HB 169 2023

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; authorizing a first responder to select a licensed 10 11 mental health professional and providing requirements for the employing agency related thereto; prohibiting 12 13 payment by the employing agency for such counseling 14 from creating a presumption of a compensable occupational disease; providing definitions; providing 15 16 an effective date. Be It Enacted by the Legislature of the State of Florida: 18 19

17

20

21

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

22 23

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

24 25

(7)(a) An employing agency of a first responder, including

Page 1 of 3

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

HB 169 2023

volunteer first responders, must pay for up to 12 hours of licensed counseling for a first responder who experiences an event listed in subparagraph (5) (a) 2. in the course of his or her employment. The licensed counseling may be in person or via telehealth in accordance with s. 456.47.

- (b) If a licensed mental health professional determines that the first responder needs additional hours of licensed counseling beyond the initial 12 hours and that the additional hours of licensed counseling are likely to improve the first responder's condition, the employing agency of the first responder must pay for up to an additional 24 hours of licensed counseling for the first responder.
- (c) All hours of licensed counseling authorized under paragraphs (a) and (b) must be completed within 1 year after the first responder's first visit to a licensed mental health professional.
- (d) The employing agency of the first responder may not require the first responder to use his or her accrued annual or vacation leave, personal leave, or sick leave if the first responder's licensed counseling is scheduled during his or her established work hours.
- (e) A first responder may select a licensed mental health professional for licensed counseling under this subsection.

 However, if the licensed mental health professional selected by the first responder declines to provide such counseling, the

HB 169 2023

employi	ing	age	ncy	of	the	first	res	pond	der	is no	ot r	equire	ed	to
secure	the	e co	unse	elin	g se	rvice	es of	tha	at :	licens	sed :	menta]	l h	<u>nealth</u>
profess	sion	nal	and	mus	t pr	ovide	a l	ist	of	othe	g qu	alifie	ed	licensed
mental	hea	alth	pro	fes	sion	nals t	to th	e fi	irs	t resp	ond	er.		

- (f) Payment by the employing agency of the first responder for licensed counseling under this subsection does not create a presumption that the first responder suffered a compensable occupational disease as defined in subsection (4) and s. 440.151(2).
 - (g) As used in this subsection, the term:

51

52

53

54

55

56

57

58

59

60

6162

63

64

65

66

- 1. "Licensed counseling" means counseling provided by a licensed mental health professional.
- 2. "Licensed mental health professional" means a psychiatrist licensed under chapter 458 or chapter 459 or a psychologist as defined in s. 490.003.
 - Section 2. This act shall take effect July 1, 2023.