

HB 215

2011

1                                   A bill to be entitled  
 2           An act relating to emergency management; creating s.  
 3           252.515, F.S.; providing a short title; providing immunity  
 4           from civil liability for providers of temporary housing  
 5           and aid to emergency first responders and their immediate  
 6           family members following a declared emergency; providing  
 7           nonapplicability; providing definitions; providing an  
 8           effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1.   Section 252.515, Florida Statutes, is created  
 13   to read:

14           252.515 Postdisaster Relief Assistance Act; immunity from  
 15   civil liability.-

16           (1) This act may be cited as the "Postdisaster Relief  
 17   Assistance Act."

18           (2)(a)1. Any individual, corporation, or other business  
 19   entity within the state, including an individual, corporation,  
 20   or business entity listed in subparagraph 2., who in good faith  
 21   provides temporary housing, food, water, or electricity to  
 22   emergency first responders or the immediate family members of  
 23   emergency first responders during a period of 6 months following  
 24   the declaration of an emergency by the Governor, either in  
 25   direct response to an emergency situation related to and arising  
 26   out of a public health emergency declared pursuant to s.  
 27   381.00315 or a state of emergency declared pursuant to s.  
 28   252.36, may not be held liable for any civil damages as a result

29 of providing the temporary housing, food, water, or electricity  
 30 where the individual, corporation, or business entity acts as an  
 31 ordinary reasonably prudent person would have acted under the  
 32 same or similar circumstances.

33 2. As used in this section, the term:

34 a. "Immediate family member" means any parent, spouse,  
 35 child, or sibling.

36 b. "Individual, corporation, or other business entity  
 37 within the state" includes, but is not limited to, any:

38 (I) Physician licensed under chapter 458.

39 (II) Osteopathic physician licensed under chapter 459.

40 (III) Chiropractic physician licensed under chapter 460.

41 (IV) Podiatric physician licensed under chapter 461.

42 (V) Dentist licensed under chapter 466.

43 (VI) Advanced registered nurse practitioner certified  
 44 under s. 464.012.

45 (VII) Physician assistant licensed under s. 458.347 or s.  
 46 459.022.

47 (VIII) Worker employed by a public or private hospital in  
 48 the state.

49 (IX) Paramedic as defined in s. 401.23(17).

50 (X) Emergency medical technician as defined in s.  
 51 401.23(11).

52 (XI) Firefighter as defined in s. 633.30.

53 (XII) Member of the Florida National Guard.

54 (XIII) Other personnel designated as emergency personnel  
 55 by the Governor pursuant to a declared emergency.

HB 215

2011

56 (b)1. Any entity, employee thereof, or any individual that  
57 annually registers prior to a declared emergency with a county  
58 emergency management agency as a housing provider for emergency  
59 first responders and who in good faith provides housing, food,  
60 water, or electricity for emergency first responders or the  
61 immediate family members of emergency first responders where the  
62 provision of such housing, food, water, or electricity is  
63 necessitated by a sudden or unexpected postemergency situation  
64 or occurrence arising as a result of a declared emergency may  
65 not be held liable for any civil damages as a result of  
66 providing or failing to provide such housing, food, water, or  
67 electricity unless such damages result from providing or failing  
68 to provide such housing, food, water, or electricity under  
69 circumstances demonstrating a reckless disregard for the  
70 consequences of another.

71 2. The immunity provided by this paragraph does not apply  
72 to damages as a result of any act or omission:

73 a. That occurs more than 6 months after the declaration of  
74 an emergency by the Governor, unless the declared state of  
75 emergency is extended by the Governor, in which case the  
76 immunity provided by this paragraph continues to apply for the  
77 duration of the extension; or

78 b. That is unrelated to the original declared emergency or  
79 any extension thereof.

80 3. As used in this paragraph, the term "reckless  
81 disregard" as it applies to an entity, employee thereof, or  
82 individual registered with a county emergency management agency  
83 prior to a declared emergency as a provider of housing for

HB 215

2011

84 emergency first responders and that provides temporary housing,  
85 food, water, or electricity during a postdisaster emergency  
86 situation shall be such conduct that a reasonable person knew or  
87 should have known, at the time such services were provided,  
88 would be likely to result in injury so as to affect the life or  
89 health of another, taking into account the extent or serious  
90 nature of the prevailing circumstances.

91 Section 2. This act shall take effect July 1, 2011.