

By Senator Bradley

5-00715-22

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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.; defining the term "first
6 responder" for the purposes of including part-time and
7 auxiliary law enforcement officers for workers'
8 compensation benefits for posttraumatic stress
9 disorder and for educational training related to
10 mental health; creating ss. 112.18155 and 112.18156,
11 F.S.; defining terms; providing that, under certain
12 circumstances, posttraumatic stress disorder suffered
13 by correctional officers and part-time correctional
14 officers and by correctional probation officers and
15 part-time correctional probation officers,
16 respectively, is an occupational disease compensable
17 by workers' compensation benefits; specifying the
18 evidentiary standard for demonstrating such disorder;
19 specifying that benefits do not require a physical
20 injury and are not subject to certain apportionment or
21 limitations; providing a time for notice of injury or
22 death; requiring the Department of Financial Services
23 to adopt certain rules; requiring an employing agency
24 to provide specified mental health training; amending
25 ss. 111.09, 119.071, and 627.659, F.S.; revising
26 cross-references; providing a declaration of important
27 state interest; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

- a. Seeing for oneself a deceased minor;
- b. Directly witnessing the death of a minor;
- c. Directly witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department;
- d. Participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department;

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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 the
67 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:

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

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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 disorder.-

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

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

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

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

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

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

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

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

149 (b) The correctional officer or part-time correctional
150 officer is:

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

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

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

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

159 c. Receiving a threat to himself or herself or to a loved
160 one which is made by an inmate or a person known to an inmate.

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

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

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

170 g. Killing or seriously injuring an inmate or another
171 correctional officer or part-time correctional officer.

172 h. Directly witnessing an injury, including an injury
173 caused by a suicide attempt, to an inmate or another
174 correctional officer or part-time correctional officer who

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175 subsequently died before or upon arrival at a hospital emergency
176 department or was injured by grievous bodily harm of a nature
177 that shocks the conscience.

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

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

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

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

198 m. Seeing for oneself a decedent whose death involved
199 grievous bodily harm of a nature that shocks the conscience.

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

203 o. Encountering an inmate who was recently sexually

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204 assaulted.

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

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

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

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

212 1. Apportionment due to a preexisting posttraumatic stress
213 disorder.

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

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

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

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

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

232 Section 3. Section 112.18156, Florida Statutes, is created

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233 to read:

234 112.18156 Correctional probation officers and part-time
235 correctional probation officers; special provisions for
236 posttraumatic stress disorder.-

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

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

240 (b) "Directly witnessing" has the same meaning as in s.
241 112.1815(5) (e).

242 (c) "Manually transporting" has the same meaning as in s.
243 112.1815(5) (e).

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

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

248 (f) "Probationer" means a person assigned to a correctional
249 probation officer or part-time correctional probation officer
250 for supervised custody, surveillance, and control. The term
251 includes, but is not limited to, an inmate, a parolee, and a
252 community controllee.

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

256 (2) For purposes of this section and chapter 440, and
257 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
258 disorder, as described in the Diagnostic and Statistical Manual
259 of Mental Disorders, Fifth Edition, published by the American
260 Psychiatric Association, suffered by a correctional probation
261 officer or part-time correctional probation officer is a

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262 compensable occupational disease within the meaning of s.
263 440.151 if:

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

268 (b) The correctional probation officer or part-time
269 correctional probation officer is:

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

272 2. Diagnosed by the psychiatrist described in subparagraph
273 1. as suffering from posttraumatic stress disorder due to one of
274 the following events:

275 a. Being seriously injured or beaten by a probationer or by
276 a person known to a probationer or involved in a probationer-
277 related activity.

278 b. Receiving a threat to himself or herself or to a loved
279 one which is made by a probationer or a person known to a
280 probationer or involved in a probationer-related activity.

281 c. Being taken hostage by a probationer or a person known
282 to a probationer or involved in a probationer-related activity.

283 d. Being trapped in a life-threatening situation as the
284 result of a probationer-related activity.

285 e. Making a life-threatening mistake related to a
286 probationer or another person when trying to stop a probationer-
287 related activity.

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

290 g. Killing or seriously injuring a probationer or another

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291 person as a result of an intervention in a probationer-related
292 activity.

293 h. Directly witnessing an injury, including an injury
294 caused by a suicide attempt, to a probationer, or an injury
295 caused to another person in a probationer-related activity, and
296 the probationer or person subsequently died before or upon
297 arrival at a hospital emergency department or was injured by
298 grievous bodily harm of a nature that shocks the conscience.

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

305 j. Manually transporting a probationer who was injured,
306 including by a suicide attempt, or another person who was
307 injured in a probationer-related activity, and:

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

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

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

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

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320 m. Being assigned excessively high caseloads or high
321 special caseloads, such as caseloads of probationers who
322 recidivate or commit violent crimes.

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

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

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

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

330 1. Apportionment due to a preexisting posttraumatic stress
331 disorder.

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

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

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

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

346 (7) An employing agency of a correctional probation officer
347 or part-time correctional probation officer must provide
348 educational training related to mental health awareness,

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349 prevention, mitigation, and treatment.

350 Section 4. Paragraph (a) of subsection (1) of section
351 111.09, Florida Statutes, is amended to read:

352 111.09 Peer support for first responders.—

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

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

357 Section 5. Paragraph (d) of subsection (3) of section
358 119.071, Florida Statutes, is amended to read:

359 119.071 General exemptions from inspection or copying of
360 public records.—

361 (3) SECURITY AND FIRESAFETY.—

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

367 a. The design, development, construction, deployment, and
368 operation of network facilities;

369 b. Network coverage, including geographical maps indicating
370 actual or proposed locations of network infrastructure or
371 facilities;

372 c. The features, functions, and capabilities of network
373 infrastructure and facilities;

374 d. The features, functions, and capabilities of network
375 services provided to first responders, as defined in s.

376 112.1815(1) ~~s. 112.1815~~, and other network users;

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

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378 network devices provided to first responders and other network
379 users; or

380 f. Security, including cybersecurity, of the design,
381 construction, and operation of the network and associated
382 services and products.

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

387 Section 6. Subsection (4) of section 627.659, Florida
388 Statutes, is amended to read:

389 627.659 Blanket health insurance; eligible groups.—Blanket
390 health insurance is that form of health insurance which covers
391 special groups of individuals as enumerated in one of the
392 following subsections:

393 (4) Under a policy or contract issued in the name of a
394 volunteer fire department, first aid group, local emergency
395 management agency as defined in s. 252.34(6), or other group of
396 first responders as defined in s. 112.1815(1) ~~s. 112.1815~~, which
397 is deemed the policyholder, covering all or any grouping of the
398 members or employees of the policyholder or covering all or any
399 participants in an activity or operation sponsored or supervised
400 by the policyholder.

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

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