



966938

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2011	.	
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The Committee on Military Affairs, Space, and Domestic Security (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

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

(2) Any person who gratuitously and in good faith provides temporary housing, food, water, or electricity to emergency



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13 first responders or the immediate family members of emergency
14 first responders in response to an emergency situation related
15 to and arising out of a public health emergency declared
16 pursuant to s. 381.00315 or a state of emergency declared
17 pursuant to s. 252.36, may not be held liable for any civil
18 damages as a result of providing the temporary housing, food,
19 water, or electricity unless the person acts in a manner that
20 demonstrates a reckless disregard for the consequences of
21 another.

22 (3) As used in this section, the term:

23 (a) "Emergency first responder" means:

24 1. A physician licensed under chapter 458.

25 2. An osteopathic physician licensed under chapter 459.

26 3. A chiropractic physician licensed under chapter 460.

27 4. A podiatric physician licensed under chapter 461.

28 5. A dentist licensed under chapter 466.

29 6. An advanced registered nurse practitioner certified
30 under s. 464.012.

31 7. A physician assistant licensed under s. 458.347 or s.
32 459.022.

33 8. A worker employed by a public or private hospital in the
34 state.

35 9. A paramedic as defined in s. 401.23(17).

36 10. An emergency medical technician as defined in s.
37 401.23(11).

38 11. A firefighter as defined in s. 633.30.

39 12. A law enforcement officer as defined in s. 943.10.

40 13. A member of the Florida National Guard.

41 14. Any other personnel designated as emergency personnel



42 by the Governor pursuant to a declared emergency.

43 (b) "Immediate family member" means any parent, spouse,
44 child, or sibling.

45 (4) The immunity provided by this section does not apply to
46 damages as a result of any act or omission:

47 (a) That occurs more than 6 months after the declaration of
48 an emergency by the Governor, unless the declared state of
49 emergency is extended by the Governor, in which case the
50 immunity provided by this section continues to apply for the
51 duration of the extension and 6 months thereafter; or

52 (b) That is unrelated to the original declared emergency or
53 any extension thereof.

54 (5) As used in this section, the term "reckless disregard"
55 means such conduct that a reasonable person knew or should have
56 known at the time such services were provided, would be likely
57 to result in injury so as to affect the life or health of
58 another, taking into account the extent or serious nature of the
59 prevailing circumstances.

60 (6) A person may register with a county emergency
61 management agency as a temporary provider of housing, food,
62 water, or electricity for emergency first responders if the
63 county provides for such registration. A person who has
64 registered with a county emergency management agency as a
65 provider of temporary housing, food, water, or electricity to
66 emergency first responders or the immediate family members of
67 emergency first responders is presumed to have acted in good
68 faith in providing such housing, food, water, or electricity.

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

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71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete everything before the enacting clause

74 and insert:

75 A bill to be entitled

76 An act relating to emergency management; creating s.

77 252.515, F.S.; providing a short title; providing

78 immunity from civil liability for providers of

79 temporary housing and aid to emergency first

80 responders and their immediate family members

81 following a declared emergency; providing definitions;

82 providing nonapplicability; authorizing specified

83 registration with a county emergency management agency

84 as a provider of housing and aid for emergency first

85 responders; providing an effective date.