

1                                   A bill to be entitled  
 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 an  
 21          effective date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:  
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25           Section 1. Paragraph (d) of subsection (5) of section

26 | 112.1815, Florida Statutes, is amended to read:

27 |       112.1815 Firefighters, paramedics, emergency medical  
28 | technicians, and law enforcement officers; special provisions  
29 | for employment-related accidents and injuries.—

30 |       (5)

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

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

41 |       112.18155 Correctional officers; special provisions for  
42 | posttraumatic stress disorders.—

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

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

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

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

50 |       (d) "Mass killing" means three or more killings in a

51 single incident.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

99 (5) The time for notice of injury or death in cases of  
100 compensable posttraumatic stress disorder under this section is

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

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

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

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

115 Section 4. This act shall take effect July 1, 2022.