

By Senator Burgess

23-00574A-23

2023352__

1 A bill to be entitled
2 An act relating to workers' compensation benefits for
3 posttraumatic stress disorder; creating s. 112.18156,
4 F.S.; defining terms; providing that posttraumatic
5 stress disorder suffered by a 911 public safety
6 telecommunicator or crime scene investigator is a
7 compensable occupational disease under certain
8 circumstances; specifying the evidentiary standard for
9 demonstrating such disorder; specifying that benefits
10 do not require a physical injury and are not subject
11 to certain apportionment or limitations; specifying
12 when a claim for posttraumatic stress disorder must be
13 noticed; requiring certain employing agencies to
14 provide specified mental health training; requiring
15 the Department of Financial Services to adopt rules;
16 declaring that the act fulfills an important state
17 interest; providing an effective date.

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

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21 Section 1. Section 112.18156, Florida Statutes, is created
22 to read:

23 112.18156 911 public safety telecommunicators and crime
24 scene investigators; special provisions for posttraumatic stress
25 disorders.—

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

27 (a) "911 public safety telecommunicator" has the same
28 meaning as in s. 401.465(1).

29 (b) "Advanced stage of decomposition" means the breaking

23-00574A-23

2023352__

30 down of soft tissue, skin, and hair, as well as muscle and
31 connective tissue.

32 (c) "Crime scene investigator" means a forensic member of a
33 law enforcement agency, government, or civilian crime laboratory
34 whose primary responsibility is to document, identify, collect,
35 or preserve forensic evidence relevant to a law enforcement,
36 death, or natural disaster investigation, and whose primary
37 responsibilities include, but are not limited to, collecting
38 evidence such as fingerprints, footprints, tire tracks, blood
39 and other biological fluids, fibers, and fire debris.

40 (d) "Directly witnessing" means to see or hear for oneself.

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

43 (2) For purposes of this section and chapter 440, and
44 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
45 disorder, as described in the Diagnostic and Statistical Manual
46 of Mental Disorders, Fifth Edition, published by the American
47 Psychiatric Association, suffered by a 911 public safety
48 telecommunicator or crime scene investigator is a compensable
49 occupational disease within the meaning of s. 440.151 if both of
50 the following apply:

51 (a) The posttraumatic stress disorder resulted from the 911
52 public safety telecommunicator or crime scene investigator
53 acting within the course of his or her employment as provided in
54 s. 440.091.

55 (b) The 911 public safety telecommunicator or crime scene
56 investigator is examined and subsequently diagnosed with such
57 disorder by a licensed psychiatrist who is an authorized
58 treating physician as provided in chapter 440, due to one of the

23-00574A-23

2023352__

59 following events:

60 1. Directly witnessing a death, including a death due to
61 suicide, that involved grievous bodily harm of a nature that
62 shocks the conscience;

63 2. Directly witnessing the death of a minor;

64 3. Directly witnessing an injury, including an attempted
65 suicide, to a person who subsequently dies before or upon
66 arrival at a hospital emergency department if the person was
67 injured by grievous bodily harm of a nature that shocks the
68 conscience;

69 4. Directly witnessing an injury to a minor who
70 subsequently dies before or upon arrival at a hospital emergency
71 department;

72 5. Verbally aiding a person seeking public safety
73 assistance in the physical treatment of a minor who subsequently
74 dies before or upon arrival at a hospital emergency department;

75 6. Verbally aiding a person seeking public safety
76 assistance in the physical treatment of a person who
77 subsequently dies during a state of emergency declared by the
78 Governor and the person's death occurs because first responders
79 cannot be dispatched;

80 7. Verbally aiding a person seeking public safety
81 assistance in the physical treatment of an injury, including by
82 attempted suicide, to a person who subsequently dies before or
83 upon arrival at a hospital emergency department if the person
84 was injured by grievous bodily harm of a nature that shocks the
85 conscience;

86 8. Directly witnessing a homicide regardless of whether the
87 homicide was criminal or excusable, including murder, mass

23-00574A-23

2023352__

88 killings, manslaughter, self-defense, misadventure, and
89 negligence;

90 9. Seeing for oneself a deceased minor;

91 10. Seeing for oneself a decedent whose death involved
92 grievous bodily harm of a nature that shocks the conscience; or

93 11. Seeing for oneself a decedent who is in an advanced
94 stage of decomposition.

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

97 (4) Benefits for a 911 public safety telecommunicator or
98 crime scene investigator under this section:

99 (a) Do not require a physical injury to the 911 public
100 safety telecommunicator or crime scene investigator.

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

102 1. Apportionment due to a preexisting posttraumatic stress
103 disorder.

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

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

107 (5) The time for notice of injury or death in cases of
108 compensable posttraumatic stress disorder under this section is
109 the same as in s. 440.151(6) and is measured from one of the
110 qualifying events listed in paragraph (2)(b) or the diagnosis of
111 the disorder, whichever is later. A claim under this section
112 must be properly noticed within 52 weeks after the qualifying
113 event or the diagnosis of the disorder, whichever is later.

114 (6) The employing agency of a 911 public safety
115 telecommunicator or crime scene investigator must provide
116 educational training related to mental health awareness,

23-00574A-23

2023352__

117 prevention, mitigation, and treatment.

118 (7) The Department of Financial Services shall adopt rules
119 specifying injuries qualifying as grievous bodily harm of a
120 nature that shocks the conscience for the purposes of this
121 section.

122 Section 2. The Legislature determines and declares that
123 this act fulfills an important state interest.

124 Section 3. This act shall take effect July 1, 2023.