

ENROLLED

CS/HB 689, Engrossed 1

2022 Legislature

1
 2 An act relating to workers' compensation benefits for
 3 posttraumatic stress disorder; amending s. 112.1815,
 4 F.S.; providing that the time for specified notice in
 5 certain cases is measured from the time of the
 6 qualifying event or the diagnosis of the disorder,
 7 rather than the manifestation of the disorder,
 8 whichever is later; creating s. 112.18155, F.S.;
 9 providing definitions; providing that posttraumatic
 10 stress disorder suffered by a correctional officer is
 11 a compensable occupational disease under certain
 12 circumstances; providing a standard of proof;
 13 providing requirements for benefits offered to a
 14 correctional officer for posttraumatic stress
 15 disorder; specifying when a claim for posttraumatic
 16 stress disorder must be noticed; requiring certain
 17 employing agencies to provide certain educational
 18 training; requiring the Department of Financial
 19 Services to adopt rules; declaring that the act
 20 fulfills an important state interest; providing
 21 effective dates.

22
 23 Be It Enacted by the Legislature of the State of Florida:

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 25 Section 1. Effective October 1, 2022, paragraph (d) of

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26 subsection (5) of section 112.1815, Florida Statutes, is amended
 27 to read:

28 112.1815 Firefighters, paramedics, emergency medical
 29 technicians, and law enforcement officers; special provisions
 30 for employment-related accidents and injuries.-

31 (5)

32 (d) The time for notice of injury or death in cases of
 33 compensable posttraumatic stress disorder under this subsection
 34 is the same as in s. 440.151(6) and is measured from one of the
 35 qualifying events listed in subparagraph (a)2. or the diagnosis
 36 ~~manifestation~~ of the disorder, whichever is later. A claim under
 37 this subsection must be properly noticed within 52 weeks after
 38 the qualifying event or the diagnosis of the disorder, whichever
 39 is later.

40 Section 2. Section 112.18155, Florida Statutes, is created
 41 to read:

42 112.18155 Correctional officers; special provisions for
 43 posttraumatic stress disorders.-

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

45 (a) "Correctional officer" has the same meaning as in s.
 46 943.10(2).

47 (b) "Directly witnessing" has the same meaning as in s.
 48 112.1815(5)(e).

49 (c) "Manually transporting" has the same meaning as in s.
 50 112.1815(5)(e).

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

53 (2) For purposes of this section and chapter 440, and
 54 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
 55 disorder, as described in the Diagnostic and Statistical Manual
 56 of Mental Disorders, Fifth Edition, published by the American
 57 Psychiatric Association, suffered by a correctional officer is a
 58 compensable occupational disease within the meaning of s.
 59 440.151 if both of the following apply:

60 (a) The posttraumatic stress disorder resulted from the
 61 correctional officer acting within the course of his or her
 62 employment as provided in s. 440.091.

63 (b) The correctional officer is examined and subsequently
 64 diagnosed with such disorder by a licensed psychiatrist who is
 65 an authorized treating physician as provided in chapter 440 due
 66 to one of the following events:

67 1. Being taken hostage by an inmate or trapped in a life-
 68 threatening situation as a result of an inmate's act;

69 2. Directly witnessing a death, including a death due to
 70 suicide, of a person who suffered grievous bodily harm of a
 71 nature that shocks the conscience;

72 3. Directly witnessing an injury, including an attempted
 73 suicide, to a person who subsequently dies before or upon
 74 arrival at a hospital emergency department if the person was
 75 injured by grievous bodily harm of a nature that shocks the

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76 conscience;

77 4. Participating in the physical treatment of an injury,
 78 or manually transporting a person who was injured, including by
 79 attempted suicide, who subsequently dies before or upon arrival
 80 at a hospital emergency department if the person was injured by
 81 grievous bodily harm of a nature that shocks the conscience;

82 5. Directly witnessing a homicide regardless of whether
 83 the homicide was criminal or excusable, including murder, mass
 84 killings, manslaughter, self-defense, misadventure, and
 85 negligence; or

86 6. Seeing for oneself a decedent whose death involved
 87 grievous bodily harm of a nature that shocks the conscience.

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

90 (4) Benefits for a correctional officer under this
 91 section:

92 (a) Do not require a physical injury to the correctional
 93 officer.

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

95 1. Apportionment due to a preexisting posttraumatic stress
 96 disorder.

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

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

100 (5) The time for notice of injury or death in cases of

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101 compensable posttraumatic stress disorder under this section is
102 the same as in s. 440.151(6) and is measured from one of the
103 qualifying events listed in paragraph (2)(b) or the diagnosis of
104 the disorder, whichever is later. A claim under this section
105 must be properly noticed within 52 weeks after the qualifying
106 event or the diagnosis of the disorder, whichever is later.

107 (6) An employing agency of a correctional officer must
108 provide educational training related to mental health awareness,
109 prevention, mitigation, and treatment.

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

114 Section 3. The Legislature determines and declares that
115 this act fulfills an important state interest.

116 Section 4. Except as otherwise expressly provided in this
117 act, this act shall take effect July 1, 2022.