

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to 911 public safety
3 telecommunicators; amending s. 112.1815, F.S.;
4 revising the definition of the term "first responder"
5 to include 911 public safety telecommunicators, for
6 purposes of applying special provisions relating to
7 employment-related accidents and injuries to 911
8 public safety telecommunicators; amending s. 401.465,
9 F.S.; revising the definition of the term "public
10 safety telecommunication training program," to
11 increase the number of hours of required training and
12 specify the nature of the additional training;
13 amending s. 440.091, F.S.; specifying circumstances
14 under which 911 public safety telecommunicators are
15 considered to be acting within the scope of their
16 employment so as to qualify for workers' compensation
17 benefits; amending s. 111.09, F.S.; conforming a
18 provision to changes made by the act; reenacting s.
19 627.659, F.S., relating to blanket health insurance
20 and eligible groups, to incorporate the amendment made
21 to s. 112.1815, F.S., in a reference thereto;
22 reenacting s. 1003.4933, F.S., relating to 911 public
23 safety telecommunication training programs, to
24 incorporate the amendment made to s. 401.465, F.S., in
25 a reference thereto; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 112.1815, Florida Statutes, is amended

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30 to read:

31 112.1815 Firefighters, paramedics, emergency medical
32 technicians, 911 public safety telecommunicators, and law
33 enforcement officers; special provisions for employment-related
34 accidents and injuries.—

35 (1) The term “first responder” as used in this section
36 means a law enforcement officer as defined in s. 943.10, a
37 firefighter as defined in s. 633.102, ~~or~~ an emergency medical
38 technician or paramedic as defined in s. 401.23, or a 911 public
39 safety telecommunicator as defined in s. 401.465 employed by
40 state or local government. A volunteer law enforcement officer,
41 firefighter, ~~or~~ emergency medical technician or paramedic, or a
42 911 public safety telecommunicator engaged by the state or a
43 local government is also considered a first responder of the
44 state or local government for purposes of this section.

45 (2) (a) For the purpose of determining benefits under this
46 section relating to employment-related accidents and injuries of
47 first responders, the following shall apply:

48 1. An injury or disease caused by the exposure to a toxic
49 substance is not an injury by accident arising out of employment
50 unless there is a preponderance of the evidence establishing
51 that exposure to the specific substance involved, at the levels
52 to which the first responder was exposed, can cause the injury
53 or disease sustained by the employee.

54 2. Any adverse result or complication caused by a smallpox
55 vaccination of a first responder is deemed to be an injury by
56 accident arising out of work performed in the course and scope
57 of employment.

58 3. A mental or nervous injury involving a first responder

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59 and occurring as a manifestation of a compensable injury must be
60 demonstrated by clear and convincing evidence. For a mental or
61 nervous injury arising out of the employment unaccompanied by a
62 physical injury involving a first responder, only medical
63 benefits under s. 440.13 shall be payable for the mental or
64 nervous injury. However, payment of indemnity as provided in s.
65 440.15 may not be made unless a physical injury arising out of
66 injury as a first responder accompanies the mental or nervous
67 injury. Benefits for a first responder are not subject to any
68 limitation on temporary benefits under s. 440.093 or the 1-
69 percent limitation on permanent psychiatric impairment benefits
70 under s. 440.15(3)(c).

71 (b) In cases involving occupational disease, both causation
72 and sufficient exposure to a specific harmful substance shown to
73 be present in the workplace to support causation shall be proven
74 by a preponderance of the evidence.

75 (3) Permanent total supplemental benefits received by a
76 first responder whose employer does not participate in the
77 social security program shall not terminate after the first
78 responder attains the age of 62.

79 (4) For the purposes of this section, the term
80 "occupational disease" means only a disease that arises out of
81 employment as a first responder and is due to causes and
82 conditions that are characteristic of and peculiar to a
83 particular trade, occupation, process, or employment and
84 excludes all ordinary diseases of life to which the general
85 public is exposed, unless the incidence of the disease is
86 substantially higher in the particular trade, occupation,
87 process, or employment than for the general public.

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

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

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

102 a. Seeing for oneself a deceased minor;

103 b. Directly witnessing the death of a minor;

104 c. Directly witnessing an injury to a minor who
105 subsequently died before or upon arrival at a hospital emergency
106 department;

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

110 e. Manually transporting an injured minor who subsequently
111 died before or upon arrival at a hospital emergency department;

112 f. Seeing for oneself a decedent whose death involved
113 grievous bodily harm of a nature that shocks the conscience;

114 g. Directly witnessing a death, including suicide, that
115 involved grievous bodily harm of a nature that shocks the
116 conscience;

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117 h. Directly witnessing a homicide regardless of whether the
118 homicide was criminal or excusable, including murder, mass
119 killing as defined in 28 U.S.C. s. 530C, manslaughter, self-
120 defense, misadventure, and negligence;

121 i. Directly witnessing an injury, including an attempted
122 suicide, to a person who subsequently died before or upon
123 arrival at a hospital emergency department if the person was
124 injured by grievous bodily harm of a nature that shocks the
125 conscience;

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

131 k. Manually transporting a person who was injured,
132 including by attempted suicide, and subsequently died before or
133 upon arrival at a hospital emergency department if the person
134 was injured by grievous bodily harm of a nature that shocks the
135 conscience.

136 (b) Such disorder must be demonstrated by clear and
137 convincing medical evidence.

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

139 1. Do not require a physical injury to the first responder;
140 and

141 2. Are not subject to:

142 a. Apportionment due to a preexisting posttraumatic stress
143 disorder;

144 b. Any limitation on temporary benefits under s. 440.093;
145 or

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

148 (d) The time for notice of injury or death in cases of
149 compensable posttraumatic stress disorder under this subsection
150 is the same as in s. 440.151(6) and is measured from one of the
151 qualifying events listed in subparagraph (a)2. or the diagnosis
152 of the disorder, whichever is later. A claim under this
153 subsection must be properly noticed within 52 weeks after the
154 qualifying event or the diagnosis of the disorder, whichever is
155 later.

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

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

158 2. "Manually transporting" means to perform physical labor
159 to move the body of a wounded person for his or her safety or
160 medical treatment.

161 3. "Minor" has the same meaning as in s. 1.01(13).

162 (f) The Department of Financial Services shall adopt rules
163 specifying injuries qualifying as grievous bodily harm of a
164 nature that shocks the conscience for the purposes of this
165 subsection.

166 (6) An employing agency of a first responder, including
167 volunteer first responders, must provide educational training
168 related to mental health awareness, prevention, mitigation, and
169 treatment.

170 Section 2. Paragraph (d) of subsection (1) of section
171 401.465, Florida Statutes, is amended to read:

172 401.465 911 public safety telecommunicator certification.-

173 (1) DEFINITIONS.—As used in this section, the term:

174 (d) "Public safety telecommunication training program"

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175 means a 911 emergency public safety telecommunication training
176 program that the department determines to be equivalent to the
177 public safety telecommunication training program curriculum
178 framework developed by the Department of Education and consists
179 of at least 238 ~~not less than 232~~ hours, of which at least 6
180 hours are telecommunicator cardiopulmonary resuscitation
181 training.

182 Section 3. Section 440.091, Florida Statutes, is amended to
183 read:

184 440.091 Law enforcement officer, firefighter, emergency
185 medical technician, ~~or paramedic,~~ or 911 public safety
186 telecommunicator; when acting within the course of employment.-

187 (1) If an employee:

188 (a) Is elected, appointed, or employed full time by a
189 municipality, the state, or any political subdivision and is
190 vested with authority to bear arms and make arrests and the
191 employee's primary responsibility is the prevention or detection
192 of crime or the enforcement of the penal, criminal, traffic, or
193 highway laws of the state;

194 (b) Was discharging that primary responsibility within the
195 state in a place and under circumstances reasonably consistent
196 with that primary responsibility; and

197 (c) Was not engaged in services for which he or she was
198 paid by a private employer, and the employee and his or her
199 public employer had no agreement providing for workers'
200 compensation coverage for that private employment;

201
202 the employee is considered to have been acting within the course
203 of employment. The term "employee" as used in this subsection

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204 includes all certified supervisory and command personnel whose
205 duties include, in whole or in part, responsibilities for the
206 supervision, training, guidance, and management of full-time law
207 enforcement officers, part-time law enforcement officers, or
208 auxiliary law enforcement officers but does not include support
209 personnel employed by the employing agency.

210 (2) If a firefighter as defined by s. 112.191(1)(b) is
211 engaged in extinguishing a fire, or protecting and saving life
212 or property due to a fire in this state in an emergency, and
213 such activities would be considered to be within the course of
214 his or her employment as a firefighter and covered by the
215 employer's workers' compensation coverage except for the fact
216 that the firefighter was off duty or that the location of the
217 fire was outside the employer's jurisdiction or area of
218 responsibility, such activities are considered to be within the
219 course of employment. This subsection does not apply if the
220 firefighter is performing activities for which he or she is paid
221 by another employer or contractor.

222 (3) If an emergency medical technician or paramedic is
223 appointed or employed full time by a municipality, the state, or
224 any political subdivision, is certified under chapter 401, is
225 providing basic life support or advanced life support services,
226 as defined in s. 401.23, in an emergency situation in this
227 state, and such activities would be considered to be within the
228 course of his or her employment as an emergency medical
229 technician or paramedic and covered by the employer's workers'
230 compensation coverage except for the fact that the location of
231 the emergency was outside of the employer's jurisdiction or area
232 of responsibility, such activities are considered to be within

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233 the course of employment. ~~The provisions of~~ This subsection does
234 ~~de~~ not apply if the emergency medical technician or paramedic is
235 performing activities for which he or she is paid by another
236 employer or contractor.

237 (4) If a 911 public safety telecommunicator is appointed or
238 employed full time by a municipality, the state, or any
239 political subdivision, is certified under chapter 401, is
240 answering telephone calls and providing dispatch functions for
241 an emergency medical condition or performing telecommunicator
242 cardiopulmonary resuscitation in an emergency situation in this
243 state, and such activities would be considered to be within the
244 course of his or her employment as a 911 public safety
245 telecommunicator and covered by the employer's workers'
246 compensation coverage except for the fact that the location of
247 the emergency was outside of the employer's jurisdiction or area
248 of responsibility, such activities are considered to be within
249 the course of employment. This subsection does not apply if the
250 911 public safety telecommunicator is performing activities for
251 which he or she is paid by another employer or contractor.

252 Section 4. Paragraph (a) of subsection (1) of section
253 111.09, Florida Statutes, is amended to read:

254 111.09 Peer support for first responders.—

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

256 (a) "First responder" has the same meaning as provided in
257 s. 112.1815 ~~and includes 911 public safety telecommunicators as~~
258 ~~defined in s. 401.465.~~

259 Section 5. For the purpose of incorporating the amendment
260 made by this act to section 112.1815, Florida Statutes, in a
261 reference thereto, subsection (4) of section 627.659, Florida

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262 Statutes, is reenacted to read:

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

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

275 Section 6. For the purpose of incorporating the amendment
276 made by this act to section 401.465, Florida Statutes, in a
277 reference thereto, section 1003.4933, Florida Statutes, is
278 reenacted to read:

279 1003.4933 911 public safety telecommunication training
280 programs.—

281 (1) (a) Each district school board is encouraged to
282 establish a public safety telecommunication training program as
283 defined in s. 401.465 in at least one public high school in the
284 district.

285 (b) The district school board may partner with an existing
286 public safety telecommunication training program operated by a
287 law enforcement agency or a Florida College System institution.

288 (2) (a) A school district shall allow a student attending a
289 public high school in the district to enroll in the public
290 safety telecommunication training program at another public high

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291 school in the district unless:

292 1. The student's school offers a public safety
293 telecommunication training program;

294 2. The student does not meet the minimum enrollment
295 qualifications for the public safety telecommunication training
296 program; or

297 3. Scheduling of the student's courses of study does not
298 allow the student to attend the public safety telecommunication
299 training program at another public high school in the district.

300 (b) This subsection does not require a school district to
301 provide transportation for a student to attend the public safety
302 telecommunication training program at another public high school
303 in the district.

304 Section 7. This act shall take effect July 1, 2023.