

By the Committees on Judiciary; and Criminal Justice; and
Senator Brandes

590-02438-18

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1 A bill to be entitled
2 An act relating to alcohol and drug-related overdoses;
3 amending s. 893.21, F.S.; prohibiting the arrest,
4 charging, prosecution, 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 the arrest, charging,
9 prosecution, 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 himself or herself or for an individual
16 experiencing, or believed to be experiencing, an
17 alcohol or a drug-related overdose; prohibiting the
18 protection from arrest, charge, and prosecution for
19 certain offenses from being grounds for suppression of
20 evidence in other criminal prosecutions; providing an
21 effective date.

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

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

27 893.21 Alcohol and drug-related overdoses; medical
28 assistance; immunity from arrest, charge, and prosecution.-

29 (1) A person acting in good faith who seeks medical assistance

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

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

47 (3) A person who is experiencing, or has a good faith
48 belief that he or she is experiencing, an alcohol or a drug-
49 related overdose and receives medical assistance, or a person
50 acting in good faith who seeks medical assistance for an
51 individual experiencing, or believed to be experiencing, an
52 alcohol or a drug-related overdose, may not be penalized for a
53 violation of a condition of pretrial release, probation, or
54 parole if the evidence for such a violation was obtained as a
55 result of the person's seeking medical assistance.

56 (4) ~~(3)~~ Protection in this section from arrest, charge, and
57 prosecution for an offense listed in this section ~~possession~~
58 ~~offenses under this chapter~~ may not be grounds for suppression

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59 of evidence in other criminal prosecutions.

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