

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 first responders are entitled to
 5 workers' compensation benefits for posttraumatic
 6 stress disorder in specified circumstances; providing
 7 a standard of proof of such disorder; providing
 8 requirements relating to such benefits; providing a
 9 time for notice of injury or death; providing
 10 definitions; requiring the Department of Financial
 11 Services to adopt certain rules; requiring an
 12 employing agency to provide specified mental health
 13 training; providing an effective date.

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

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 17 Section 1. Subsections (5) and (6) are added to section
 18 112.1815, Florida Statutes, to read:

19 112.1815 Firefighters, paramedics, emergency medical
 20 technicians, and law enforcement officers; special provisions
 21 for employment-related accidents and injuries.-

22 (5) (a) For the purposes of this section and ch. 440, and
 23 notwithstanding sub-subparagraph (2) (a) 3., s. 440.093, and s.
 24 440.151(2), posttraumatic stress disorder, as described in the
 25 Diagnostic and Statistical Manual of Mental Disorders, Fifth

26 | Edition, published by the American Psychiatric Association,
 27 | suffered by a first responder is a compensable occupational
 28 | disease within the meaning of subsection (4) and s. 440.151 if:
 29 | 1. The posttraumatic stress disorder resulted from the
 30 | first responder acting within the course of his or her
 31 | employment as provided in s. 440.091; and
 32 | 2. The first responder is examined and subsequently
 33 | diagnosed with such disorder by a licensed psychiatrist who is
 34 | an authorized treating physician as provided in ch. 440 due to
 35 | one of the following events:
 36 | a. Seeing a deceased minor;
 37 | b. Directly witnessing the death of a minor;
 38 | c. Directly witnessing an injury to a minor who
 39 | subsequently died before or upon arrival at a hospital emergency
 40 | department;
 41 | d. Participating in the physical treatment of an injured
 42 | minor who subsequently died before or upon arrival at a hospital
 43 | emergency department;
 44 | e. Manually transporting an injured minor who subsequently
 45 | died before or upon arrival at a hospital emergency department;
 46 | f. Seeing a decedent whose death involved grievous bodily
 47 | harm of a nature that shocks the conscience;
 48 | g. Directly witnessing a death, including suicide, that
 49 | involved grievous bodily harm of a nature that shocks the
 50 | conscience;

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

55 i. Directly witnessing an injury, including an attempted
56 suicide, to a person who subsequently died before or upon
57 arrival at a hospital emergency department if the person was
58 injured by grievous bodily harm of a nature that shocks the
59 conscience;

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

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

70 (b) Such disorder must be demonstrated by clear and
71 convincing medical evidence.

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

73 1. Do not require a physical injury to the first
74 responder; and

75 2. Are not subject to:

76 a. Apportionment due to a preexisting posttraumatic stress
77 disorder;

78 b. Any limitation on temporary benefits under s. 440.093;
79 or

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

82 (d) The time for notice of injury or death in cases of
83 compensable posttraumatic stress disorder under this subsection
84 is the same as in s. 440.185(1) and is measured from one of the
85 qualifying events listed in subparagraph (a)2. or the
86 manifestation of the disorder, whichever is later. A claim under
87 this subsection must be properly noticed within 52 weeks after
88 the qualifying event.

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

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

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

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

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

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

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101 | related to mental health awareness, prevention, mitigation, and
102 | treatment.

103 | Section 2. This act shall take effect July 1, 2018.