



625854

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
11/14/2019	.	
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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
11



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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.