

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Willhite offered the following:

2
3 **Substitute Amendment for Amendment (887751) (with title**
4 **amendment)**

5 Remove lines 14-73 and insert:

6 Section 1. Section 111.09, Florida Statutes, is created to
7 read:

8 111.09 Peer support for first responders.-

9 (1) For purposes of this section, the term:

10 (a) "First responder" has the same meaning as provided in
11 s. 112.1815.

12 (b) "First responder peer" means a person who:

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13 1. Is not a health care practitioner as defined in s.
14 456.001.

15 2. Has experience working as or with a first responder
16 regarding any physical or emotional conditions or issues
17 associated with the first responder's employment.

18 3. Has been designated by the first responder's employing
19 agency to provide peer support as provided in this section and
20 has received training for this purpose.

21 (c) "Peer support" means the provision of physical, moral,
22 or emotional support to a first responder by a first responder
23 peer for the purpose of addressing physical or emotional
24 conditions or other issues associated with being a first
25 responder.

26 (d) "Peer support communication" means electronic, oral,
27 or written communication, made with a mutual expectation of
28 confidentiality while a first responder peer is providing peer
29 support in his or her official capacity.

30 (2) A first responder peer may not divulge information
31 from or testify about a peer support communication in a civil,
32 criminal, administrative, or disciplinary proceeding, unless:

33 (a) The first responder peer is a defendant in a civil,
34 criminal, administrative, or disciplinary proceeding arising
35 from a complaint filed by the first responder who was a party to
36 the peer support communication, in which case such information
37 may be divulged but is limited to the scope of the proceeding;

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38 (b) The first responder who was a party to the peer
39 support communication agrees, in writing, to allow the first
40 responder peer to testify about or divulge information related
41 to the peer support communications;

42 (c) Based on the peer support communications, the first
43 responder peer suspects that the first responder who was a party
44 to the peer support communications has committed a criminal act
45 or intends to commit a criminal act. There is no liability on
46 the part of, and no cause of action of any nature may arise
47 against, the first responder peer for disclosing information
48 under this paragraph; or

49 (d) There are articulable facts or circumstances that
50 would lead a reasonable, prudent person to fear for the safety
51 of the first responder who was a party to the peer support
52 communication, another person, or society, and the first
53 responder peer communicates the information only to a potential
54 victim and law enforcement or other appropriate authorities.
55 There is no liability on the part of, and no cause of action of
56 any nature may arise against, the first responder peer for
57 disclosing information under this paragraph.

58 (3) This section does not limit the disclosure, discovery,
59 or admissibility of information, testimony, or evidence that is
60 obtained by a first responder peer from a source other than a
61 first responder through a peer support communication.

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62 Section 2. Subsection (1) of section 112.1815, Florida
63 Statutes, is amended to read:

64 112.1815 Firefighters, paramedics, emergency medical
65 technicians, and law enforcement officers; special provisions
66 for employment-related accidents and injuries.—

67 (1) The term "first responder" as used in this section
68 means a law enforcement officer as defined in s. 943.10, a
69 firefighter as defined in s. 633.102, ~~or~~ an emergency medical
70 technician or paramedic as defined in s. 401.23, or a 911 public
71 safety telecommunicator as defined in s. 401.465 employed by
72 state or local government. A volunteer law enforcement officer,
73 firefighter, or emergency medical technician or paramedic
74 engaged by the state or a local government is also considered a
75 first responder of the state or local government for purposes of
76 this section.

77 Section 3. Section 112.5325, Florida Statutes, is created
78 to read:

79 112.5325 Law enforcement officers' duties.—All certified
80 law enforcement officers in the state have a duty to report any
81 suspected illegal acts of corruption by another law enforcement
82 officer. All law enforcement agencies must implement a policy
83 that provides for the reporting and investigation of such
84 suspected illegal acts. A law enforcement agency must report
85 substantiated findings of a violation of this section to the
86 office of the state attorney in the law enforcement agency's

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87 judicial circuit for review. The failure of a law enforcement
 88 officer to report a suspected illegal act of corruption shall
 89 result in a review by the Criminal Justice Standards and
 90 Training Commission to determine the officer's eligibility to
 91 retain his or her law enforcement certification.

92 Section 4. This act shall take effect July 1, 2020.

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94 **T I T L E A M E N D M E N T**

95 Remove lines 1-10 and insert:

96 A bill to be entitled

97 An act relating to first responders; creating s.
 98 111.09, F.S.; providing definitions; prohibiting
 99 certain persons who participate in peer support
 100 communication with a first responder from testifying
 101 or divulging specified information under certain
 102 circumstances; providing exceptions; prohibiting
 103 liability and a cause of action under certain
 104 circumstances; providing construction; amending s.
 105 112.1815, F.S.; revising the definition of the term
 106 "first responder"; creating s. 112.5325, F.S.;
 107 providing certain reporting requirements for law
 108 enforcement officers; requiring law enforcement
 109 agencies to implement certain policies; requiring a
 110 law enforcement agency to report substantiated
 111 findings of certain violations to the office of the

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112 | state attorney; requiring a certain commission to
113 | investigate whether a law enforcement officer may
114 | retain certification under certain circumstances;
115 | providing an effective date.

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