

By the Committees on Appropriations; and Banking and Insurance;
and Senators Book, Young, Taddeo, Montford, Stewart, Rader, and
Campbell

576-03834-18

2018376c2

1 A bill to be entitled
2 An act relating to workers' compensation benefits for
3 first responders; amending s. 112.1815, F.S.;
4 providing that, under certain circumstances,
5 posttraumatic stress disorder suffered by a first
6 responder is an occupational disease compensable by
7 workers' compensation benefits; specifying the
8 evidentiary standard for demonstrating such disorder;
9 specifying that benefits do not require a physical
10 injury and are not subject to certain apportionment or
11 limitations; providing a time for notice of injury or
12 death; providing definitions; requiring the Department
13 of Financial Services to adopt certain rules;
14 requiring an employing agency to provide specified
15 mental health training; providing a declaration of
16 important state interest; providing an effective date.

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

19
20 Section 1. Subsections (5) and (6) are added to section
21 112.1815, Florida Statutes, to read:

22 112.1815 Firefighters, paramedics, emergency medical
23 technicians, and law enforcement officers; special provisions
24 for employment-related accidents and injuries.—

25 (5) (a) For the purposes of this section and chapter 440,
26 and notwithstanding sub-subparagraph (2) (a) 3. and ss. 440.093
27 and 440.151(2), posttraumatic stress disorder, as described in
28 the Diagnostic and Statistical Manual of Mental Disorders, Fifth
29 Edition, published by the American Psychiatric Association,

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30 suffered by a first responder is a compensable occupational
31 disease within the meaning of subsection (4) and s. 440.151 if:

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

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

39 a. Seeing for oneself a deceased minor;

40 b. Directly witnessing the death of a minor;

41 c. Directly witnessing an injury to a minor who
42 subsequently died before or upon arrival at a hospital emergency
43 department;

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

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

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

51 g. Directly witnessing a death, including suicide, that
52 involved grievous bodily harm of a nature that shocks the
53 conscience;

54 h. Directly witnessing a homicide regardless of whether the
55 homicide was criminal or excusable, including murder, mass
56 killings as defined in 28 U.S.C. s. 530C, manslaughter, self-
57 defense, misadventure, and negligence;

58 i. Directly witnessing an injury, including an attempted

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59 suicide, to a person who subsequently died before or upon
60 arrival at a hospital emergency department if the person was
61 injured by grievous bodily harm of a nature that shocks the
62 conscience;

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

68 k. Manually transporting a person who was injured,
69 including by attempted suicide, and subsequently died before or
70 upon arrival at a hospital emergency department if the person
71 was injured by grievous bodily harm of a nature that shocks the
72 conscience.

73 (b) Such disorder must be demonstrated by clear and
74 convincing medical evidence.

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

76 1. Do not require a physical injury to the first responder;

77 and

78 2. Are not subject to:

79 a. Apportionment due to a preexisting posttraumatic stress
80 disorder;

81 b. Any limitation on temporary benefits under s. 440.093;

82 or

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

85 (d) The time for notice of injury or death in cases of
86 compensable posttraumatic stress disorder under this subsection
87 is the same as in s. 440.151(6) and is measured from one of the

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88 qualifying events listed in subparagraph (a)2. or the
89 manifestation of the disorder, whichever is later. A claim under
90 this subsection must be properly noticed within 52 weeks after
91 the qualifying event.

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

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

94 2. "Manually transporting" means to perform physical labor
95 to move the body of a wounded person for his or her safety or
96 medical treatment.

97 3. "Minor" has the same meaning as in s. 1.01(13).

98 (f) The Department of Financial Services shall adopt rules
99 specifying injuries qualifying as grievous bodily harm of a
100 nature that shocks the conscience for the purposes of this
101 subsection.

102 (6) An employing agency of a first responder, including
103 volunteer first responders, must provide educational training
104 related to mental health awareness, prevention, mitigation, and
105 treatment.

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

108 Section 3. This act shall take effect October 1, 2018.