



625854

LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Perry) recommended the following:

1           **Senate Substitute for Amendment (142354) (with title**  
2 **amendment)**

3  
4           Delete lines 23 - 52

5 and insert:

6           prohibiting a first responder peer from testifying or  
7           divulging specified information under certain  
8           circumstances; providing exceptions; prohibiting  
9           liability and a cause of action under certain  
10          circumstances; providing construction; providing  
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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete lines 4 - 9

15 and insert:

16 (b) "First responder peer" means a person who is not a  
17 health care practitioner and who is a:1. First  
18 responder from the same employing agency as the person  
19 seeking peer support; or2. Civilian designated by the  
20 first responder's employing agency who has received  
21 training in providing physical, moral, or emotional  
22 support to first responders.(c) "Health care  
23 practitioner" has the same meaning as provided in s.  
24 456.001.(d) "Peer support communication" means one or  
25 more oral communications, made with a mutual  
26 expectation of confidentiality, between a first  
27 responder and a first responder peer for the purpose  
28 of discussing physical or emotional conditions or  
29 issues associated with being a first responder and  
30 which may extend for a period of 3 days.(2) A first  
31 responder peer may not divulge a peer support  
32 communication or information obtained from a peer  
33 support communication or testify regarding information  
34 obtained from a peer support communication in any  
35 civil, criminal, administrative, or disciplinary  
36 proceeding, except in the following circumstances:(a)  
37 The first responder peer is a defendant in a civil,  
38 criminal, administrative, or disciplinary proceeding  
39 arising from a complaint filed by the first responder,  
40 in which case such information may be divulged but is



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41 limited to the scope of the proceeding.(b) The first  
42 responder agrees, in writing, to allow the first  
43 responder peer to testify about or divulge information  
44 related to the peer support communications.(c) The  
45 communications by the first responder cause the first  
46 responder peer to suspect that the first responder has  
47 committed a criminal act or intends to commit a  
48 criminal act. There is no liability on the part of,  
49 and no cause of action of any nature may arise  
50 against, the first responder peer for disclosing  
51 information under this paragraph.(d) There are  
52 articulable facts or circumstances that would lead a  
53 reasonable, prudent person to fear for the safety of  
54 the first responder, another person, or society, and  
55 the first responder peer communicates the information  
56 only to the potential victims, appropriate family  
57 members, or a law enforcement agency or other  
58 appropriate authorities. There is no liability on the  
59 part of, and no cause of action of any nature may  
60 arise against, the first responder peer for disclosing  
61 information under this paragraph.(3) This section does  
62 not limit the disclosure, discovery, or admissibility  
63 of information, testimony, or evidence that is  
64 obtained by a first responder peer from a source other  
65 than a peer support communication.