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 86
INTRODUCER:	Senator Burgess
SUBJECT:	Peer Support for First Responders
DATE:	March 3, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Pre-meeting**
2.			AEG	
3.			RC	

I. Summary:

SB 86 amends s. 111.09, F.S., to expand the definition of "first responder" to include support personnel as defined in s. 943.10(11), F.S.[1] Section 111.09. F.S., ensures that first responders receive the necessary emotional and moral support from peers who have relevant experience and training, while also protecting the privacy of these communications.

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 on July 1, 2025.

II. Present Situation:

First Responders

First responders frequently face challenging and traumatic experiences in their daily duties. They routinely witness fatalities, injuries, and suffering that can take a toll on their emotional wellbeing. Critical circumstances surrounding their duties often lead to the onset of conditions such as Post-Traumatic Stress Disorder (PTSD), Secondary PTSD, compression fatigue, and vicarious trauma.[2]

[1] Section 943.10(11), F.S., defines "support personnel" as any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system.

[2] The Effects of Trauma on First Responders, https://www.w-z.com/2024/03/26/the-effects-of-trauma-on-first-responders/ (last visited February 24, 2025).

A "first responder"[3] is a law enforcement officer,[4] a correctional officer,[5] a correctional probation officer,[6] a firefighter,[7] or an emergency medical technician[8] or paramedic,[9] 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

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.[10] 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 post-traumatic stress disorder, during the course of their career.[11]

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

[3] Section 112.1815, F.S.
[4] Section 943.10(1), F.S., defines "law enforcement officer" as any person 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. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.
[5] Section 943.10(2), F.S., defines "correctional officer" as any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.
[6] Section 943.10(3), F.S., defines "correctional probation officer" as any person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.
[7] 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.
[8] 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.
[9] 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.
[10] Journal of Mental Health, *A Review of the Literature on Peer Support in Mental Health Services*, Julie Repper and Tim Carter, (August 2011): 20, no. 4: 392-411, available at https://pubmed.ncbi.nlm.nih.gov/21770786/ (last visited February 24, 2025).
[11] Substance Abuse and Mental Health Services Administration, Disaster Technical Assistance Center Supplemental Research Bulletin, *First Responders: Behavioral Health Concerns, Emergency Response*, and Trauma (May 2018), available at https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletinfirstresponders-may2018.pdf (last visited February 24, 2025).

members are professional counselors, but they receive extensive training to guide and support individuals through various situations.[12]

A first responder's employing agency or affiliated first responder organization may designate a first responder peer[13] for the purpose of providing peer support. "Peer support" [14] means the provision of physical, moral, or emotional support to a first responder[15] by a first responder peer for the purpose of addressing physical or emotional conditions or other issues associated with being a first responder. A "first responder peer"[16] is 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, including active, volunteer, and retired first responders, 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 or affiliated first responder organization to provide peer support as provided in this section and has received training for this purpose.

Peer support is generally confidential. 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 support communication, in which case such information may be divulged but is limited to the scope of the proceeding;[17]
    - 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;[18]
    - 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; or[19]
    - 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

[12] Orlando Professional Firefighters Local 1365, *Our Team*, available at https://www.orlandolocal1365.org/peer-support-3/ (last visited February 24, 2025).
[13] Section 111.09(1)(c), F.S., defines "peer support peer" as a person who is not a health care practitioner as defined in s. 456.001, F.S.; as experience working as or with a first responder, including active, volunteer, and retired first responders, 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 or affiliated first responder organization to provide peer support as provided in this section and has received training for this purpose.
[14] Section 111.09(1)(d), F.S.
[15] Section 111.09(1)(b), F.S., defines "first responder" as having the same meaning as provided in s. 112.1815, F.S. and includes 911 public safety telecommunicators as defined in s. 401.465,F.S., correctional officers as defined in s. 943.10(2), F.S., and correctional probation officers as defined in s. 943.10(3)F.S.
[16] Section 111.09(1)(b), F.S.
[17] Section 111.09(2)(a), F.S.
[18] Section 111.09(2)(b), F.S.
[19] Section 111.09(2)(c), F.S.

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.[20]

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.

Current law provides this confidential peer support communication to first responders, however support personnel is not included in the definition of first responder, and therefore are not entitled to the same peer support. "Support personnel"[21] is any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system.

Support positions may include, but are not limited to forensic technicians, crime scene analysts, victim advocates and crime lab technicians. Support positions process traumatic investigations, including death, child abuse, disasters and mass casualty incidents.[22]

III. Effect of Proposed Changes:

The bill amends s. 111.09, F.S., to expand the definition of "first responder" to include "support personnel" as defined in s. 943.10(11), F.S. Section 111.09. F.S., ensures that first responders receive the necessary emotional and moral support from peers who have relevant experience and training, while also protecting the privacy of these communications.

This expansion affords support personnel 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 takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

[20] Section 111.09(2)(d), F.S.
[21] Section 943.10(11), F.S.
[22] Email from Chase Daniels, Pasco County Sheriff's Office, (February 3, 2025) (on file with the Senate Committee on Criminal Justice).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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 amends the following sections of the Florida Statutes: 111.09

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.