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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2023	.	
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The Committee on Governmental Oversight and Accountability
(Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 112.1815, Florida
Statutes, is amended, and subsection (7) is added to that
section, to read:

112.1815 Firefighters, paramedics, emergency medical
technicians, and law enforcement officers; special provisions



10 for employment-related accidents and injuries.-

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

12 (a) The term "First responder" as used in this section
13 means a law enforcement officer as defined in s. 943.10, a
14 firefighter as defined in s. 633.102, or an emergency medical
15 technician or paramedic as defined in s. 401.23 employed by
16 state or local government. A volunteer law enforcement officer,
17 firefighter, or emergency medical technician or paramedic
18 engaged by the state or a local government is also considered a
19 first responder of the state or local government for purposes of
20 this section.

21 (b) "Licensed counseling" means counseling provided by a
22 licensed mental health professional.

23 (c) "Licensed mental health professional" means a
24 psychiatrist licensed under chapter 458 or chapter 459, a
25 psychologist as defined in s. 490.003, or a licensed
26 practitioner under chapter 491.

27 (7) (a) An employing agency of a first responder, including
28 volunteer first responders, must pay for up to 12 hours of
29 licensed counseling for a first responder who experiences an
30 event listed in subparagraph (5) (a)2. in the course of his or
31 her employment. The licensed counseling may be used only to
32 address an event listed in subparagraph (5) (a)2. The licensed
33 counseling may be in person or through telehealth in accordance
34 with s. 456.47. The licensed counseling is in addition to, and
35 separate from, any benefits already provided by an employer-
36 sponsored health plan or a group health insurance trust fund.

37 (b) If a licensed mental health professional determines
38 that the first responder needs additional hours of licensed



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39 counseling beyond the initial 12 hours and that the additional
40 hours of licensed counseling are likely to improve the first
41 responder's condition, the employing agency of the first
42 responder must pay for up to an additional 24 hours of licensed
43 counseling for the first responder.

44 (c) All hours of licensed counseling authorized under
45 paragraphs (a) or (b) must be completed within 1 year after the
46 first responder's first visit to a licensed mental health
47 professional.

48 (d) The employing agency of the first responder may not
49 require the first responder to use his or her accrued annual or
50 vacation leave, personal leave, or sick leave if the first
51 responder's licensed counseling is scheduled during his or her
52 established work hours.

53 (e) A first responder may select a licensed mental health
54 professional for licensed counseling under this subsection.
55 However, if the licensed mental health professional selected by
56 the first responder declines to provide such counseling, the
57 employing agency of the first responder is not required to
58 secure the counseling services of that licensed mental health
59 professional and must provide a list of other qualified licensed
60 mental health professionals to the first responder.

61 (f) Payment by the employing agency of the first responder
62 for licensed counseling under this subsection may not exceed
63 \$500 per hour and does not create a presumption that the first
64 responder suffered a compensable occupational disease as defined
65 in subsection (4) and s. 440.151(2).

66 (g) Beginning on March 1, 2024, and each March 1
67 thereafter, each employing agency of first responders shall



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68 submit a report to the Chief Financial Officer. The report must
69 contain all of the following:

70 1. The total number of employees, by employment category,
71 who have participated in the program.

72 2. A breakdown for each employment category which includes:

73 a. The average number of visits per employee.

74 b. The average number of months an employee participated in
75 the program.

76 c. The total number of employees who participated in the
77 program and who subsequently filed a workers' compensation
78 claim.

79 d. The total number of employees who have participated in
80 the program and who received additional visits in addition to
81 the 12 hours provided.

82 Section 2. Present paragraphs (b), (c), and (d) of
83 subsection (1) of section 112.18155, Florida Statutes, are
84 redesignated as paragraphs (c), (d), and (e), respectively, a
85 new paragraph (b) is added to that subsection, and subsection
86 (8) is added to that section, to read:

87 112.18155 Correctional officers and correctional probation
88 officers; special provisions for posttraumatic stress
89 disorders.—

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

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

93 (8) (a) An employing agency of a correctional officer or a
94 correctional probation officer must pay for up to 12 hours of
95 licensed counseling for a correctional officer or a correctional
96 probation officer who experiences an event listed in paragraph



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97 (2) (b) in the course of his or her employment. The licensed
98 counseling may be used only to address an event listed in
99 paragraph (2) (b). The licensed counseling may be in person or
100 through telehealth in accordance with s. 456.47. The licensed
101 counseling is in addition to, and separate from, any benefits
102 already provided by an employer-sponsored health plan or a group
103 health insurance trust fund.

104 (b) If a licensed mental health professional determines
105 that the correctional officer or correctional probation officer
106 needs additional hours of licensed counseling beyond the initial
107 12 hours and that the additional hours of licensed counseling
108 are likely to improve the correctional officer's or the
109 correctional probation officer's condition, the employing agency
110 of the correctional officer or the correctional probation
111 officer must pay for up to an additional 24 hours of licensed
112 counseling for the correctional officer or the correctional
113 probation officer.

114 (c) All hours of licensed counseling authorized under
115 paragraphs (a) or (b) must be completed within 1 year after the
116 correctional officer's or the correctional probation officer's
117 first visit to a licensed mental health professional.

118 (d) The employing agency of the correctional officer or the
119 correctional probation officer may not require the correctional
120 officer or the correctional probation officer to use his or her
121 accrued annual or vacation leave, personal leave, or sick leave
122 if the licensed counseling is scheduled during his or her
123 established work hours.

124 (e) A correctional officer or a correctional probation
125 officer may select a licensed mental health professional for



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126 licensed counseling under this subsection. However, if the
127 licensed mental health professional selected by the correctional
128 officer or the correctional probation officer declines to
129 provide such counseling, the employing agency of the
130 correctional officer or the correctional probation officer is
131 not required to secure the counseling services of that licensed
132 mental health professional and must provide a list of other
133 qualified licensed mental health professionals to the
134 correctional officer or correctional probation officer.

135 (f) Payment by the employing agency of the correctional
136 officer or the correctional probation officer for licensed
137 counseling under this subsection may not exceed \$500 per hour
138 and does not create a presumption that the correctional officer
139 or the correctional probation officer suffered a compensable
140 occupational disease as defined in subsection (2) and s.
141 440.151(2).

142 (g) Beginning on March 1, 2024, and each March 1
143 thereafter, each employing agency of correctional officers and
144 correctional probation officers shall submit a report to the
145 Chief Financial Officer. The report must contain all of the
146 following:

147 1. The total number of employees, by employment category,
148 who have participated in the program.

149 2. A breakdown for each employment category which includes:

150 a. The average number of visits per employee.

151 b. The average number of months an employee participated in
152 the program.

153 c. The total number of employees who participated in the
154 program and who subsequently filed a workers' compensation



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155 claim.

156 d. The total number of employees who have participated in
157 the program and who received additional visits in addition to
158 the 12 hours provided.

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

161 Section 4. This act shall take effect July 1, 2023.

162

163 ===== T I T L E A M E N D M E N T =====

164 And the title is amended as follows:

165 Delete everything before the enacting clause

166 and insert:

167

A bill to be entitled

168 An act relating to licensed counseling for first
169 responders, correctional officers, and correctional
170 probation officers; amending s. 112.1815, F.S.;
171 defining terms; requiring an employing agency of a
172 first responder to pay for licensed counseling for
173 certain first responders; specifying that such
174 counseling is limited to addressing specified events;
175 providing that such counseling is in addition to and
176 separate from any benefits provided to the first
177 responder; requiring that such counseling be completed
178 within a specified timeframe; prohibiting the
179 employing agency from requiring the first responder to
180 use specified leave for such counseling under certain
181 circumstances; authorizing a first responder to select
182 a licensed mental health professional and providing
183 requirements for the employing agency related thereto;



184 specifying the maximum amount an employer may pay for
185 such counseling; providing that payment by the
186 employing agency for such counseling does not create a
187 presumption of a compensable occupational disease;
188 requiring employing agencies to submit a specified
189 annual report to the Chief Financial Officer,
190 beginning on a specified date; amending s. 112.18155,
191 F.S.; defining the term "correctional probation
192 officer"; requiring an employing agency of a
193 correctional officer or a correctional probation
194 officer to pay for licensed counseling for such
195 officers under certain circumstances; specifying that
196 such counseling is limited to addressing specified
197 events; providing that such counseling is in addition
198 to and separate from any benefits provided to a
199 correctional officer or a correctional probation
200 officer; requiring that such counseling be completed
201 within a specified timeframe; prohibiting the
202 employing agency from requiring a correctional officer
203 or a correctional probation officer to use specified
204 leave for such counseling under certain circumstances;
205 authorizing a correctional officer or a correctional
206 probation officer to select a licensed mental health
207 professional and providing requirements for the
208 employing agency related thereto; specifying the
209 maximum amount an employer may pay for such
210 counseling; providing that payment by the employing
211 agency for such counseling does not create a
212 presumption of a compensable occupational disease;



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213 requiring employing agencies to submit a specified
214 annual report to the Chief Financial Officer,
215 beginning on a specified date; providing a declaration
216 of important state interest; providing an effective
217 date.