

By the Committee on Governmental Oversight and Accountability;
and Senator Burgess

585-02590-24

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1 A bill to be entitled
2 An act relating to first responders and crime scene
3 investigators; amending s. 112.1815, F.S.; defining
4 the term "first responder"; amending s. 112.18155,
5 F.S.; authorizing certain diagnoses to be made through
6 telehealth; removing a cross-reference; creating s.
7 112.18156, F.S.; defining terms; providing that
8 posttraumatic stress disorder suffered by a crime
9 scene investigator is a compensable occupational
10 disease under certain circumstances; authorizing
11 certain diagnoses to be made through telehealth;
12 specifying the evidentiary standard for demonstrating
13 such disorder; specifying that benefits do not require
14 a physical injury and are not subject to certain
15 apportionment or limitations; providing requirements
16 for benefits offered to a crime scene investigator for
17 posttraumatic stress disorder; specifying when a claim
18 for posttraumatic stress disorder must be noticed;
19 requiring a crime scene investigator's employing
20 agency to provide specified mental health training;
21 requiring the Department of Financial Services to
22 adopt rules; establishing employer paid contribution
23 rates necessary to fund the retirement system
24 benefits; directing the Division of Law Revision to
25 adjust accordingly the contribution rates otherwise in
26 effect; declaring that the act fulfills an 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. Subsection (1) of section 112.1815, Florida Statutes, is amended to read:

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

(1) ~~The term "first responder"~~ As used in this section, the term "first responder" means any of the following persons who is a full-time paid employee, a part-time paid employee, or an unpaid volunteer:

(a) A law enforcement officer, as defined in s. 943.10(1).
~~s. 943.10,~~

(b) A firefighter, as defined in s. 633.102, ~~or~~

(c) An emergency medical technician or a paramedic, as those terms are defined in s. 401.23.

(d) A correctional officer, as defined in s. 943.10(2).

(e) A 911 public safety telecommunicator, as defined in s. 401.465(1).

(f) A federal law enforcement officer, as defined in s. 901.1505(1) employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Section 2. Subsection (2) of section 112.18155, Florida Statutes, is amended to read:

112.18155 Correctional officers; special provisions for posttraumatic stress disorders.—

(2) For purposes of this section and chapter 440, and

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59 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
60 disorder, as described in the Diagnostic and Statistical Manual
61 of Mental Disorders, Fifth Edition, published by the American
62 Psychiatric Association, suffered by a correctional officer is a
63 compensable occupational disease within the meaning of s.
64 440.151 if both of the following apply:

65 (a) The posttraumatic stress disorder resulted from the
66 correctional officer acting within the course of his or her
67 employment ~~as provided in s. 440.091.~~

68 (b) The correctional officer is examined and subsequently
69 diagnosed with such disorder by a licensed psychiatrist, in
70 person or through telehealth as that term is defined in s.
71 456.47(1), who is an authorized treating physician as provided
72 in chapter 440 due to one of the following events:

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

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

78 3. Directly witnessing an injury, including an attempted
79 suicide, to a person who subsequently dies before or upon
80 arrival at a hospital emergency department if the person was
81 injured by grievous bodily harm of a nature that shocks the
82 conscience;

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

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88 5. Directly witnessing a homicide regardless of whether the
89 homicide was criminal or excusable, including murder, mass
90 killing, manslaughter, self-defense, misadventure, and
91 negligence; or

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

94 Section 3. Section 112.18156, Florida Statutes, is created
95 to read:

96 112.18156 Crime scene investigators; special provisions for
97 posttraumatic stress disorders.-

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

99 (a) "Advanced stage of decomposition" means the breaking
100 down of soft tissue, skin, and hair, as well as muscle and
101 connective tissue.

102 (b) "Crime scene investigator" means a forensic member of a
103 law enforcement agency, government, or civilian crime laboratory
104 whose primary responsibility is to document, identify, collect,
105 or preserve forensic evidence relevant to a law enforcement,
106 death, or natural disaster investigation, and whose primary
107 responsibilities include, but are not limited to, collecting
108 evidence such as fingerprints, footprints, tire tracks, blood
109 and other biological fluids, fibers, and fire debris.

110 (c) "Directly witnessing" means to see or hear for oneself.

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

113 (2) For purposes of this section and chapter 440, and
114 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress
115 disorder, as described in the Diagnostic and Statistical Manual
116 of Mental Disorders, Fifth Edition, published by the American

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117 Psychiatric Association, suffered by a crime scene investigator
118 is a compensable occupational disease within the meaning of s.
119 440.151 if both of the following apply:

120 (a) The posttraumatic stress disorder resulted from the
121 crime scene investigator acting within the course of his or her
122 employment.

123 (b) The crime scene investigator is examined and
124 subsequently diagnosed with such disorder by a licensed
125 psychiatrist, in person or through telehealth as that term is
126 defined in s. 456.47(1), who is an authorized treating physician
127 as provided in chapter 440 due to one of the following events:

128 1. Directly witnessing a death, including a death due to
129 suicide, that involved grievous bodily harm of a nature that
130 shocks the conscience;

131 2. Directly witnessing the death of a minor;

132 3. Directly witnessing an injury, including an attempted
133 suicide, to a person who subsequently dies before or upon
134 arrival at a hospital emergency department if the person was
135 injured by grievous bodily harm of a nature that shocks the
136 conscience;

137 4. Directly witnessing an injury to a minor who
138 subsequently dies before or upon arrival at a hospital emergency
139 department;

140 5. Directly witnessing a homicide regardless of whether the
141 homicide was criminal or excusable, including murder, mass
142 killings, manslaughter, self-defense, misadventure, and
143 negligence;

144 6. Seeing for oneself a deceased minor;

145 7. Seeing for oneself a decedent whose death involved

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146 grievous bodily harm of a nature that shocks the conscience; or

147 8. Seeing for oneself a decedent who is in an advanced
148 stage of decomposition.

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

151 (4) Benefits for a crime scene investigator under this
152 section:

153 (a) Do not require a physical injury to the crime scene
154 investigator.

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

156 1. Apportionment due to a preexisting posttraumatic stress
157 disorder.

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

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

161 (5) The time for notice of injury or death in cases of
162 compensable posttraumatic stress disorder under this section is
163 the same as in s. 440.151(6) and is measured from one of the
164 qualifying events listed in paragraph (2) (b) or the diagnosis of
165 the disorder, whichever is later. A claim under this section
166 must be properly noticed within 52 weeks after the qualifying
167 event or the diagnosis of the disorder, whichever is later.

168 (6) The employing agency of a crime scene investigator must
169 provide educational training related to mental health awareness,
170 prevention, mitigation, and treatment.

171 (7) The Department of Financial Services shall adopt rules
172 specifying injuries qualifying as grievous bodily harm of a
173 nature that shocks the conscience for the purposes of this
174 section.

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175 Section 4. (1) In order to fund the benefit changes
176 provided by this act, the required employer contribution rates
177 for the members of the Florida Retirement System established in
178 s. 121.71(4), Florida Statutes, are increased as follows:

179 (a) By 0.01 percentage point for the Regular Class.

180 (b) By 0.01 percentage point for the Special Risk Class.

181 (c) By 0.01 percentage point for the DROP.

182 (2) The adjustments provided in subsection (1) are in
183 addition to any other changes to such contribution rates which
184 may be enacted into law to take effect on July 1, 2024. The
185 Division of Law Revision is directed to adjust accordingly the
186 contribution rates provided in s. 121.71, Florida Statutes.

187 Section 5. The Legislature determines and declares that
188 this act fulfills an important state interest.

189 Section 6. This act shall take effect July 1, 2024.