

By the Committee on Judiciary; and Senators Perry and Hooper

590-01369-20

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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 under certain
6 circumstances; providing exceptions; prohibiting
7 liability and a cause of action under certain
8 circumstances; providing construction; providing an
9 effective date.

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

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

15 111.09 Peer-to-peer support for first responders.-

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

17 (a) "First responder" has the same meaning as provided in
18 s. 112.1815 and includes public safety communications officers,
19 dispatchers, and 911 or other phone system operators whose job
20 duties include providing support or services to first
21 responders.

22 (b) "First responder peer" means a person who is not a
23 health care practitioner and who is a:

24 1. First responder from the same employing agency as the
25 person seeking peer support; or

26 2. Civilian designated by the first responder's employing
27 agency who has received training in providing physical, moral,
28 or emotional support to first responders.

29 (c) "Health care practitioner" has the same meaning as

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30 provided in s. 456.001.

31 (d) "Peer support communication" means one or more oral
32 communications, made with a mutual expectation of
33 confidentiality, between a first responder and a first responder
34 peer for the purpose of discussing physical or emotional
35 conditions or issues associated with being a first responder and
36 which may extend for a period of 3 days.

37 (2) A first responder peer may not divulge a peer support
38 communication or information obtained from a peer support
39 communication or testify regarding information obtained from a
40 peer support communication in any civil, criminal,
41 administrative, or disciplinary proceeding, except in the
42 following circumstances:

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

48 (b) The first responder agrees, in writing, to allow the
49 first responder peer to testify about or divulge information
50 related to the peer support communications.

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

57 (d) There are articulable facts or circumstances that would
58 lead a reasonable, prudent person to fear for the safety of the

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

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

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