

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.

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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

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.—

(5)

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

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

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

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

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

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

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

(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.