

1 A bill to be entitled
 2 An act relating to peer support for first responders;
 3 creating s. 111.09, F.S.; providing definitions;
 4 prohibiting certain persons who participate in peer
 5 support communication with a first responder from
 6 testifying or divulging specified information under
 7 certain circumstances; providing exceptions;
 8 prohibiting liability and a cause of action under
 9 certain circumstances; providing construction;
 10 providing an effective date.

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

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 14 Section 1. Section 111.09, Florida Statutes, is created to
 15 read:

16 111.09 Peer support for first responders.-

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

18 (a) "First responder" has the same meaning as provided in
 19 s. 112.1815 and includes 911 public safety telecommunicators as
 20 defined in s. 401.465.

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

22 1. Is not a health care practitioner as defined in s.
 23 456.001.

24 2. Has experience working as or with a first responder
 25 regarding any physical or emotional conditions or issues

26 associated with the first responder's employment.

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

30 (c) "Peer support" means the provision of physical, moral,
31 or emotional support to a first responder by a first responder
32 peer for the purpose of addressing physical or emotional
33 conditions or other issues associated with being a first
34 responder.

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

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

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

47 (b) The first responder who was a party to the peer
48 support communication agrees, in writing, to allow the first
49 responder peer to testify about or divulge information related
50 to the peer support communications;

51 (c) Based on the peer support communications, the first
52 responder peer suspects that the first responder who was a party
53 to the peer support communications has committed a criminal act
54 or intends to commit a criminal act. There is no liability on
55 the part of, and no cause of action of any nature may arise
56 against, the first responder peer for disclosing information
57 under this paragraph; or

58 (d) There are articulable facts or circumstances that
59 would lead a reasonable, prudent person to fear for the safety
60 of the first responder who was a party to the peer support
61 communication, another person, or society, and the first
62 responder peer communicates the information only to a potential
63 victim and law enforcement or other appropriate authorities.
64 There is no liability on the part of, and no cause of action of
65 any nature may arise against, the first responder peer for
66 disclosing information under this paragraph.

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

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