

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to licensed counseling for first
3 responders; amending s. 112.1815, F.S.; requiring an
4 employing agency of a first responder to pay for
5 certain licensed counseling for first responders;
6 requiring such counseling to be completed within a
7 specified timeframe; prohibiting the employing agency
8 from requiring the first responder to use specified
9 leave for such counseling under certain circumstances;
10 authorizing a first responder to select a licensed
11 mental health professional and providing requirements
12 for the employing agency related thereto; providing
13 that payment by the employing agency for such
14 counseling does not create a presumption of a
15 compensable occupational disease; defining terms;
16 providing an effective date.

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

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20 Section 1. Subsection (7) is added to section 112.1815,
21 Florida Statutes, to read:

22 112.1815 Firefighters, paramedics, emergency medical
23 technicians, and law enforcement officers; special provisions
24 for employment-related accidents and injuries.—

25 (7) (a) An employing agency of a first responder, including
26 volunteer first responders, must pay for up to 12 hours of
27 licensed counseling for a first responder who experiences an
28 event listed in subparagraph (5) (a)2. in the course of his or
29 her employment. The licensed counseling may be in person or

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30 through telehealth in accordance with s. 456.47.

31 (b) If a licensed mental health professional determines
32 that the first responder needs additional hours of licensed
33 counseling beyond the initial 12 hours and that the additional
34 hours of licensed counseling are likely to improve the first
35 responder's condition, the employing agency of the first
36 responder must pay for up to an additional 24 hours of licensed
37 counseling for the first responder.

38 (c) All hours of licensed counseling authorized under
39 paragraphs (a) and (b) must be completed within 1 year after the
40 first responder's first visit to a licensed mental health
41 professional.

42 (d) The employing agency of the first responder may not
43 require the first responder to use his or her accrued annual or
44 vacation leave, personal leave, or sick leave if the first
45 responder's licensed counseling is scheduled during his or her
46 established work hours.

47 (e) A first responder may select a licensed mental health
48 professional for licensed counseling under this subsection.
49 However, if the licensed mental health professional selected by
50 the first responder declines to provide such counseling, the
51 employing agency of the first responder is not required to
52 secure the counseling services of that licensed mental health
53 professional and must provide a list of other qualified licensed
54 mental health professionals to the first responder.

55 (f) Payment by the employing agency of the first responder
56 for licensed counseling under this subsection does not create a
57 presumption that the first responder suffered a compensable
58 occupational disease as defined in subsection (4) and s.

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59 440.151(2).

60 (g) As used in this subsection, the term:

61 1. "Licensed counseling" means counseling provided by a
62 licensed mental health professional.

63 2. "Licensed mental health professional" means a
64 psychiatrist licensed under chapter 458 or chapter 459 or a
65 psychologist as defined in s. 490.003.

66 Section 2. This act shall take effect July 1, 2023.