



**CYPEN & CYPEN**  
**NEWSLETTER**  
**for**  
**March 8, 2018**  
**(Special Edition)**

Copyright, 1996-2018, all rights reserved  
Stephen H. Cypen, Esq., Founding Editor  
Robert D. Klausner, Esq., Senior Editor

Never Forget September 11, 2001  
and  
Always Remember May 2, 2011

**FLORIDA WORKER'S COMPENSATION BILL**

Florida's legislature passed SB 376 on Tuesday, March 6, 2018. It provides for worker's compensation to cover treatment for post-traumatic stress disorder (PTSD) for first responders. SB 376 revises the standards for determining employment-related PTSD under worker's compensation for first responders, who include employees engaged as law

enforcement officers, firefighters, emergency medical technicians and paramedics. The bill requires an employing agency of a first responder to provide educational training related to mental health awareness, prevention, mitigation and treatment. The bill provides that the Legislature determines and declares that this act fulfills an important state interest. State and local governments may incur additional costs as a result of the implementation of this bill. The National Council on Compensation Insurance estimates the fiscal impact of the bill on Florida's worker's compensation system is approximately 0.2 percent, or about \$7 million. The bill is effective October 1, 2018. The Department of Management Services analysis of SB 376 indicated that version of the bill would expand worker's compensation benefits for first responders to mental and nervous injuries, regardless of a physical injury, and worker's compensation documentation and coverage is considered in determining eligibility for chapters 175 or 185, F.S., in-line-of-duty disability and in-line-of-duty death benefits. For local plans governed by chapters 175 and 185, F.S., total disability includes inability to provide useful and efficient service as a firefighter or police officer. This is a more liberal definition of total disability than the Florida Retirement System (FRS) standard, and will likely result in higher incidence of in-line-of-duty disability and in-line-of-duty death benefit recoveries for chapters 175 and 185, F.S., than in FRS plans. PTSD is a psychiatric disorder that can occur in people who have experienced or witnessed a traumatic event such as the recent Parkland shooting in Broward County, the Pulse shooting in Orlando, a natural disaster, a serious accident, a terrorist act, war, combat, rape or other violent personal assault. A diagnosis of PTSD requires direct or indirect exposure to an upsetting traumatic event. The bill now goes to Governor Scott for his approval or disapproval.