

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 a declaration of important state
 14 interest; providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:
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18 Section 1. Subsections (5) and (6) are added to section
 19 112.1815, Florida Statutes, to read:

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

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

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

51 conscience;

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

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

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

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

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

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

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

76 2. Are not subject to:

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

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

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

83 (d) The time for notice of injury or death in cases of
84 compensable posttraumatic stress disorder under this subsection
85 is the same as in s. 440.151(6) and is measured from one of the
86 qualifying events listed in subparagraph (a)2. or the
87 manifestation of the disorder, whichever is later. A claim under
88 this subsection must be properly noticed within 52 weeks after
89 the qualifying event.

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

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

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

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

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

100 (6) An employing agency of a first responder, including

101 volunteer first responders, must provide educational training
102 related to mental health awareness, prevention, mitigation, and
103 treatment.

104 Section 2. The Legislature determines and declares that
105 this act fulfills an important state interest relating to the
106 public interest for the prompt and adequate provision of
107 workers' compensation benefits to first responders employed by a
108 state or local government.

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