

By the Committees on Rules; and Judiciary; and Senators Perry and Hooper

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1 A bill to be entitled
2 An act relating to peer-to-peer support for first
3 responders; creating s. 111.09, F.S.; defining terms;
4 prohibiting a first responder peer from testifying or
5 divulging specified information except under certain
6 circumstances; providing that there is no liability on
7 the part of, and no cause of action against, a first
8 responder peer for disclosing certain information;
9 providing that a first responder peer who violates the
10 act is subject to disciplinary action; providing that
11 certain information improperly divulged is
12 inadmissible in criminal, civil, administrative, and
13 disciplinary proceedings; providing construction;
14 providing an effective date.

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

17
18 Section 1. Section 111.09, Florida Statutes, is created to
19 read:

20 111.09 Peer-to-peer support for first responders.-

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

22 (a) "First responder" has the same meaning as provided in
23 s. 112.1815 and includes public safety communications officers,
24 dispatchers, 911 public safety telecommunicators as defined in
25 s. 401.465 whose job duties include providing support or
26 services to first responders, and correctional officers and
27 correctional probation officers as defined in s. 943.10.

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

29 1. Is not a health care practitioner as defined in s.

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30 456.001.

31 2. Has experience working as a first responder regarding
32 any physical or emotional conditions or issues associated with
33 the first responder's employment.

34 (c) "Peer support communication" means one or more oral
35 communications, made with a mutual expectation of
36 confidentiality while the first responder peer is providing peer
37 support in his or her official capacity, between a first
38 responder and a first responder peer for the purpose of
39 discussing physical or emotional conditions or issues associated
40 with being a first responder.

41 (2) A first responder peer may not divulge a peer support
42 communication or testify in any civil, criminal, administrative,
43 or disciplinary proceeding, except when any of the following
44 occur:

45 (a) The first responder peer is a defendant in a civil, a
46 criminal, an administrative, or a disciplinary proceeding
47 arising from a complaint filed by the first responder, in which
48 case such information may be divulged but is limited to the
49 scope of the proceeding.

50 (b) The first responder agrees, in writing, to allow the
51 first responder peer to testify about or divulge information
52 related to the peer-to-peer support.

53 (c) The communications by the first responder cause the
54 first responder peer to suspect that the first responder has
55 committed a criminal act. There is no liability on the part of,
56 and no cause of action of any nature may arise against, a first
57 responder peer for disclosing information under this paragraph.

58 (d) There are articulable facts or circumstances that would

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59 lead a reasonable, prudent person to fear for the safety of the
60 first responder, another person, or society, and the first
61 responder peer communicates the information only to the
62 potential victims, appropriate family members, or law
63 enforcement or other appropriate authorities. There is no
64 liability on the part of, and no cause of action of any nature
65 may arise against, a first responder peer for disclosing
66 information under this paragraph.

67 (3) A first responder peer who divulges information in
68 violation of this section is subject to disciplinary action by
69 the appropriate licensing agency. Information improperly
70 divulged in violation of this section is inadmissible in any
71 criminal, civil, administrative, or disciplinary proceeding.

72 (4) This section does not limit the disclosure, discovery,
73 or admissibility of information, testimony, or evidence that is
74 obtained by a first responder peer from a source other than a
75 peer support communication.

76 Section 2. This act shall take effect July 1, 2020.