

1 A bill to be entitled

2 An act relating to alcohol and drug-related overdoses;  
3 amending s. 893.21, F.S.; prohibiting arresting,  
4 charging, prosecuting, or penalizing under specified  
5 provisions of a person acting in good faith who seeks  
6 medical assistance for an individual experiencing, or  
7 believed to be experiencing, an alcohol or a drug-  
8 related overdose; prohibiting arresting, charging,  
9 prosecuting, or penalizing under specified provisions  
10 of a person who experiences, or has a good faith  
11 belief that he or she is experiencing, an alcohol or a  
12 drug-related overdose; prohibiting a person from being  
13 penalized for a violation of a condition of certain  
14 programs if that person in good faith seeks medical  
15 assistance for an individual experiencing, or believed  
16 to be experiencing, an alcohol or a drug-related  
17 overdose; prohibiting the protection from arrest,  
18 charge, and prosecution for certain offenses from  
19 being grounds for suppression of evidence in other  
20 criminal prosecutions; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Section 893.21, Florida Statutes, is amended to  
25 read:

26           893.21 Alcohol and drug-related overdoses; medical  
 27 assistance; immunity from prosecution.—

28           (1) A person acting in good faith who seeks medical  
 29 assistance for an individual experiencing, or believed to be  
 30 experiencing, an alcohol or a drug-related overdose may not be  
 31 arrested, charged, prosecuted, or penalized pursuant to this  
 32 chapter for a violation of s. 562.111, s. 782.04(1)(a)3., s.  
 33 893.13, s. 893.135, or s. 893.147, possession of a controlled  
 34 substance if the evidence for such offense ~~possession of a~~  
 35 ~~controlled substance~~ was obtained as a result of the person's  
 36 seeking medical assistance.

37           (2) A person who experiences, or has a good faith belief  
 38 that he or she is experiencing, an alcohol or a drug-related  
 39 overdose and is in need of medical assistance may not be  
 40 arrested, charged, prosecuted, or penalized pursuant to this  
 41 chapter for a violation of s. 562.111, s. 893.13, s. 893.135, or  
 42 s. 893.147, possession of a controlled substance if the evidence  
 43 for such offense ~~possession of a controlled substance~~ was  
 44 obtained as a result of the person's seeking ~~the overdose and~~  
 45 ~~the need for~~ medical assistance.

46           (3) A person acting in good faith who seeks medical  
 47 assistance for an individual experiencing, or believed to be  
 48 experiencing, an alcohol or drug-related overdose may not be  
 49 penalized for a violation of a condition of pretrial release,  
 50 probation, or parole as a result of the person's seeking medical

HB 1261

2018

51     assistance.

52             (4)~~(3)~~ Protection in this section from arrest, charge, and  
53 prosecution for an offense listed in this section ~~possession~~  
54 ~~offenses under this chapter~~ may not be grounds for suppression  
55 of evidence in other criminal prosecutions.

56             Section 2. This act shall take effect July 1, 2018.