



576-03290-22

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Agriculture, Environment, and
General Government)

A bill to be entitled

An act relating to posttraumatic stress disorder
workers' compensation for law enforcement and
correctional officers; amending s. 112.1815, F.S.;
defining the term "first responder" for the purposes
of including part-time and auxiliary law enforcement
officers for workers' compensation benefits for
posttraumatic stress disorder and for educational
training related to mental health; creating s.
112.18155, F.S.; defining terms; providing that, under
certain circumstances, posttraumatic stress disorder
suffered by correctional officers and part-time
correctional officers is an occupational disease
compensable by workers' compensation benefits;
specifying the evidentiary standard for demonstrating
such disorder; specifying that benefits do not require
a physical injury and are not subject to certain
apportionment or limitations; providing a time for
notice of injury or death; requiring an employing
agency to provide specified mental health training;
amending ss. 111.09, 119.071, and 627.659, F.S.;
revising cross-references; providing a declaration of
important state interest; providing an effective date.

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



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

29 112.1815 Firefighters, paramedics, emergency medical
30 technicians, and law enforcement officers; special provisions
31 for employment-related accidents and injuries and posttraumatic
32 stress disorder.-

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

40 1. The posttraumatic stress disorder resulted from the
41 first responder acting within the course of his or her
42 employment as provided in s. 440.091; and

43 2. The first responder is examined and subsequently
44 diagnosed with such disorder by a licensed psychiatrist who is
45 an authorized treating physician as provided in chapter 440 due
46 to one of the following events:

47 a. Seeing for oneself a deceased minor;

48 b. Directly witnessing the death of a minor;

49 c. Directly witnessing an injury to a minor who
50 subsequently died before or upon arrival at a hospital emergency
51 department;

52 d. Participating in the physical treatment of an injured
53 minor who subsequently died before or upon arrival at a hospital
54 emergency department;

55 e. Manually transporting an injured minor who subsequently



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56 died before or upon arrival at a hospital emergency department;
57 f. Seeing for oneself a decedent whose death involved
58 grievous bodily harm of a nature that shocks the conscience;
59 g. Directly witnessing a death, including suicide, that
60 involved grievous bodily harm of a nature that shocks the
61 conscience;
62 h. Directly witnessing a homicide regardless of whether the
63 homicide was criminal or excusable, including murder, mass
64 killing as defined in 28 U.S.C. s. 530C, manslaughter, self-
65 defense, misadventure, and negligence;
66 i. Directly witnessing an injury, including an attempted
67 suicide, to a person who subsequently died before or upon
68 arrival at a hospital emergency department if the person was
69 injured by grievous bodily harm of a nature that shocks the
70 conscience;
71 j. Participating in the physical treatment of an injury,
72 including an attempted suicide, to a person who subsequently
73 died before or upon arrival at a hospital emergency department
74 if the person was injured by grievous bodily harm of a nature
75 that shocks the conscience; or
76 k. Manually transporting a person who was injured,
77 including by attempted suicide, and subsequently died before or
78 upon arrival at a hospital emergency department if the person
79 was injured by grievous bodily harm of a nature that shocks the
80 conscience.
81 (b) Such disorder must be demonstrated by clear and
82 convincing medical evidence.
83 (c) Benefits for a first responder under this subsection:
84 1. Do not require a physical injury to the first responder;



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85 and

86 2. Are not subject to:

87 a. Apportionment due to a preexisting posttraumatic stress
88 disorder;

89 b. Any limitation on temporary benefits under s. 440.093;
90 or

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

93 (d) The time for notice of injury or death in cases of
94 compensable posttraumatic stress disorder under this subsection
95 is the same as in s. 440.151(6) and is measured from one of the
96 qualifying events listed in subparagraph (a)2. or the
97 manifestation of the disorder, whichever is later. A claim under
98 this subsection must be properly noticed within 52 weeks after
99 the qualifying event.

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

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

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

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

108 ~~4.3.~~ "Minor" has the same meaning as in s. 1.01(13).

109 (f) The Department of Financial Services shall adopt rules
110 specifying injuries qualifying as grievous bodily harm of a
111 nature that shocks the conscience for the purposes of this
112 subsection.

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



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

120 Section 2. Section 112.18155, Florida Statutes, is created
121 to read:

122 112.18155 Correctional officers and part-time correctional
123 officers; special provisions for posttraumatic stress disorder.-

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

125 (a) "Correctional officer" has the same meaning as in s.
126 943.10(2).

127 (b) "Directly witnessing" has the same meaning as in s.
128 112.1815(5)(e).

129 (c) "Grievous bodily harm of a nature that shocks the
130 conscience" means the following:

131 1. Degloving.

132 2. Enucleation.

133 3. Evisceration.

134 4. Exposure of one or more of the following organs:

135 a. Brain.

136 b. Heart.

137 c. Intestines.

138 d. Kidney.

139 e. Liver.

140 f. Lung.

141 5. Full or partial decapitation.

142 6. Full or partial severance.



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143 7. Impalement.

144 8. Third-degree burns on 9 percent or more of the body.

145
146 This paragraph applies only for the purpose of determining
147 compensability of employment-related posttraumatic stress
148 disorder for correctional officers.

149 (d) "Manually transporting" has the same meaning as in s.
150 112.1815(5) (e) .

151 (e) "Mass killing" means three or more killings in a single
152 incident.

153 (f) "Part-time correctional officer" has the same meaning
154 as in s. 943.10(7) .

155 (2) For purposes of this section and chapter 440, and
156 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
157 disorder, as described in the Diagnostic and Statistical Manual
158 of Mental Disorders, Fifth Edition, published by the American
159 Psychiatric Association, suffered by a correctional officer or
160 part-time correctional officer is a compensable occupational
161 disease within the meaning of s. 440.151 if:

162 (a) The posttraumatic stress disorder resulted from the
163 correctional officer or part-time correctional officer acting
164 within the course of his or her employment; and

165 (b) The correctional officer or part-time correctional
166 officer is:

167 1. Examined by a licensed psychiatrist who is an authorized
168 treating physician as provided in chapter 440; and

169 2. Diagnosed by the psychiatrist described in subparagraph
170 1. as suffering from posttraumatic stress disorder due to one of
171 the following events:



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

174 b. Directly witnessing an injury, including an attempted
175 suicide, to a person who subsequently dies before or upon
176 arrival at a hospital emergency department if the person was
177 injured by grievous bodily harm of a nature that shocks the
178 conscience.

179 c. Participating in the physical treatment of an injury,
180 including an attempted suicide, to a person who subsequently
181 dies before or upon arrival at a hospital emergency department
182 if the person was injured by grievous bodily harm of a nature
183 that shocks the conscience.

184 d. Manually transporting a person who was injured,
185 including by suicide attempt, and subsequently dies before or
186 upon arrival at a hospital emergency department if the person
187 was injured by grievous bodily harm of a nature that shocks the
188 conscience.

189 e. Directly witnessing a death, including a death by
190 suicide, that involved grievous bodily harm of a nature that
191 shocks the conscience.

192 f. Directly witnessing a homicide regardless of whether the
193 homicide was criminal or excusable, including murder, mass
194 killings, manslaughter, self-defense, misadventure, and
195 negligence.

196 g. Seeing for oneself a decedent whose death involved
197 grievous bodily harm of a nature that shocks the conscience.

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

200 (4) Benefits for a correctional officer or part-time



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201 correctional officer under this section:

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

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

205 1. Apportionment due to a preexisting posttraumatic stress
206 disorder.

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

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

210 (5) The time for notice of injury or death in cases of
211 compensable posttraumatic stress disorder under this section is
212 the same as in s. 440.151(6) and is measured from one of the
213 qualifying events listed in paragraph (2)(b) or the
214 manifestation of the disorder, whichever is later. A claim under
215 this section must be properly noticed within 52 weeks after the
216 qualifying event.

217 (6) An employing agency of a correctional officer or part-
218 time correctional officer shall provide educational training
219 related to mental health awareness, prevention, mitigation, and
220 treatment.

221 Section 3. Paragraph (a) of subsection (1) of section
222 111.09, Florida Statutes, is amended to read:

223 111.09 Peer support for first responders.—

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

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

228 Section 4. Paragraph (d) of subsection (3) of section
229 119.071, Florida Statutes, is amended to read:



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230 119.071 General exemptions from inspection or copying of
231 public records.—

232 (3) SECURITY AND FIRESAFETY.—

233 (d)1. Information relating to the Nationwide Public Safety
234 Broadband Network established pursuant to 47 U.S.C. ss. 1401 et
235 seq., held by an agency is confidential and exempt from s.
236 119.07(1) and s. 24(a), Art. I of the State Constitution if
237 release of such information would reveal:

238 a. The design, development, construction, deployment, and
239 operation of network facilities;

240 b. Network coverage, including geographical maps indicating
241 actual or proposed locations of network infrastructure or
242 facilities;

243 c. The features, functions, and capabilities of network
244 infrastructure and facilities;

245 d. The features, functions, and capabilities of network
246 services provided to first responders, as defined in s.
247 112.1815(1) ~~s. 112.1815~~, and other network users;

248 e. The design, features, functions, and capabilities of
249 network devices provided to first responders and other network
250 users; or

251 f. Security, including cybersecurity, of the design,
252 construction, and operation of the network and associated
253 services and products.

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

258 Section 5. Subsection (4) of section 627.659, Florida



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259 Statutes, is amended to read:

260 627.659 Blanket health insurance; eligible groups.—Blanket
261 health insurance is that form of health insurance which covers
262 special groups of individuals as enumerated in one of the
263 following subsections:

264 (4) Under a policy or contract issued in the name of a
265 volunteer fire department, first aid group, local emergency
266 management agency as defined in s. 252.34(6), or other group of
267 first responders as defined in s. 112.1815(1) ~~s. 112.1815~~, which
268 is deemed the policyholder, covering all or any grouping of the
269 members or employees of the policyholder or covering all or any
270 participants in an activity or operation sponsored or supervised
271 by the policyholder.

272 Section 6. The Legislature determines and declares that
273 this act fulfills an important state interest.

274 Section 7. This act shall take effect July 1, 2022.