

By the Committees on Judiciary; and Military Affairs, Space, and Domestic Security; and Senator Bennett

590-03202-11

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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
4 immunity from civil liability for providers of
5 temporary housing and aid to emergency first
6 responders and their immediate family members
7 following a declared emergency; providing definitions;
8 providing nonapplicability; authorizing specified
9 registration with a county emergency management agency
10 as a provider of housing and aid for emergency first
11 responders; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 252.515, Florida Statutes, is created to
16 read:

17 252.515 Postdisaster Relief Assistance Act; immunity from
18 civil liability.-

19 (1) This section may be cited as the "Postdisaster Relief
20 Assistance Act."

21 (2) Any person who gratuitously and in good faith provides
22 temporary housing, food, water, or electricity to emergency
23 first responders or the immediate family members of emergency
24 first responders in response to an emergency situation related
25 to and arising out of a public health emergency declared
26 pursuant to s. 381.00315 or a state of emergency declared
27 pursuant to s. 252.36 may not be held liable for any civil
28 damages as a result of providing the temporary housing, food,
29 water, or electricity unless the person acts in a manner that

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30 demonstrates a reckless disregard for the consequences of
31 another.

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

33 (a) "Emergency first responder" means:

34 1. A physician licensed under chapter 458.

35 2. An osteopathic physician licensed under chapter 459.

36 3. A chiropractic physician licensed under chapter 460.

37 4. A podiatric physician licensed under chapter 461.

38 5. A dentist licensed under chapter 466.

39 6. An advanced registered nurse practitioner certified
40 under s. 464.012.

41 7. A physician assistant licensed under s. 458.347 or s.
42 459.022.

43 8. A worker employed by a public or private hospital in the
44 state.

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

46 10. An emergency medical technician as defined in s.
47 401.23(11).

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

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

50 13. A member of the Florida National Guard.

51 14. Any other personnel designated as emergency personnel
52 by the Governor pursuant to a declared emergency.

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

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

57 (a) That occurs more than 6 months after the declaration of
58 the public health emergency pursuant to s. 381.00315 or state of

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59 emergency pursuant to s. 252.36, unless the emergency is
60 extended as provided in those sections, in which case the
61 immunity provided by this section continues to apply for the
62 duration of the extension and 6 months thereafter; or

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

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

71 (6) A person may register with a county emergency
72 management agency as a temporary provider of housing, food,
73 water, or electricity for emergency first responders if the
74 county provides for such registration. A person who has
75 registered with a county emergency management agency as a
76 provider of temporary housing, food, water, or electricity to
77 emergency first responders or the immediate family members of
78 emergency first responders is presumed to have acted in good
79 faith in providing such housing, food, water, or electricity.

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