

1 A bill to be entitled
2 An act relating to posttraumatic stress disorder
3 benefits and peer support programs for law
4 enforcement, correctional, and correctional probation
5 officers; creating s. 111.095, F.S.; providing
6 definitions; prohibiting peer support officers from
7 divulging certain information or testifying about
8 certain communication; providing exceptions; providing
9 construction; amending s. 112.1815, F.S.; requiring
10 documentation of first responders' personal
11 involvement in specified events in order for the first
12 responders to qualify for posttraumatic stress
13 disorder benefits; revising the timeframes for notices
14 of injury or death and notices of claims in cases of
15 compensable posttraumatic stress disorder for first
16 responders; defining the term "first responder" to
17 include part-time and auxiliary law enforcement
18 officers for the purpose of posttraumatic stress
19 disorder benefits; specifying requirements for certain
20 educational training; creating ss. 112.18155 and
21 112.18156, F.S.; providing definitions; providing
22 special provisions for posttraumatic stress disorder
23 for correctional officers and part-time correctional
24 officers and for correctional probation officers and
25 part-time correctional probation officers,

26 respectively; requiring the Department of Financial
 27 Services to adopt rules; requiring certain employing
 28 agencies to provide specified educational training;
 29 amending ss. 111.09, 119.071, and 627.659, F.S.;
 30 conforming provisions to changes made by the act;
 31 providing a declaration of important state interest;
 32 providing an effective date.

33

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

35

36 Section 1. Section 111.095, Florida Statutes, is created
 37 to read:

38 111.095 Peer support for correctional officers and
 39 correctional probation officers.-

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

41 (a) "Correctional officer" has the same meaning as in s.
 42 943.10(2).

43 (b) "Correctional probation officer" has the same meaning
 44 as in s. 943.10(3).

45 (c) "Part-time correctional officer" has the same meaning
 46 as in s. 943.10(7).

47 (d) "Part-time correctional probation officer" has the
 48 same meaning as in s. 943.10(19).

49 (e) "Peer support" means the provision of physical, moral,
 50 or emotional support to a correctional officer or part-time

51 correctional officer or to a correctional probation officer or
52 part-time correctional probation officer for the purpose of
53 addressing physical or emotional conditions or other issues
54 associated with being a correctional officer or part-time
55 correctional officer or a correctional probation officer or
56 part-time correctional probation officer.

57 (f) "Peer support communication" means electronic, oral,
58 or written communication, made with a mutual expectation of
59 confidentiality while a peer support officer is providing peer
60 support in his or her official capacity.

61 (g) "Peer support officer" means a person who:

62 1. Has experience working as or with a correctional
63 officer or a correctional probation officer regarding any
64 physical or emotional conditions or other issues associated with
65 the officer's employment.

66 2. Has been designated by the employing agency to provide
67 peer support as provided in this section and has received
68 training for this purpose.

69 (2) A peer support officer may not divulge information
70 from or testify about a peer support communication in a civil,
71 criminal, administrative, or disciplinary proceeding, unless:

72 (a) The correctional officer or part-time correctional
73 officer peer or the correctional probation officer or part-time
74 correctional probation officer peer is a defendant in a civil,
75 criminal, administrative, or disciplinary proceeding arising

76 from a complaint filed by the peer support officer who was a
 77 party to the peer support communication, in which case such
 78 information may be divulged but is limited to the scope of the
 79 proceeding;

80 (b) The correctional officer or part time correctional
 81 officer or the correctional probation officer or part-time
 82 correctional probation officer who was a party to the peer
 83 support communication agrees, in writing, to allow the peer
 84 support officer to testify about or divulge information related
 85 to the peer support communication;

86 (c) Based on the peer support communication, the peer
 87 support officer suspects that the correctional officer or part-
 88 time correctional officer or the correctional probation officer
 89 or part-time correctional probation officer who was a party to
 90 the peer support communication has committed a criminal act or
 91 intends to commit a criminal act. There is no liability on the
 92 part of, and no cause of action of any nature may arise against,
 93 the peer support officer for disclosing information under this
 94 paragraph; or

95 (d) There are articulable facts or circumstances that
 96 would lead a reasonable, prudent person to fear for the safety
 97 of the correctional officer or part-time correctional officer or
 98 the correctional probation officer or part-time correctional
 99 probation officer who was a party to the peer support
 100 communication, another person, or society, and the peer support

101 officer communicates the information only to a potential victim
 102 and law enforcement or other appropriate authorities. There is
 103 no liability on the part of, and no cause of action of any
 104 nature may arise against, the peer support officer for
 105 disclosing information under this paragraph.

106 (3) This section does not limit the disclosure, discovery,
 107 or admissibility of information, testimony, or evidence that is
 108 obtained by a peer support officer from a source other than a
 109 correctional officer or part-time correctional officer or a
 110 correctional probation officer or part-time correctional
 111 probation officer through a peer support communication.

112 Section 2. Subsections (5) and (6) of section 112.1815,
 113 Florida Statutes, are amended to read:

114 112.1815 Firefighters, paramedics, emergency medical
 115 technicians, and law enforcement officers; special provisions
 116 for employment-related accidents and injuries.—

117 (5)(a) For the purposes of this section and chapter 440,
 118 and notwithstanding sub-subparagraph (2)(a)3. and ss. 440.093
 119 and 440.151(2), posttraumatic stress disorder, as described in
 120 the Diagnostic and Statistical Manual of Mental Disorders, Fifth
 121 Edition, published by the American Psychiatric Association,
 122 suffered by a first responder is a compensable occupational
 123 disease within the meaning of subsection (4) and s. 440.151 if:

124 1. The posttraumatic stress disorder resulted from the
 125 first responder acting within the course of his or her

126 employment as provided in s. 440.091; ~~and~~
 127 2. The first responder is examined and subsequently
 128 diagnosed with such disorder by a licensed psychiatrist who is
 129 an authorized treating physician as provided in chapter 440; and
 130 3. The first responder's personal involvement in due to
 131 one of the following events is documented in a report maintained
 132 by the employing agency:
 133 a. Seeing for oneself a deceased minor;
 134 b. Directly witnessing the death of a minor;
 135 c. Directly witnessing an injury to a minor who
 136 subsequently died before or upon arrival at a hospital emergency
 137 department;
 138 d. Participating in the physical treatment of an injured
 139 minor who subsequently died before or upon arrival at a hospital
 140 emergency department;
 141 e. Manually transporting an injured minor who subsequently
 142 died before or upon arrival at a hospital emergency department;
 143 f. Seeing for oneself a decedent whose death involved
 144 grievous bodily harm of a nature that shocks the conscience;
 145 g. Directly witnessing a death, including suicide, that
 146 involved grievous bodily harm of a nature that shocks the
 147 conscience;
 148 h. Directly witnessing a homicide regardless of whether
 149 the homicide was criminal or excusable, including murder, mass
 150 killing as defined in 28 U.S.C. s. 530C, manslaughter, self-

151 defense, misadventure, and negligence;

152 i. Directly witnessing an injury, including an attempted
153 suicide, to a person who subsequently died before or upon
154 arrival at a hospital emergency department if the person was
155 injured by grievous bodily harm of a nature that shocks the
156 conscience;

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

162 k. Manually transporting a person who was injured,
163 including by attempted suicide, and subsequently died before or
164 upon arrival at a hospital emergency department if the person
165 was injured by grievous bodily harm of a nature that shocks the
166 conscience.

167 (b) Such disorder must be demonstrated by clear and
168 convincing medical evidence.

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

170 1. Do not require a physical injury to the first
171 responder; and

172 2. Are not subject to:

173 a. Apportionment due to a preexisting posttraumatic stress
174 disorder;

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

176 or

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

179 (d) The time for notice of injury or death in cases of
180 compensable posttraumatic stress disorder under this subsection
181 is the same as in s. 440.151(6) and is measured from one of the
182 qualifying events listed in subparagraph (a)3. ~~(a)2.~~ or the
183 diagnosis ~~manifestation~~ of the disorder, whichever is later. A
184 claim under this subsection must be properly noticed within 52
185 weeks after the qualifying event or the diagnosis of the
186 disorder, whichever is later.

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

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

189 2. "First responder" includes those persons described in
190 subsection (1) and also includes a part-time law enforcement
191 officer as defined in s. 943.10(6) and an auxiliary law
192 enforcement officer as defined in s. 943.10(8).

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

196 ~~4.3.~~ "Minor" has the same meaning as in s. 1.01(13).

197 (f) The Department of Financial Services shall adopt rules
198 specifying injuries qualifying as grievous bodily harm of a
199 nature that shocks the conscience for the purposes of this
200 subsection.

201 (6) An employing agency of a first responder, including
202 volunteer first responders, must provide at least 1 hour
203 annually of educational training related to mental health
204 awareness, prevention, mitigation, and treatment.

205 (a) The required educational training may be provided in
206 person, in video format, or through other electronic means and
207 must include evidence-based coping strategies to mitigate
208 traumatic stress. The required educational training must also
209 include, but is not limited to, peer support programs as the
210 term "peer support" is defined in s. 111.09, mental health
211 awareness training provided by a licensed mental health
212 practitioner who specializes in posttraumatic stress disorder,
213 and suicide prevention programs.

214 (b) As used in this subsection, the term "first responder"
215 includes those persons described in subsection (1) and also
216 includes a part-time law enforcement officer as defined in s.
217 943.10(6) and an auxiliary law enforcement officer as defined in
218 s. 943.10(8).

219 Section 3. Section 112.18155, Florida Statutes, is created
220 to read:

221 112.18155 Correctional officers and part-time correctional
222 officers; special provisions for posttraumatic stress
223 disorders.—

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

225 (a) "Correctional officer" has the same meaning as in s.

226 943.10(2).
 227 (b) "Directly witnessing" has the same meaning as in s.
 228 112.1815(5)(e).
 229 (c) "Manually transporting" has the same meaning as in s.
 230 112.1815(5)(e).
 231 (d) "Mass killing" means three or more killings in a
 232 single incident.
 233 (e) "Part-time correctional officer" has the same meaning
 234 as in s. 943.10(7).
 235 (2) For purposes of this section and chapter 440, and
 236 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
 237 disorder, as described in the Diagnostic and Statistical Manual
 238 of Mental Disorders, Fifth Edition, published by the American
 239 Psychiatric Association, suffered by a correctional officer or
 240 part-time correctional officer is a compensable occupational
 241 disease within the meaning of s. 440.151 if:
 242 (a) The posttraumatic stress disorder resulted from the
 243 correctional officer or part-time correctional officer acting
 244 within the course of his or her employment;
 245 (b) The correctional officer or part-time correctional
 246 officer is examined and subsequently diagnosed with such
 247 disorder by a licensed psychiatrist who is an authorized
 248 treating physician as provided in chapter 440; and
 249 (c) The correctional officer's or part-time correctional
 250 officer's personal involvement in one of the following events is

251 documented in a report maintained by the employing agency:

252 1. Being seriously injured by an inmate in a manner that
 253 shocks the conscience.

254 2. Being taken hostage by an inmate or trapped in a life-
 255 threatening situation as a result of an inmate's act.

256 3. Directly witnessing an injury, including an attempted
 257 suicide, to a person who subsequently dies before or upon
 258 arrival at a hospital emergency department if the person was
 259 injured by grievous bodily harm of a nature that shocks the
 260 conscience.

261 4. Participating in the physical treatment of an injury,
 262 including an attempted suicide, to a person who subsequently
 263 dies before or upon arrival at a hospital emergency department
 264 if the person was injured by grievous bodily harm of a nature
 265 that shocks the conscience.

266 5. Manually transporting a person who was injured,
 267 including by attempted suicide, and who subsequently dies before
 268 or upon arrival at a hospital emergency department if the person
 269 was injured by grievous bodily harm of a nature that shocks the
 270 conscience.

271 6. Directly witnessing a death, including a death due to
 272 suicide, of a person who suffered grievous bodily harm of a
 273 nature that shocks the conscience.

274 7. Directly witnessing a homicide regardless of whether
 275 the homicide was criminal or excusable, including murder, mass

276 killing, manslaughter, self-defense, misadventure, and
 277 negligence.

278 8. Seeing for oneself a decedent whose death involved
 279 grievous bodily harm of a nature that shocks the conscience.

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

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

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

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

287 1. Apportionment due to a preexisting posttraumatic stress
 288 disorder.

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

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

292 (5) The time for notice of injury or death in cases of
 293 compensable posttraumatic stress disorder under this section is
 294 the same as in s. 440.151(6) and is measured from one of the
 295 qualifying events listed in paragraph (2)(c) or the diagnosis of
 296 the disorder, whichever is later. A claim under this section
 297 must be properly noticed within 52 weeks after the qualifying
 298 event or the diagnosis of the disorder, whichever is later.

299 (6) The Department of Financial Services shall adopt rules
 300 specifying injuries qualifying as grievous bodily harm of a

301 nature that shocks the conscience for the purposes of this
 302 section.

303 (7) An employing agency of a correctional officer,
 304 including a part-time correctional officer, must provide at
 305 least 1 hour annually of educational training related to mental
 306 health awareness, prevention, mitigation, and treatment. The
 307 required educational training may be provided in person, in
 308 video format, or through other electronic means and must include
 309 evidence-based coping strategies to mitigate traumatic stress.
 310 The required educational training must also include, but is not
 311 limited to, peer support programs as the term "peer support" is
 312 defined in s. 111.095, mental health awareness training provided
 313 by a licensed mental health practitioner who specializes in
 314 posttraumatic stress disorder, and suicide prevention programs.

315 Section 4. Section 112.18156, Florida Statutes, is created
 316 to read:

317 112.18156 Correctional probation officers and part-time
 318 correctional probation officers; special provisions for
 319 posttraumatic stress disorders.—

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

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

323 (b) "Directly witnessing" has the same meaning as in s.
 324 112.1815(5)(e).

325 (c) "Manually transporting" has the same meaning as in s.

326 112.1815(5)(e).

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

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

331 (f) "Probationer" means a person who is assigned to a
332 correctional probation officer or part-time correctional
333 probation officer for supervised custody, surveillance, and
334 control. The term includes, but is not limited to, an inmate, a
335 parolee, and a community controllee.

336 (2) For purposes of this section and chapter 440, and
337 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
338 disorder, as described in the Diagnostic and Statistical Manual
339 of Mental Disorders, Fifth Edition, published by the American
340 Psychiatric Association, suffered by a correctional probation
341 officer or part-time correctional probation officer is a
342 compensable occupational disease within the meaning of s.
343 440.151 if:

344 (a) The posttraumatic stress disorder resulted from the
345 correctional probation officer or part-time correctional
346 probation officer acting within the course of his or her
347 employment;

348 (b) The correctional probation officer or part-time
349 correctional probation officer is examined and subsequently
350 diagnosed with such disorder by a licensed psychiatrist who is

351 an authorized treating physician as provided in chapter 440; and
352 (c) The correctional probation officer's or part-time
353 correctional probation officer's personal involvement in one of
354 the following events is documented in a report maintained by the
355 employing agency:

- 356 1. Being seriously injured by a probationer in a manner
357 that shocks the conscience.
- 358 2. Being taken hostage by a probationer or trapped in a
359 life-threatening situation due to the actions of a probationer.
- 360 3. Receiving a credible threat of great bodily harm or
361 death to himself or herself, or to a loved one, that is made by
362 a probationer who has the means to carry out the threat or by a
363 person who is acting on behalf of a probationer and has the
364 means to carry out the threat.
- 365 4. Making a life-threatening mistake or not preventing a
366 life-threatening situation that leads to the death or serious
367 bodily injury of a probationer, bystander, correctional
368 probation officer, or law enforcement officer.
- 369 5. Directly witnessing an injury or death, including an
370 injury or death due to an attempted suicide or suicide, of a
371 probationer who suffered grievous bodily harm of a nature that
372 shocks the conscience.
- 373 6. Participating in the physical treatment of a
374 probationer's injury, including an injury due to an attempted
375 suicide, if the probationer dies before or upon arrival at a

376 hospital emergency department and the probationer was injured by
 377 grievous bodily harm of a nature that shocks the conscience.

378 7. Manually transporting a probationer who was injured,
 379 including by attempted suicide, if the probationer dies before
 380 or upon arrival at a hospital emergency department and the
 381 probationer was injured by grievous bodily harm of a nature that
 382 shocks the conscience.

383 8. Directly witnessing a homicide committed by or against
 384 a probationer, regardless of whether the homicide was criminal
 385 or excusable, including murder, mass killing, manslaughter,
 386 self-defense, misadventure, and negligence.

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

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

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

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

394 1. Apportionment due to a preexisting posttraumatic stress
 395 disorder.

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

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

399 (5) The time for notice of injury or death in cases of
 400 compensable posttraumatic stress disorder under this section is

401 the same as in s. 440.151(6) and is measured from one of the
402 qualifying events listed in paragraph (2)(c) or the diagnosis of
403 the disorder, whichever is later. A claim under this section
404 must be properly noticed within 52 weeks after the qualifying
405 event or the diagnosis of the disorder, whichever is later.

406 (6) The Department of Financial Services shall adopt rules
407 specifying injuries qualifying as grievous bodily harm of a
408 nature that shocks the conscience for the purposes of this
409 section.

410 (7) An employing agency of a correctional probation
411 officer, including a part-time correctional probation officer,
412 must provide at least 1 hour annually of educational training
413 related to mental health awareness, prevention, mitigation, and
414 treatment. The required educational training may be provided in
415 person, in video format, or through other electronic means and
416 must include evidence-based coping strategies to mitigate
417 traumatic stress. The required educational training must also
418 include, but is not limited to, peer support programs as the
419 term "peer support" is defined in s. 111.095, mental health
420 awareness training provided by a licensed mental health
421 practitioner who specializes in posttraumatic stress disorder,
422 and suicide prevention programs.

423 Section 5. Paragraph (a) of subsection (1) of section
424 111.09, Florida Statutes, is amended to read:

425 111.09 Peer support for first responders.—

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

427 (a) "First responder" has the same meaning as provided in
 428 s. 112.1815(5) (e) ~~s. 112.1815~~ and includes 911 public safety
 429 telecommunicators as defined in s. 401.465.

430 Section 6. Paragraph (d) of subsection (3) of section
 431 119.071, Florida Statutes, is amended to read:

432 119.071 General exemptions from inspection or copying of
 433 public records.—

434 (3) SECURITY AND FIRESAFETY.—

435 (d)1. Information relating to the Nationwide Public Safety
 436 Broadband Network established pursuant to 47 U.S.C. ss. 1401 et
 437 seq., held by an agency is confidential and exempt from s.
 438 119.07(1) and s. 24(a), Art. I of the State Constitution if
 439 release of such information would reveal:

440 a. The design, development, construction, deployment, and
 441 operation of network facilities;

442 b. Network coverage, including geographical maps
 443 indicating actual or proposed locations of network
 444 infrastructure or facilities;

445 c. The features, functions, and capabilities of network
 446 infrastructure and facilities;

447 d. The features, functions, and capabilities of network
 448 services provided to first responders, as defined in s.
 449 112.1815(1) ~~s. 112.1815~~, and other network users;

450 e. The design, features, functions, and capabilities of

451 network devices provided to first responders and other network
 452 users; or

453 f. Security, including cybersecurity, of the design,
 454 construction, and operation of the network and associated
 455 services and products.

456 2. This paragraph is subject to the Open Government Sunset
 457 Review Act in accordance with s. 119.15 and shall stand repealed
 458 on October 2, 2023, unless reviewed and saved from repeal
 459 through reenactment by the Legislature.

460 Section 7. Subsection (4) of section 627.659, Florida
 461 Statutes, is amended to read:

462 627.659 Blanket health insurance; eligible groups.—Blanket
 463 health insurance is that form of health insurance which covers
 464 special groups of individuals as enumerated in one of the
 465 following subsections:

466 (4) Under a policy or contract issued in the name of a
 467 volunteer fire department, first aid group, local emergency
 468 management agency as defined in s. 252.34(6), or other group of
 469 first responders as defined in s. 112.1815(1) ~~s. 112.1815~~, which
 470 is deemed the policyholder, covering all or any grouping of the
 471 members or employees of the policyholder or covering all or any
 472 participants in an activity or operation sponsored or supervised
 473 by the policyholder.

474 Section 8. The Legislature determines and declares that
 475 this act fulfills an important state interest.

CS/HB 425

2022

476 | Section 9. This act shall take effect July 1, 2022. |