A bill to be entitled

An act relating to posttraumatic stress disorder benefits and peer support programs; amending s. 112.1815, F.S.; providing special provisions for posttraumatic stress disorder to part-time and auxiliary law enforcement officers; specifying requirements for certain educational training; defining the term "first responder" to include part-time and auxiliary law enforcement officers under certain circumstances; creating ss. 112.18155, and 112.18156, F.S.; providing definitions; providing special provisions for posttraumatic stress disorder for correctional officers and part-time correctional officers, correctional probation officers and part-time correctional probation officers; requiring the Department of Financial Services to adopt rules; creating s. 111.095, F.S.; providing definitions; prohibiting peer support officers from divulging certain information or testifying about certain communication; providing exceptions; providing construction; amending ss. 111.09, 119.071, and 627.659, F.S.; conforming provisions to changes made by the act; declaring that this act fulfills an important state interest; providing an effective date.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

Section 1. Subsections (5) and (6) of section 112.1815, Florida Statutes, are amended to read:

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

(5)(a) For the purposes of this section and chapter 440, and notwithstanding sub-subparagraph (2)(a)3. and 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 first responder is a compensable occupational disease within the meaning of subsection (4) and s. 440.151 if:

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

2. The first responder 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:~~; and

3. The first responder's personal involvement in one of the following events is documented in a report maintained by the employing agency:

a. Seeing for oneself a deceased minor;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

b. Directly witnessing the death of a minor;

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

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

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

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

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

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

i. Directly witnessing an injury, including an attempted suicide, to a person who subsequently died 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;

j. Participating in the physical treatment of an injury, including an attempted suicide, to a person who subsequently

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

died 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; or

k. Manually transporting a person who was injured, including by attempted suicide, and subsequently died 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.

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

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

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

2. Are not subject to:

a. Apportionment due to a preexisting posttraumatic stress disorder;

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

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

(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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

this subsection must be properly noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later.

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

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

2. "First responder" includes those persons defined in subsection (1) and also includes a part-time law enforcement officer as defined in s. 943.10(6) and an auxiliary law enforcement officer as defined in s. 943.10(8).

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

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

(f) 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 subsection.

(6) An employing agency of a first responder, including volunteer first responders, must provide at least 1 hour annually of educational training related to mental health awareness, prevention, mitigation, and treatment.

(a) The required educational training may be provided in person, in video format, or through other electronic means and must include evidence-based coping strategies to mitigate traumatic stress. The required educational training must also

include, but is not limited to, peer support programs as the term "peer support" is defined in s. 111.09, mental health awareness training provided by a licensed mental health practitioner who specializes in posttraumatic stress disorder, and suicide prevention programs.

(b) As used in this subsection, the term "first responder" includes those persons defined in subsection (1) and also includes a part-time law enforcement officer as defined in s. 943.10(6) and an auxiliary law enforcement officer as defined in s. 943.10(8).

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

112.18155 Correctional officers and part-time 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.

(e) "Part-time correctional officer" has the same meaning

as in s. 943.10(7).

(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 or part-time correctional officer is a compensable occupational disease within the meaning of s. 440.151 if:

(a) The posttraumatic stress disorder resulted from the correctional officer or part-time correctional officer acting within the course of his or her employment;

(b) The correctional officer or part-time 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; and

(c) The correctional officer or part-time correctional officer's personal involvement in one of the following events is documented in a report maintained by the employing agency:

1. Being seriously injured by an inmate in a manner that shocks the conscience.

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

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, 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.

5. Manually transporting a person who was injured, including by suicide attempt, and 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.

6. Directly witnessing a death, including a death by suicide, that involved grievous bodily harm of a nature that shocks the conscience.

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

8. 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 or part-time correctional officer under this section:

(a) Do not require a physical injury to the correctional officer or part-time 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)(c) 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) 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.

(7) An employing agency of a correctional officer, including a part-time correctional officer, must provide at least 1 hour annually of educational training related to mental health awareness, prevention, mitigation, and treatment. The required educational training may be provided in person, in video format, or through other electronic means and must include

evidence-based coping strategies to mitigate traumatic stress. The required educational training must include, but is not limited to, peer support programs as the term "peer support" is defined in s. 111.095, mental health awareness training provided by a licensed mental health practitioner who specializes in posttraumatic stress disorder, and suicide prevention programs.

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

112.18156 Correctional probation officers and part-time correctional probation officers; special provisions for posttraumatic stress disorders.—

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

(a) "Correctional probation officer" has the same meaning as in s. 943.10(3).

(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.

(e) "Part-time correctional probation officer" has the same meaning as in s. 943.10(19).

(f) "Probationer" means a person who is assigned to a correctional probation officer or part-time correctional probation officer for supervised custody, surveillance, and

control. The term includes, but is not limited to, an inmate, a parolee, and a community controllee.

(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 probation officer or part-time correctional probation officer is a compensable occupational disease within the meaning of s. 440.151 if:

(a) The posttraumatic stress disorder resulted from the correctional probation officer or part-time correctional probation officer acting within the course of his or her employment;

(b) The correctional probation officer or part-time correctional probation officer examined and subsequently diagnosed with such disorder by a licensed psychiatrist who is an authorized treating physician as provided in chapter 440; and

(c) The correctional probation officer or part-time correctional probation officer's personal involvement in one of the following events is documented in a report maintained by the employing agency:

1. Being seriously injured by a probationer in a manner that shocks the conscience.

2. Being taken hostage by a probationer or trapped in a

life-threatening situation due to the actions of a probationer.

3. Receiving a credible threat of great bodily harm or death to himself or herself, or to a loved one, that is made by a probationer who has the means to carry out the threat or by a person who is acting on behalf of a probationer and has the means to carry out the threat.

4. Making a life-threatening mistake or not preventing a life-threatening situation that leads to the death or serious bodily injury of a probationer, bystander, correctional probation officer, or law enforcement officer.

5. Directly witnessing an injury or death, including injury or death due to suicide, of a probationer who suffered grievous bodily harm of a nature that shocks the conscience.

6. Participating in the physical treatment of a probationer's injury, including an injury due to attempted suicide, if the probationer dies before or upon arrival at a hospital emergency department and the probationer was injured by grievous bodily harm of a nature that shocks the conscience.

7. Manually transporting a probationer who was injured, including an injury due to attempted suicide, if the probationer dies before or upon arrival at a hospital emergency department and the probationer was injured by grievous bodily harm of a nature that shocks the conscience.

8. Directly witnessing a homicide committed by or against a probationer, regardless of whether the homicide was criminal

CODING: Words stricken are deletions; words underlined are additions.

or excusable, including murder, mass killing, manslaughter, self-defense, misadventure, and negligence.

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

(4) Benefits for a correctional probation officer or part-time correctional probation officer under this section:

(a) Do not require a physical injury to the correctional probation officer or part-time correctional probation 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)(c) 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) 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.

CODING: Words stricken are deletions; words underlined are additions.

(7) An employing agency of a correctional probation officer, including a part-time correctional probation officer, must provide at least 1 hour annually of educational training related to mental health awareness, prevention, mitigation, and treatment. The required educational training may be provided in person, in video format, or through other electronic means and must include evidence-based coping strategies to mitigate traumatic stress. The required educational training must include, but is not limited to, peer support programs as the term "peer support" is defined in s. 111.095, mental health awareness training provided by a licensed mental health practitioner who specializes in posttraumatic stress disorder, and suicide prevention programs.

Section 4. Section 111.095, Florida Statutes, is created to read:

111.095 Peer support for correctional officers and correctional probation officers.—

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

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

(b) "Correctional probation Officer" has the same meaning as in s. 943.10(3).

(c) "Part-time correctional officer" has the same meaning as in s. 943.10(7).

(d) "Part-time correctional probation officer" has the

same meaning as in s. 943.10(19).

(e) "Peer support" means the provision of physical, moral, or emotional support to a full- or part-time correctional officer or correctional probation officer for the purpose of addressing physical or emotional conditions or other issues associated with being a correctional officer or correctional probation officer.

(f) "Peer support communication" means electronic, oral, or written communication, made with a mutual expectation of confidentiality while a peer support officer is providing peer support in his or her official capacity.

(g) "Peer support officer" means a person who:

1. Has experience working as or with a correctional officer or correctional probation officer regarding any physical or emotional conditions or issues associated with the officer's employment.

2. Has been designated by the employing agency to provide peer support as provided in this section and has received training for this purpose.

(2) A peer support officer may not divulge information from or testify about a peer support communication in a civil, criminal, administrative, or disciplinary proceeding, unless:

(a) The correctional officer peer or correctional probation officer peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a

complaint filed by the peer support officer who was a party to the peer support communication, in which case such information may be divulged but is limited to the scope of the proceeding;

(b) The full- or part time correctional officer or correctional probation officer who was a party to the peer support communication agrees, in writing, to allow the peer support officer to testify about or divulge information related to the peer support communications;

(c) Based on the peer support communications, the peer support officer suspects that the full- or part-time correctional officer or correctional probation officer who was a party to the peer support communications has committed a criminal act or intends to commit a criminal act. There is no liability on the part of, and no cause of action of any nature may arise against, the peer support officer for disclosing information under this paragraph; or

(d) There are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the full- or part-time correctional officer or correctional probation officer who was a party to the peer support communication, another person, or society, and the peer support officer communicates the information only to a potential victim and law enforcement or other appropriate authorities. There is no liability on the part of, and no cause of action of any nature may arise against, the peer support officer for

disclosing information under this paragraph.

(3) This section does not limit the disclosure, discovery, or admissibility of information, testimony, or evidence that is obtained by a peer support officer from a source other than a full- or part-time correctional officer or correctional probation officer through a peer support communication.

Section 5. Paragraph (a) of subsection (1) of section 111.09, Florida Statutes, is amended to read:

111.09 Peer support for first responders.—

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

(a) "First responder" has the same meaning as provided in s. 112.1815(5)(e)2. ~~s. 112.1815~~ and includes 911 public safety telecommunicators as defined in s. 401.465.

Section 6. Paragraph (d) of subsection (3) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(3) SECURITY AND FIRESAFETY.—

(d)1. Information relating to the Nationwide Public Safety Broadband Network established pursuant to 47 U.S.C. ss. 1401 et seq., held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if release of such information would reveal:

a. The design, development, construction, deployment, and operation of network facilities;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

b. Network coverage, including geographical maps indicating actual or proposed locations of network infrastructure or facilities;

c. The features, functions, and capabilities of network infrastructure and facilities;

d. The features, functions, and capabilities of network services provided to first responders, as defined in s. 112.1815(1) ~~s. 112.1815~~, and other network users;

e. The design, features, functions, and capabilities of network devices provided to first responders and other network users; or

f. Security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 7. Subsection (4) of section 627.659, Florida Statutes, is amended to read:

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

(4) Under a policy or contract issued in the name of a

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

volunteer fire department, first aid group, local emergency management agency as defined in s. 252.34(6), or other group of first responders as defined in s. 112.1815(1) ~~s. 112.1815~~, which is deemed the policyholder, covering all or any grouping of the members or employees of the policyholder or covering all or any participants in an activity or operation sponsored or supervised by the policyholder.

Section 8. The Legislature determines and declares that this act fulfills an important state interest.

Section 9. This act shall take effect July 1, 2022.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.