

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1712

INTRODUCER: Senators Collins and Perry

SUBJECT: Peer Support for First Responders

DATE: February 5, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1712 expands the limitation on the disclosure of “peer support communications” to include communications between a correctional officer or correctional probation officer and a first responder peer. This provides the protection for peer support communications to correctional officers and correctional probation officers.

The bill is not expected to have a fiscal impact on state or local governments. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

First Responders

Section 112.1815, F.S., provides that a “first responder” is a law enforcement officer¹ as defined in s. 943.10, F.S., a firefighter² as defined in s. 633.102, F.S., or an emergency medical

¹ Section 943.10(1), F.S., defines “law enforcement officer” as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

² Section 633.102(9), F.S., defines “firefighter” as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. 633.408, F.S.

technician³ or paramedic⁴ as defined in s. 401.23, F.S., employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Peer Support for First Responders

Section 111.09, F.S., provides that the term “peer support” means the provision of physical, moral, or emotional support to a first responder by a first responder peer for the purpose of addressing physical or emotional conditions or other issues associated with being a first responder. Under s. 111.09, F.S., the term “first responder peer” is defined as a person who:

- Is not a health care practitioner as defined in s. 456.001, F.S.
- Has experience working as or with a first responder regarding any physical or emotional conditions or issues associated with the first responder’s employment.
- Has been designated by the first responder’s employing agency to provide peer support as provided in this section and has received training for this purpose.

Peer support is based on the notion that those who have overcome the impact of stressful and traumatic events are uniquely qualified to assist others dealing with similar experiences through increased awareness and vigilance, empathic responses, and personal validation.⁵ Peer support programs can assist individuals facing post-traumatic stress disorder, sleep deprivation, suicide ideations, substance abuse, and depression. Statistics show nearly 30 percent of first responders will develop a behavioral health condition, including but not limited to depression and PTSD, during the course of their career.⁶ The Orlando Firefighters Peer Support Team provides support and wellness to fellow firefighters and their families through the process of listening, providing referrals, and support. None of the members are professional counselors, but they receive extensive training to guide and support individuals through various situations.⁷

Peer Support Communications

Section 111.09, F.S., provides that the term “peer support communication” means electronic, oral, or written communication, made with a mutual expectation of confidentiality while a first responder peer is providing peer support in his or her official capacity. First responder peers are prohibited from divulging information from, or testifying about, a peer support communication in a civil, criminal, administrative, or disciplinary proceeding, unless:

- The first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder who was a party to the peer

³ Section 401.23(12), F.S., defines “emergency medical technician” as a person who is certified by the department to perform basic life support pursuant to this part.

⁴ Section 401.23(18), F.S., defines “paramedic” as a person who is certified by the department to perform basic and advanced life support pursuant to this part.

⁵ Julie Repper and Tim Carter, “A Review of the Literature on Peer Support in Mental Health Services,” *Journal of Mental Health* 20, no. 4 (August 2011): 392-411, <https://pubmed.ncbi.nlm.nih.gov/21770786/> (last visited January 30, 2024).

⁶ Substance Abuse and Mental Health Services Administration, First Responders: Behavioral Health Concerns, Emergency Response, and Trauma (May 2018), <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletin-firstresponders-may2018.pdf> (last visited Jan. 30, 2024).

⁷ Orlando Professional Firefighters Local 1365, Our Team, <https://www.orlandolocal1365.org/peer-support-3/> (last visited Jan. 30, 2024).

support communication, in which case such information may be divulged but is limited to the scope of the proceeding;⁸

- The first responder who was a party to the peer support communication agrees, in writing, to allow the first responder peer to testify about or divulge information related to the peer support communications;⁹
- Based on the peer support communications, the first responder peer suspects that the first responder who was a party to the peer support communications has committed a criminal act or intends to commit a criminal act; or¹⁰
- There are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder who was a party to the peer support communication, another person, or society, and the first responder peer communicates the information only to a potential victim and law enforcement or other appropriate authorities.¹¹

Section 111.09, F.S., does not prevent the disclosure, discovery, or admissibility of information, testimony, or evidence that is obtained by a first responder peer from a source other than a first responder through a peer support communication.

III. Effect of Proposed Changes:

The bill amends s. 111.09, F.S., to expand the definition of “first responder” to include correctional officers and correctional probation officers as defined in s. 943.10, F.S. This expansion affords correctional officers and correctional probation officers the same protection for peer support communications, especially regarding the confidentiality of the communication between a first responder peer and fellow first responder.

The bill will take effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁸ Section 111.09(2)(a), F.S.

⁹ Section 111.09(2)(b), F.S.

¹⁰ Section 111.09(2)(c), F.S.

¹¹ Section 111.09(2)(d), F.S.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is not expected to impact state or local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 111.09 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.