

1                   A bill to be entitled  
2           An act relating to posttraumatic stress disorder  
3           workers' compensation for law enforcement,  
4           correctional, and correctional probation officers;  
5           amending s. 112.1815, F.S.; revising the definition of  
6           the term "first responder" to include part-time and  
7           auxiliary law enforcement officers for the purpose of  
8           workers' compensation benefits for posttraumatic  
9           stress disorders; creating ss. 112.18155 and  
10          112.18156, F.S.; providing definitions; providing  
11          that, under certain circumstances, posttraumatic  
12          stress disorder suffered by correctional officers and  
13          part-time correctional officers and by correctional  
14          probation officers and part-time correctional  
15          probation officers, respectively, is an occupational  
16          disease compensable by workers' compensation benefits;  
17          specifying the evidentiary standard for demonstrating  
18          such disorder; specifying that benefits do not require  
19          a physical injury and are not subject to certain  
20          apportionment or limitations; providing a time for  
21          notice of injury or death; requiring the Department of  
22          Financial Services to adopt certain rules; requiring  
23          an employing agency to provide specified mental health  
24          training; amending ss. 111.09, 119.071, and 627.659,  
25          F.S.; revising cross-references; providing a

26 |            declaration of important state interest; providing an  
 27 |            effective date.

28 |

29 | Be It Enacted by the Legislature of the State of Florida:

30 |

31 |            Section 1. Subsections (5) and (6) of section 112.1815,  
 32 | Florida Statutes, are amended to read:

33 |            112.1815 Firefighters, paramedics, emergency medical  
 34 | technicians, and law enforcement officers; special provisions  
 35 | for employment-related accidents and injuries and posttraumatic  
 36 | stress disorders.-

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

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

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

- 51 a. Seeing for oneself a deceased minor;
- 52 b. Directly witnessing the death of a minor;
- 53 c. Directly witnessing an injury to a minor who
- 54 subsequently died before or upon arrival at a hospital emergency
- 55 department;
- 56 d. Participating in the physical treatment of an injured
- 57 minor who subsequently died before or upon arrival at a hospital
- 58 emergency department;
- 59 e. Manually transporting an injured minor who subsequently
- 60 died before or upon arrival at a hospital emergency department;
- 61 f. Seeing for oneself a decedent whose death involved
- 62 grievous bodily harm of a nature that shocks the conscience;
- 63 g. Directly witnessing a death, including suicide, that
- 64 involved grievous bodily harm of a nature that shocks the
- 65 conscience;
- 66 h. Directly witnessing a homicide regardless of whether
- 67 the homicide was criminal or excusable, including murder, mass
- 68 killing as defined in 28 U.S.C. s. 530C, manslaughter, self-
- 69 defense, misadventure, and negligence;
- 70 i. Directly witnessing an injury, including an attempted
- 71 suicide, to a person who subsequently died before or upon
- 72 arrival at a hospital emergency department if the person was
- 73 injured by grievous bodily harm of a nature that shocks the
- 74 conscience;
- 75 j. Participating in the physical treatment of an injury,

76 including an attempted suicide, to a person who subsequently  
 77 died before or upon arrival at a hospital emergency department  
 78 if the person was injured by grievous bodily harm of a nature  
 79 that shocks the conscience; or

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

85 (b) Such disorder must be demonstrated by clear and  
 86 convincing medical evidence.

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

88 1. Do not require a physical injury to the first  
 89 responder; and

90 2. Are not subject to:

91 a. Apportionment due to a preexisting posttraumatic stress  
 92 disorder;

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

94 or

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

97 (d) The time for notice of injury or death in cases of  
 98 compensable posttraumatic stress disorder under this subsection  
 99 is the same as in s. 440.151(6) and is measured from one of the  
 100 qualifying events listed in subparagraph (a)2. or the

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101 manifestation of the disorder, whichever is later. A claim under  
102 this subsection must be properly noticed within 52 weeks after  
103 the qualifying event.

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

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

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

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

112 ~~4.3-~~ "Minor" has the same meaning as in s. 1.01(13).

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

117 (6) An employing agency of a first responder, including  
118 volunteer first responders, must provide educational training  
119 related to mental health awareness, prevention, mitigation, and  
120 treatment. As used in this subsection, the term "first  
121 responder" also includes a part-time law enforcement officer as  
122 defined in s. 943.10(6) and an auxiliary law enforcement officer  
123 as defined in s. 943.10(8).

124 Section 2. Section 112.18155, Florida Statutes, is created  
125 to read:

126 112.18155 Correctional officers and part-time correctional  
 127 officers; special provisions for posttraumatic stress  
 128 disorders.-

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

130 (a) "Correctional officer" has the same meaning as in s.  
 131 943.10(2).

132 (b) "Directly witnessing" has the same meaning as in s.  
 133 112.1815(5)(e).

134 (c) "Manually transporting" has the same meaning as in s.  
 135 112.1815(5)(e).

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

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

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

147 (a) The posttraumatic stress disorder resulted from the  
 148 correctional officer or part-time correctional officer acting  
 149 within the course of his or her employment.

150 (b) The correctional officer or part-time correctional

151 officer is:

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

154 2. Diagnosed by the psychiatrist described in subparagraph  
155 1. as suffering from posttraumatic stress disorder due to one of  
156 the following events:

157 a. Breaking up a fight between inmates or trying to stop a  
158 murder or suicide attempt committed by an inmate.

159 b. Being seriously injured, bitten, or beaten by an  
160 inmate.

161 c. Receiving a threat to himself or herself or to a loved  
162 one that is made by an inmate or a person known to an inmate.

163 d. Being taken hostage by an inmate or trapped in a life-  
164 threatening situation as a result of an inmate's act.

165 e. Making a life-threatening mistake related to an inmate  
166 or another correctional officer or part-time correctional  
167 officer.

168 f. Not preventing, or not being able to prevent, a life-  
169 threatening situation involving an inmate or another  
170 correctional officer or part-time correctional officer from  
171 happening.

172 g. Killing or seriously injuring an inmate or another  
173 correctional officer or part-time correctional officer.

174 h. Directly witnessing an injury, including an injury  
175 caused by a suicide attempt, to an inmate or another

176 correctional officer or part-time correctional officer who  
177 subsequently died before or upon arrival at a hospital emergency  
178 department or was injured by grievous bodily harm of a nature  
179 that shocks the conscience.

180 i. Participating in the physical treatment of an injury,  
181 including an injury caused by a suicide attempt, to an inmate or  
182 another correctional officer or part-time correctional officer  
183 who subsequently died before or upon arrival at a hospital  
184 emergency department or was injured by grievous bodily harm of a  
185 nature that shocks the conscience.

186 j. Manually transporting an inmate or another correctional  
187 officer or part-time correctional officer who was injured,  
188 including by a suicide attempt, by grievous bodily harm of a  
189 nature that shocks the conscience or who subsequently died  
190 before or upon arrival at a hospital emergency department.

191 k. Directly witnessing a death, including a death by  
192 suicide, of an inmate or another correctional officer or part-  
193 time correctional officer that involved grievous bodily harm of  
194 a nature that shocks the conscience.

195 l. Directly witnessing a homicide committed by an inmate  
196 or another correctional officer or part-time correctional  
197 officer, regardless of whether the homicide was criminal or  
198 excusable, including murder, mass killing, manslaughter, self-  
199 defense, misadventure, and negligence.

200 m. Seeing for oneself a decedent whose death involved



201 grievous bodily harm of a nature that shocks the conscience.

202 n. Cleaning up an inmate's cell or other areas of a  
203 correctional institution after an injury or death, including an  
204 injury by a suicide attempt or a death by suicide.

205 o. Encountering an inmate who was recently sexually  
206 assaulted.

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

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

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

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

214 1. Apportionment due to a preexisting posttraumatic stress  
215 disorder.

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

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

219 (5) The time for notice of injury or death in cases of  
220 compensable posttraumatic stress disorder under this section is  
221 the same as in s. 440.151(6) and is measured from one of the  
222 qualifying events listed in paragraph (2)(b) or the  
223 manifestation of the disorder, whichever is later. A claim under  
224 this section must be properly noticed within 52 weeks after the  
225 qualifying event.

226       (6) The Department of Financial Services shall adopt rules  
 227 specifying injuries qualifying as grievous bodily harm of a  
 228 nature that shocks the conscience for the purposes of this  
 229 section.

230       (7) An employing agency of a correctional officer or part-  
 231 time correctional officer must provide educational training  
 232 related to mental health awareness, prevention, mitigation, and  
 233 treatment.

234       Section 3. Section 112.18156, Florida Statutes, is created  
 235 to read:

236       112.18156 Correctional probation officers and part-time  
 237 correctional probation officers; special provisions for  
 238 posttraumatic stress disorders.-

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

240       (a) "Correctional probation officer" has the same meaning  
 241 as in s. 943.10(3).

242       (b) "Directly witnessing" has the same meaning as in s.  
 243 112.1815(5)(e).

244       (c) "Manually transporting" has the same meaning as in s.  
 245 112.1815(5)(e).

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

248       (e) "Part-time correctional probation officer" has the  
 249 same meaning as in s. 943.10(19).

250       (f) "Probationer" means a person who is assigned to a

251 correctional probation officer or part-time correctional  
252 probation officer for supervised custody, surveillance, and  
253 control. The term includes, but is not limited to, an inmate, a  
254 parolee, and a community controllee.

255 (g) "Probationer-related activity" means an unlawful act  
256 or activity that a probationer or a person known to a  
257 probationer engages in.

258 (2) For purposes of this section and chapter 440, and  
259 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress  
260 disorder, as described in the Diagnostic and Statistical Manual  
261 of Mental Disorders, Fifth Edition, published by the American  
262 Psychiatric Association, suffered by a correctional probation  
263 officer or part-time correctional probation officer is a  
264 compensable occupational disease within the meaning of s.  
265 440.151 if:

266 (a) The posttraumatic stress disorder resulted from the  
267 correctional probation officer or part-time correctional  
268 probation officer acting within the course of his or her  
269 employment.

270 (b) The correctional probation officer or part-time  
271 correctional probation officer is:

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

274 2. Diagnosed by the psychiatrist described in subparagraph  
275 1. as suffering from posttraumatic stress disorder due to one of

276 the following events:

277 a. Being seriously injured or beaten by a probationer or  
278 by a person who is known to a probationer or is involved in a  
279 probationer-related activity.

280 b. Receiving a threat to himself or herself or to a loved  
281 one that is made by a probationer or a person who is known to a  
282 probationer or is involved in a probationer-related activity.

283 c. Being taken hostage by a probationer or a person who is  
284 known to a probationer or is involved in a probationer-related  
285 activity.

286 d. Being trapped in a life-threatening situation as a  
287 result of a probationer-related activity.

288 e. Making a life-threatening mistake related to a  
289 probationer or another person when trying to stop a probationer-  
290 related activity.

291 f. Not preventing, or not being able to prevent, a life-  
292 threatening situation involving a probationer from happening.

293 g. Killing or seriously injuring a probationer or another  
294 person as a result of an intervention in a probationer-related  
295 activity.

296 h. Directly witnessing an injury, including an injury  
297 caused by a suicide attempt, to a probationer, or an injury  
298 caused to another person in a probationer-related activity, and  
299 the probationer or person subsequently died before or upon  
300 arrival at a hospital emergency department or was injured by

301 grievous bodily harm of a nature that shocks the conscience.

302 i. Participating in the physical treatment of an injury,  
303 including by a suicide attempt, to a probationer, or an injury  
304 to another person in a probationer-related activity, and the  
305 probationer or person subsequently died before or upon arrival  
306 at a hospital emergency department or was injured by grievous  
307 bodily harm of a nature that shocks the conscience.

308 j. Manually transporting a probationer who was injured,  
309 including by a suicide attempt, or another person who was  
310 injured in a probationer-related activity, and:

311 (I) The injury was by grievous bodily harm of a nature  
312 that shocks the conscience; or

313 (II) The probationer or other person subsequently died  
314 before or upon arrival at a hospital emergency department.

315 k. Directly witnessing a death, including a death by  
316 suicide, of a probationer or a death of another person in a  
317 probationer-related activity that involved grievous bodily harm  
318 of a nature that shocks the conscience.

319 l. Directly witnessing a homicide committed by or against  
320 a probationer, regardless of whether the homicide was criminal  
321 or excusable, including murder, mass killing, manslaughter,  
322 self-defense, misadventure, and negligence.

323 m. Being assigned excessively high caseloads or high  
324 special caseloads, such as caseloads of probationers who  
325 recidivate or commit violent crimes.

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

328       (4) Benefits for a correctional probation officer or part-  
 329 time correctional probation officer under this section:

330       (a) Do not require a physical injury to the correctional  
 331 probation officer or part-time correctional probation officer.

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

333       1. Apportionment due to a preexisting posttraumatic stress  
 334 disorder.

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

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

338       (5) The time for notice of injury or death in cases of  
 339 compensable posttraumatic stress disorder under this section is  
 340 the same as in s. 440.151(6) and is measured from one of the  
 341 qualifying events listed in paragraph (2)(b) or the  
 342 manifestation of the disorder, whichever is later. A claim under  
 343 this section must be properly noticed within 52 weeks after the  
 344 qualifying event.

345       (6) The Department of Financial Services shall adopt rules  
 346 specifying injuries qualifying as grievous bodily harm of a  
 347 nature that shocks the conscience for the purposes of this  
 348 section.

349       (7) An employing agency of a correctional probation  
 350 officer or part-time correctional probation officer must provide

351 educational training related to mental health awareness,  
 352 prevention, mitigation, and treatment.

353 Section 4. Paragraph (a) of subsection (1) of section  
 354 111.09, Florida Statutes, is amended to read:

355 111.09 Peer support for first responders.—

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

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

360 Section 5. Paragraph (d) of subsection (3) of section  
 361 119.071, Florida Statutes, is amended to read:

362 119.071 General exemptions from inspection or copying of  
 363 public records.—

364 (3) SECURITY AND FIRESAFETY.—

365 (d)1. Information relating to the Nationwide Public Safety  
 366 Broadband Network established pursuant to 47 U.S.C. ss. 1401 et  
 367 seq., held by an agency is confidential and exempt from s.  
 368 119.07(1) and s. 24(a), Art. I of the State Constitution if  
 369 release of such information would reveal:

370 a. The design, development, construction, deployment, and  
 371 operation of network facilities;

372 b. Network coverage, including geographical maps  
 373 indicating actual or proposed locations of network  
 374 infrastructure or facilities;

375 c. The features, functions, and capabilities of network

376 | infrastructure and facilities;

377 |         d. The features, functions, and capabilities of network  
 378 | services provided to first responders, as defined in s.  
 379 | 112.1815(1) ~~s. 112.1815~~, and other network users;

380 |         e. The design, features, functions, and capabilities of  
 381 | network devices provided to first responders and other network  
 382 | users; or

383 |         f. Security, including cybersecurity, of the design,  
 384 | construction, and operation of the network and associated  
 385 | services and products.

386 |         2. This paragraph is subject to the Open Government Sunset  
 387 | Review Act in accordance with s. 119.15 and shall stand repealed  
 388 | on October 2, 2023, unless reviewed and saved from repeal  
 389 | through reenactment by the Legislature.

390 |         Section 6. Subsection (4) of section 627.659, Florida  
 391 | Statutes, is amended to read:

392 |             627.659 Blanket health insurance; eligible groups.—Blanket  
 393 | health insurance is that form of health insurance which covers  
 394 | special groups of individuals as enumerated in one of the  
 395 | following subsections:

396 |             (4) Under a policy or contract issued in the name of a  
 397 | volunteer fire department, first aid group, local emergency  
 398 | management agency as defined in s. 252.34(6), or other group of  
 399 | first responders as defined in s. 112.1815(1) ~~s. 112.1815~~, which  
 400 | is deemed the policyholder, covering all or any grouping of the



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401 members or employees of the policyholder or covering all or any  
402 participants in an activity or operation sponsored or supervised  
403 by the policyholder.

404 Section 7. The Legislature determines and declares that  
405 this act fulfills an important state interest.

406 Section 8. This act shall take effect July 1, 2022.