

1                                   A bill to be entitled  
 2           An act relating to workers' compensation benefits for  
 3           correctional officers; creating s. 112.1817, F.S.;  
 4           providing definitions; providing that, under certain  
 5           circumstances, posttraumatic stress disorder suffered  
 6           by a correctional officer is an occupational disease  
 7           compensable by workers' compensation benefits;  
 8           specifying that certain benefits do not require a  
 9           physical injury and are not subject to certain  
 10          apportionment or limitations; providing a time for  
 11          notice of injury or death; requiring the Department of  
 12          Financial Services to adopt certain rules; requiring  
 13          an employing agency to provide specified mental health  
 14          training; providing a declaration of important state  
 15          interest; providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1.   Section 112.1817, Florida Statutes, is created  
 20 to read:

21           112.1817 Correctional officers; special provision for  
 22 posttraumatic stress disorder.—

23           (1) As used in this section, the term:

24           (a) "Correctional officer" includes correctional officers  
 25 and correctional probation officers as those terms are defined

26 | in s. 943.10(2) and (3), respectively.

27 | (b) "Directly witnessing" means to see or hear for  
28 | oneself.

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

35 | (a) The correctional officer was discharging his or her  
36 | primary work responsibilities in a place and under circumstances  
37 | reasonably consistent with those responsibilities and was  
38 | covered by the employer's workers' compensation coverage;

39 | (b) The correctional officer is examined and subsequently  
40 | diagnosed with such disorder by a licensed psychiatrist who is  
41 | an authorized treating physician as provided in chapter 440 due  
42 | to one of the following events:

- 43 | 1. Seeing for oneself a deceased minor;  
44 | 2. Directly witnessing the death of a minor;  
45 | 3. Directly witnessing, or participating in the physical  
46 | treatment of, an injury to a minor who subsequently died before  
47 | or upon arrival at a hospital emergency department;  
48 | 4. Seeing for oneself a decedent whose death involved  
49 | grievous bodily harm of a nature that shocks the conscience;  
50 | 5. Directly witnessing a death, including homicide or

51 suicide, which involved grievous bodily harm of a nature that  
52 shocks the conscience; or

53 6. Directly witnessing, or participating in the physical  
54 treatment of, an injury, including an attempted suicide, to a  
55 person who subsequently died before or upon arrival at a  
56 hospital emergency department if the person was injured by  
57 grievous bodily harm of a nature that shocks the conscience; and

58 (c) Such disorder is demonstrated by clear and convincing  
59 medical evidence.

60 (3) Benefits for a correctional officer under this  
61 section:

62 (a) Do not require a physical injury to the correctional  
63 officer; and

64 (b) Are not subject to:

65 1. Apportionment due to a preexisting posttraumatic stress  
66 disorder;

67 2. Any limitation on temporary benefits under s. 440.093;  
68 or

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

71 (4) The time for notice of injury or death in cases of  
72 compensable posttraumatic stress disorder under this section is  
73 the same as in s. 440.151(6) and is measured from one of the  
74 qualifying events listed in paragraph (2) (b) of this section or  
75 the manifestation of the disorder, whichever occurs later. A

76 claim under this section must be properly noticed within 52  
77 weeks after the qualifying event.

78 (5) The Department of Financial Services shall adopt rules  
79 specifying injuries qualifying as grievous bodily harm of a  
80 nature that shocks the conscience for purposes of this section.

81 (6) An employing agency of a correctional officer must  
82 provide educational training related to mental health awareness,  
83 prevention, mitigation, and treatment.

84 Section 2. The Legislature determines and declares that  
85 this act fulfills an important state interest.

86 Section 3. This act shall take effect October 1, 2020.