

CHAPTER 2022-148

Committee Substitute for House Bill No. 689

An act relating to workers' compensation benefits for posttraumatic stress disorder; amending s. 112.1815, F.S.; providing that the time for specified notice in certain cases is measured from the time of the qualifying event or the diagnosis of the disorder, rather than the manifestation of the disorder, whichever is later; creating s. 112.18155, F.S.; providing definitions; providing that posttraumatic stress disorder suffered by a correctional officer is a compensable occupational disease under certain circumstances; providing a standard of proof; providing requirements for benefits offered to a correctional officer for posttraumatic stress disorder; specifying when a claim for posttraumatic stress disorder must be noticed; requiring certain employing agencies to provide certain educational training; requiring the Department of Financial Services to adopt rules; declaring that the act fulfills an important state interest; providing effective dates.

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

Section 1. Effective October 1, 2022, 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 single incident.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Apportionment due to a preexisting posttraumatic stress disorder.

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

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

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

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

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

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

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2022.

Approved by the Governor May 26, 2022.

Filed in Office Secretary of State May 26, 2022.