

By the Committee on Governmental Oversight and Accountability;
and Senator Rodriguez

585-02160-23

2023314c1

1 A bill to be entitled
2 An act relating to licensed counseling for first
3 responders, correctional officers, and correctional
4 probation officers; amending s. 112.1815, F.S.;
5 defining terms; requiring an employing agency of a
6 first responder to pay for licensed counseling for
7 certain first responders; specifying that such
8 counseling is limited to addressing specified events;
9 providing that such counseling is in addition to and
10 separate from any benefits provided to the first
11 responder; requiring that such counseling be completed
12 within a specified timeframe; prohibiting the
13 employing agency from requiring the first responder to
14 use specified leave for such counseling under certain
15 circumstances; authorizing a first responder to select
16 a licensed mental health professional and providing
17 requirements for the employing agency related thereto;
18 specifying the maximum amount an employer may pay for
19 such counseling; providing that payment by the
20 employing agency for such counseling does not create a
21 presumption of a compensable occupational disease;
22 requiring employing agencies to submit a specified
23 annual report to the Chief Financial Officer,
24 beginning on a specified date; amending s. 112.18155,
25 F.S.; defining the term "correctional probation
26 officer"; requiring an employing agency of a
27 correctional officer or a correctional probation
28 officer to pay for licensed counseling for such
29 officers under certain circumstances; specifying that

585-02160-23

2023314c1

30 such counseling is limited to addressing specified
31 events; providing that such counseling is in addition
32 to and separate from any benefits provided to a
33 correctional officer or a correctional probation
34 officer; requiring that such counseling be completed
35 within a specified timeframe; prohibiting the
36 employing agency from requiring a correctional officer
37 or a correctional probation officer to use specified
38 leave for such counseling under certain circumstances;
39 authorizing a correctional officer or a correctional
40 probation officer to select a licensed mental health
41 professional and providing requirements for the
42 employing agency related thereto; specifying the
43 maximum amount an employer may pay for such
44 counseling; providing that payment by the employing
45 agency for such counseling does not create a
46 presumption of a compensable occupational disease;
47 requiring employing agencies to submit a specified
48 annual report to the Chief Financial Officer,
49 beginning on a specified date; providing a declaration
50 of important state interest; providing an effective
51 date.

52

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

54

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

58 112.1815 Firefighters, paramedics, emergency medical

585-02160-23

2023314c1

59 technicians, and law enforcement officers; special provisions
60 for employment-related accidents and injuries.—

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

62 (a) ~~The term~~ "First responder" as ~~used in this section~~
63 means a law enforcement officer as defined in s. 943.10, a
64 firefighter as defined in s. 633.102, or an emergency medical
65 technician or paramedic as defined in s. 401.23 employed by
66 state or local government. A volunteer law enforcement officer,
67 firefighter, or emergency medical technician or paramedic
68 engaged by the state or a local government is also considered a
69 first responder of the state or local government for purposes of
70 this section.

71 (b) "Licensed counseling" means counseling provided by a
72 licensed mental health professional.

73 (c) "Licensed mental health professional" means a
74 psychiatrist licensed under chapter 458 or chapter 459, a
75 psychologist as defined in s. 490.003, or a licensed
76 practitioner under chapter 491.

77 (7) (a) An employing agency of a first responder, including
78 volunteer first responders, must pay for up to 12 hours of
79 licensed counseling for a first responder who experiences an
80 event listed in subparagraph (5) (a)2. in the course of his or
81 her employment. The licensed counseling may be used only to
82 address an event listed in subparagraph (5) (a)2. The licensed
83 counseling may be in person or through telehealth in accordance
84 with s. 456.47. The licensed counseling is in addition to, and
85 separate from, any benefits already provided by an employer-
86 sponsored health plan or a group health insurance trust fund.

87 (b) If a licensed mental health professional determines

585-02160-23

2023314c1

88 that the first responder needs additional hours of licensed
89 counseling beyond the initial 12 hours and that the additional
90 hours of licensed counseling are likely to improve the first
91 responder's condition, the employing agency of the first
92 responder must pay for up to an additional 24 hours of licensed
93 counseling for the first responder.

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

98 (d) The employing agency of the first responder may not
99 require the first responder to use his or her accrued annual or
100 vacation leave, personal leave, or sick leave if the first
101 responder's licensed counseling is scheduled during his or her
102 established work hours.

103 (e) A first responder may select a licensed mental health
104 professional for licensed counseling under this subsection.
105 However, if the licensed mental health professional selected by
106 the first responder declines to provide such counseling, the
107 employing agency of the first responder is not required to
108 secure the counseling services of that licensed mental health
109 professional and must provide a list of other qualified licensed
110 mental health professionals to the first responder.

111 (f) Payment by the employing agency of the first responder
112 for licensed counseling under this subsection may not exceed
113 \$500 per hour and does not create a presumption that the first
114 responder suffered a compensable occupational disease as defined
115 in subsection (4) and s. 440.151(2).

116 (g) Beginning on March 1, 2024, and each March 1

585-02160-23

2023314c1

117 thereafter, each employing agency of first responders shall
118 submit a report to the Chief Financial Officer. The report must
119 contain all of the following:

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

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

123 a. The average number of visits per employee.

124 b. The average number of months an employee participated in
125 the program.

126 c. The total number of employees who participated in the
127 program and who subsequently filed a workers' compensation
128 claim.

129 d. The total number of employees who have participated in
130 the program and who received additional visits in addition to
131 the 12 hours provided.

132 Section 2. Present paragraphs (b), (c), and (d) of
133 subsection (1) of section 112.18155, Florida Statutes, are
134 redesignated as paragraphs (c), (d), and (e), respectively, a
135 new paragraph (b) is added to that subsection, and subsection
136 (8) is added to that section, to read:

137 112.18155 Correctional officers and correctional probation
138 officers; special provisions for posttraumatic stress
139 disorders.—

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

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

143 (8) (a) An employing agency of a correctional officer or a
144 correctional probation officer must pay for up to 12 hours of
145 licensed counseling for a correctional officer or a correctional

585-02160-23

2023314c1

146 probation officer who experiences an event listed in paragraph
147 (2)(b) in the course of his or her employment. The licensed
148 counseling may be used only to address an event listed in
149 paragraph (2)(b). The licensed counseling may be in person or
150 through telehealth in accordance with s. 456.47. The licensed
151 counseling is in addition to, and separate from, any benefits
152 already provided by an employer-sponsored health plan or a group
153 health insurance trust fund.

154 (b) If a licensed mental health professional determines
155 that the correctional officer or correctional probation officer
156 needs additional hours of licensed counseling beyond the initial
157 12 hours and that the additional hours of licensed counseling
158 are likely to improve the correctional officer's or the
159 correctional probation officer's condition, the employing agency
160 of the correctional officer or the correctional probation
161 officer must pay for up to an additional 24 hours of licensed
162 counseling for the correctional officer or the correctional
163 probation officer.

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

168 (d) The employing agency of the correctional officer or the
169 correctional probation officer may not require the correctional
170 officer or the correctional probation officer to use his or her
171 accrued annual or vacation leave, personal leave, or sick leave
172 if the licensed counseling is scheduled during his or her
173 established work hours.

174 (e) A correctional officer or a correctional probation

585-02160-23

2023314c1

175 officer may select a licensed mental health professional for
176 licensed counseling under this subsection. However, if the
177 licensed mental health professional selected by the correctional
178 officer or the correctional probation officer declines to
179 provide such counseling, the employing agency of the
180 correctional officer or the correctional probation officer is
181 not required to secure the counseling services of that licensed
182 mental health professional and must provide a list of other
183 qualified licensed mental health professionals to the
184 correctional officer or correctional probation officer.

185 (f) Payment by the employing agency of the correctional
186 officer or the correctional probation officer for licensed
187 counseling under this subsection may not exceed \$500 per hour
188 and does not create a presumption that the correctional officer
189 or the correctional probation officer suffered a compensable
190 occupational disease as defined in subsection (2) and s.
191 440.151(2).

192 (g) Beginning on March 1, 2024, and each March 1
193 thereafter, each employing agency of correctional officers and
194 correctional probation officers shall submit a report to the
195 Chief Financial Officer. The report must contain all of the
196 following:

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

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

200 a. The average number of visits per employee.

201 b. The average number of months an employee participated in
202 the program.

203 c. The total number of employees who participated in the

585-02160-23

2023314c1

204 program and who subsequently filed a workers' compensation
205 claim.

206 d. The total number of employees who have participated in
207 the program and who received additional visits in addition to
208 the 12 hours provided.

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

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