

1 A bill to be entitled
 2 An act relating to workers' compensation benefits for
 3 correctional officers; creating s. 112.1816, 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 112.1816, Florida Statutes, is created
 20 to read:

21 112.1816 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 purposes of chapter 440 and notwithstanding ss.
30 | 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 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) or the
 75 manifestation of the disorder, whichever occurs later. A claim

76 | under this section must be properly noticed within 52 weeks
77 | 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, 2019.