

## Notice of Development of Rulemaking

### DEPARTMENT OF FINANCIAL SERVICES

#### Division of Workers' Compensation

RULE NO.: RULE TITLE:

69L-3.009 Injuries that Qualify as Grievous Bodily Harm of a Nature that Shocks the Conscience

PURPOSE AND EFFECT: A new rule is being introduced due to the passage of CS/CS/SB 376, which added subsections (5) and (6) to section 112.1815, Florida Statutes (F.S.). Section 112.1815(5)(f), F.S., requires the Department of Financial Services to adopt rules specifying injuries qualifying as grievous bodily harm of a nature that shocks the conscience.

SUBJECT AREA TO BE ADDRESSED: First Responders

RULEMAKING AUTHORITY: 112.1815(5)(f), 440.591, FS.

LAW IMPLEMENTED: 112.1815, FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, October 4, 2018, 9:00 a.m. ET

PLACE: Hartman Building, Room 102, 2012 Capital Circle SE, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brittany O'Neil, Policy Coordinator, Division of Workers' Compensation, Department of Financial Services, address: Hartman Building, Room 303N, 2012 Capital Circle SE, Tallahassee, FL 32399-4229, telephone: (850)413-1927, email: Brittany.ONeil@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-3.009 Injuries that Qualify as Grievous Bodily Harm of a Nature that Shocks the Conscience.

Pursuant to section 112.1815(5), F.S., for purposes of determining the compensability of employment-related posttraumatic stress disorder for first responders, the following injuries qualify as grievous bodily harm of a nature that shocks the conscience:

- (1) Decapitation (full or partial),
- (2) Degloving,
- (3) Enucleation,
- (4) Evisceration,
- (5) Exposure of one or more of the following internal organs:
  - (a) Brain,
  - (b) Heart,
  - (c) Intestines,
  - (d) Kidneys,
  - (e) Liver, or
  - (f) Lungs
- (6) Impalement,
- (7) Severance (full or partial), and
- (8) Third degree burn on 9% or more of the body.

Rulemaking Authority 112.1815(5)(f), 440.591, FS. Law Implemented 112.1815, FS. History-New.