

By the Committee on Banking and Insurance; and Senators Bradley, Berman, Book, and Stewart

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1 A bill to be entitled
2 An act relating to posttraumatic stress disorder
3 workers' compensation for law enforcement and
4 correctional officers; amending s. 112.1815, F.S.;
5 defining the term "first responder" for the purposes
6 of including part-time and auxiliary law enforcement
7 officers for workers' compensation benefits for
8 posttraumatic stress disorder and for educational
9 training related to mental health; creating s.
10 112.18155, F.S.; defining terms; providing that, under
11 certain circumstances, posttraumatic stress disorder
12 suffered by correctional officers and part-time
13 correctional officers is an occupational disease
14 compensable by workers' compensation benefits;
15 specifying the evidentiary standard for demonstrating
16 such disorder; specifying that benefits do not require
17 a physical injury and are not subject to certain
18 apportionment or limitations; providing a time for
19 notice of injury or death; requiring the Department of
20 Financial Services to adopt certain rules; requiring
21 an employing agency to provide specified mental health
22 training; amending ss. 111.09, 119.071, and 627.659,
23 F.S.; revising cross-references; providing a
24 declaration of important state interest; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsections (5) and (6) of section 112.1815,

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30 Florida Statutes, are amended to read:

31 112.1815 Firefighters, paramedics, emergency medical
32 technicians, and law enforcement officers; special provisions
33 for employment-related accidents and injuries and posttraumatic
34 stress disorder.-

35 (5) (a) For the purposes of this section and chapter 440,
36 and notwithstanding sub-subparagraph (2) (a)3. and ss. 440.093
37 and 440.151(2), posttraumatic stress disorder, as described in
38 the Diagnostic and Statistical Manual of Mental Disorders, Fifth
39 Edition, published by the American Psychiatric Association,
40 suffered by a first responder is a compensable occupational
41 disease within the meaning of subsection (4) and s. 440.151 if:

42 1. The posttraumatic stress disorder resulted from the
43 first responder acting within the course of his or her
44 employment as provided in s. 440.091; and

45 2. The first responder is examined and subsequently
46 diagnosed with such disorder by a licensed psychiatrist who is
47 an authorized treating physician as provided in chapter 440 due
48 to one of the following events:

49 a. Seeing for oneself a deceased minor;

50 b. Directly witnessing the death of a minor;

51 c. Directly witnessing an injury to a minor who
52 subsequently died before or upon arrival at a hospital emergency
53 department;

54 d. Participating in the physical treatment of an injured
55 minor who subsequently died before or upon arrival at a hospital
56 emergency department;

57 e. Manually transporting an injured minor who subsequently
58 died before or upon arrival at a hospital emergency department;

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59 f. Seeing for oneself a decedent whose death involved
60 grievous bodily harm of a nature that shocks the conscience;

61 g. Directly witnessing a death, including suicide, that
62 involved grievous bodily harm of a nature that shocks the
63 conscience;

64 h. Directly witnessing a homicide regardless of whether the
65 homicide was criminal or excusable, including murder, mass
66 killing as defined in 28 U.S.C. s. 530C, manslaughter, self-
67 defense, misadventure, and negligence;

68 i. Directly witnessing an injury, including an attempted
69 suicide, to a person who subsequently died before or upon
70 arrival at a hospital emergency department if the person was
71 injured by grievous bodily harm of a nature that shocks the
72 conscience;

73 j. Participating in the physical treatment of an injury,
74 including an attempted suicide, to a person who subsequently
75 died before or upon arrival at a hospital emergency department
76 if the person was injured by grievous bodily harm of a nature
77 that shocks the conscience; or

78 k. Manually transporting a person who was injured,
79 including by attempted suicide, and subsequently died before or
80 upon arrival at a hospital emergency department if the person
81 was injured by grievous bodily harm of a nature that shocks the
82 conscience.

83 (b) Such disorder must be demonstrated by clear and
84 convincing medical evidence.

85 (c) Benefits for a first responder under this subsection:

86 1. Do not require a physical injury to the first responder;
87 and

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88 2. Are not subject to:

89 a. Apportionment due to a preexisting posttraumatic stress
90 disorder;

91 b. Any limitation on temporary benefits under s. 440.093;
92 or

93 c. The 1-percent limitation on permanent psychiatric
94 impairment benefits under s. 440.15(3).

95 (d) The time for notice of injury or death in cases of
96 compensable posttraumatic stress disorder under this subsection
97 is the same as in s. 440.151(6) and is measured from one of the
98 qualifying events listed in subparagraph (a)2. or the
99 manifestation of the disorder, whichever is later. A claim under
100 this subsection must be properly noticed within 52 weeks after
101 the qualifying event.

102 (e) As used in this subsection, the term:

103 1. "Directly witnessing" means to see or hear for oneself.

104 2. "First responder" also includes a part-time law
105 enforcement officer as defined in s. 943.10(6) and an auxiliary
106 law enforcement officer as defined in s. 943.10(8).

107 3. "Manually transporting" means to perform physical labor
108 to move the body of a wounded person for his or her safety or
109 medical treatment.

110 ~~4.3.~~ "Minor" has the same meaning as in s. 1.01(13).

111 (f) The Department of Financial Services shall adopt rules
112 specifying injuries qualifying as grievous bodily harm of a
113 nature that shocks the conscience for the purposes of this
114 subsection.

115 (6) An employing agency of a first responder, including
116 volunteer first responders, must provide educational training

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117 related to mental health awareness, prevention, mitigation, and
118 treatment. As used in this subsection, the term "first
119 responder" also includes a part-time law enforcement officer as
120 defined in s. 943.10(6) and an auxiliary law enforcement officer
121 as defined in s. 943.10(8).

122 Section 2. Section 112.18155, Florida Statutes, is created
123 to read:

124 112.18155 Correctional officers and part-time correctional
125 officers; special provisions for posttraumatic stress disorder.-

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

127 (a) "Correctional officer" has the same meaning as in s.
128 943.10(2).

129 (b) "Directly witnessing" has the same meaning as in s.
130 112.1815(5)(e).

131 (c) "Manually transporting" has the same meaning as in s.
132 112.1815(5)(e).

133 (d) "Mass killing" means three or more killings in a single
134 incident.

135 (e) "Part-time correctional officer" has the same meaning
136 as in s. 943.10(7).

137 (2) For purposes of this section and chapter 440, and
138 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
139 disorder, as described in the Diagnostic and Statistical Manual
140 of Mental Disorders, Fifth Edition, published by the American
141 Psychiatric Association, suffered by a correctional officer or
142 part-time correctional officer is a compensable occupational
143 disease within the meaning of s. 440.151 if:

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

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146 within the course of his or her employment.

147 (b) The correctional officer or part-time correctional
148 officer is:

149 1. Examined by a licensed psychiatrist who is an authorized
150 treating physician as provided in chapter 440.

151 2. Diagnosed by the psychiatrist described in subparagraph
152 1. as suffering from posttraumatic stress disorder due to one of
153 the following events:

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

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

158 c. Directly witnessing an injury, including an attempted
159 suicide, to a person who subsequently dies before or upon
160 arrival at a hospital emergency department if the person was
161 injured by grievous bodily harm of a nature that shocks the
162 conscience.

163 d. Participating in the physical treatment of an injury,
164 including an attempted suicide, to a person who subsequently
165 dies before or upon arrival at a hospital emergency department
166 if the person was injured by grievous bodily harm of a nature
167 that shocks the conscience.

168 e. Manually transporting a person who was injured,
169 including by suicide attempt, and subsequently dies before or
170 upon arrival at a hospital emergency department if the person
171 was injured by grievous bodily harm of a nature that shocks the
172 conscience.

173 f. Directly witnessing a death, including a death by
174 suicide, that involved grievous bodily harm of a nature that

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175 shocks the conscience.

176 g. Directly witnessing a homicide regardless of whether the
177 homicide was criminal or excusable, including murder, mass
178 killings, manslaughter, self-defense, misadventure, and
179 negligence.

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

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

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

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

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

189 1. Apportionment due to a preexisting posttraumatic stress
190 disorder.

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

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

194 (5) The time for notice of injury or death in cases of
195 compensable posttraumatic stress disorder under this section is
196 the same as in s. 440.151(6) and is measured from one of the
197 qualifying events listed in paragraph (2)(b) or the
198 manifestation of the disorder, whichever is later. A claim under
199 this section must be properly noticed within 52 weeks after the
200 qualifying event.

201 (6) The Department of Financial Services shall adopt rules
202 specifying injuries qualifying as grievous bodily harm of a
203 nature that shocks the conscience for the purposes of this

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204 section.

205 (7) An employing agency of a correctional officer or part-
206 time correctional officer shall provide educational training
207 related to mental health awareness, prevention, mitigation, and
208 treatment.

209 Section 3. Paragraph (a) of subsection (1) of section
210 111.09, Florida Statutes, is amended to read:

211 111.09 Peer support for first responders.—

212 (1) For purposes of this section, the term:

213 (a) "First responder" has the same meaning as provided in
214 s. 112.1815(1) ~~s. 112.1815~~ and includes 911 public safety
215 telecommunicators as defined in s. 401.465.

216 Section 4. Paragraph (d) of subsection (3) of section
217 119.071, Florida Statutes, is amended to read:

218 119.071 General exemptions from inspection or copying of
219 public records.—

220 (3) SECURITY AND FIRESAFETY.—

221 (d)1. Information relating to the Nationwide Public Safety
222 Broadband Network established pursuant to 47 U.S.C. ss. 1401 et
223 seq., held by an agency is confidential and exempt from s.
224 119.07(1) and s. 24(a), Art. I of the State Constitution if
225 release of such information would reveal:

226 a. The design, development, construction, deployment, and
227 operation of network facilities;

228 b. Network coverage, including geographical maps indicating
229 actual or proposed locations of network infrastructure or
230 facilities;

231 c. The features, functions, and capabilities of network
232 infrastructure and facilities;

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233 d. The features, functions, and capabilities of network
234 services provided to first responders, as defined in s.
235 112.1815(1) ~~s. 112.1815~~, and other network users;

236 e. The design, features, functions, and capabilities of
237 network devices provided to first responders and other network
238 users; or

239 f. Security, including cybersecurity, of the design,
240 construction, and operation of the network and associated
241 services and products.

242 2. This paragraph is subject to the Open Government Sunset
243 Review Act in accordance with s. 119.15 and shall stand repealed
244 on October 2, 2023, unless reviewed and saved from repeal
245 through reenactment by the Legislature.

246 Section 5. Subsection (4) of section 627.659, Florida
247 Statutes, is amended to read:

248 627.659 Blanket health insurance; eligible groups.—Blanket
249 health insurance is that form of health insurance which covers
250 special groups of individuals as enumerated in one of the
251 following subsections:

252 (4) Under a policy or contract issued in the name of a
253 volunteer fire department, first aid group, local emergency
254 management agency as defined in s. 252.34(6), or other group of
255 first responders as defined in s. 112.1815(1) ~~s. 112.1815~~, which
256 is deemed the policyholder, covering all or any grouping of the
257 members or employees of the policyholder or covering all or any
258 participants in an activity or operation sponsored or supervised
259 by the policyholder.

260 Section 6. The Legislature determines and declares that
261 this act fulfills an important state interest.

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Section 7. This act shall take effect July 1, 2022.