at a hospital emergency department if the person was
12 injured by grievous bodily harm of a nature that shocks the
13 conscience.

14 d. Participating in the physical treatment of an injury,
15 including an attempted suicide, to a person who subsequently
16 dies before or upon arrival at a hospital emergency department
17 if the person was injured by grievous bodily harm of a nature
18 that shocks the conscience.

19 e. Manually transporting a person who was injured,
20 including by suicide attempt, and subsequently dies before or
21 upon arrival at a hospital emergency department if the person
22 was injured by grievous bodily harm of a nature that shocks the
23 conscience.

24 f. Directly witnessing a death, including a death by
25 suicide, that involved grievous bodily harm of a nature that
26 shocks the conscience.

27 g. Directly witnessing a homicide regardless of whether the
28 homicide was criminal or excusable, including murder, mass
29 killings, manslaughter, self-defense, misadventure, and
30 negligence.

31 h. Seeing for oneself a decedent whose death involved
32 grievous bodily harm of a nature that shocks the conscience.

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

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

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

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



976104

40 1. Apportionment due to a preexisting posttraumatic stress
41 disorder.

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

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

45 (5) The time for notice of injury or death in cases of
46 compensable posttraumatic stress disorder under this section is
47 the same as in s. 440.151(6) and is measured from one of the
48 qualifying events listed in paragraph (2)(b) or the
49 manifestation of the disorder, whichever is later. A claim under
50 this section must be properly noticed within 52 weeks after the
51 qualifying event.

52 (6) The Department of Financial Services shall adopt rules
53 specifying injuries qualifying as grievous bodily harm of a
54 nature that shocks the conscience for the purposes of this
55 section.

56 (7) An employing agency of a correctional officer or part-
57 time correctional officer shall provide educational training
58 related to mental health awareness, prevention, mitigation, and
59 treatment.

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete lines 3 - 16

64 and insert:

65 workers' compensation for law enforcement and
66 correctional officers; amending s. 112.1815, F.S.;
67 defining the term "first responder" for the purposes
68 of including part-time and auxiliary law enforcement



976104

69 officers for workers' compensation benefits for
70 posttraumatic stress disorder and for educational
71 training related to mental health; creating s.
72 112.18155, F.S.; defining terms; providing that, under
73 certain circumstances, posttraumatic stress disorder
74 suffered by correctional officers and part-time
75 correctional officers is an occupational disease
76 compensable