

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 public safety communications officers,
 20 dispatchers, and 911 or other phone system operators whose job
 21 duties include providing support or services to first
 22 responders.

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

24 1. Is not a health care practitioner as defined in s.
 25 456.001.

26 2. Has experience working as or with a first responder
27 regarding any physical or emotional conditions or issues
28 associated with the first responder's employment.

29 3. Has been designated by the first responder's employing
30 agency to provide peer support as provided in this section.

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

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

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

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

50 (c) Based on the peer support communications, the first

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

57 (d) There are articulable facts or circumstances that
58 would lead a reasonable, prudent person to fear for the safety
59 of the first responder who was a party to the peer support
60 communication, 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, the first responder peer for disclosing
66 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.