

By Senator Brandes

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1 A bill to be entitled
2 An act relating to alcohol or drug overdose
3 prosecutions; creating s. 562.112, F.S.; prohibiting
4 the arrest, charge, prosecution, or penalization under
5 specified provisions of a person acting in good faith
6 who seeks medical assistance for an individual
7 experiencing, or believed to be experiencing, an
8 alcohol-related overdose; providing requirements for
9 that person; prohibiting the arrest, charge,
10 prosecution, or penalization under specified
11 provisions of a person who experiences, or has a good
12 faith belief that he or she is experiencing, an
13 alcohol-related overdose; prohibiting the protection
14 from arrest, charge, prosecution, or penalization for
15 certain offenses from being grounds for suppression of
16 evidence in other criminal prosecutions; amending s.
17 893.21, F.S.; prohibiting the arrest, charge,
18 prosecution, or penalization under specified
19 provisions of a person acting in good faith who seeks
20 medical assistance for an individual experiencing, or
21 believed to be experiencing, a drug-related overdose;
22 prohibiting the arrest, charge, prosecution, or
23 penalization under specified provisions of a person
24 who experiences, or has a good faith belief that he or
25 she is experiencing, a drug-related overdose;
26 prohibiting a person from being penalized for a
27 violation of a condition of certain programs if that
28 person in good faith seeks medical assistance for
29 himself or herself or an individual experiencing, or

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30 believed to be experiencing, a drug-related overdose;
31 prohibiting the protection from arrest, charge,
32 prosecution, or penalization for certain offenses from
33 being grounds for suppression of evidence in other
34 criminal prosecutions; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

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38 Section 1. Section 562.112, Florida Statutes, is created to
39 read:

40 562.112 Alcohol-related overdoses; medical assistance;
41 immunity from arrest, charge, prosecution, and penalization.-

42 (1) A person who gives alcohol to an individual under 21
43 years of age and who, acting in good faith, seeks medical
44 assistance for the individual experiencing, or believed to be
45 experiencing, an alcohol-related overdose may not be arrested,
46 charged, prosecuted, or penalized for a violation of s. 562.11
47 or s. 562.111 if the evidence for such offense was obtained as a
48 result of the person's seeking medical assistance. The person
49 must remain at the scene until emergency medical services
50 personnel arrive and must cooperate with the emergency medical
51 services personnel and law enforcement officers at the scene.

52 (2) A person who experiences, or has a good faith belief
53 that he or she is experiencing, an alcohol-related overdose and
54 is in need of medical assistance may not be arrested, charged,
55 prosecuted, or penalized for a violation of s. 562.111 if the
56 evidence for such offense was obtained as a result of the
57 person's seeking medical assistance.

58 (3) Protection under this section from arrest, charge,

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59 prosecution, or penalization for an offense listed in this
60 section may not be grounds for suppression of evidence in other
61 criminal prosecutions.

62 Section 2. Section 893.21, Florida Statutes, is amended to
63 read:

64 893.21 Drug-related overdoses; medical assistance; immunity
65 from arrest, charge, prosecution, and penalization.—

66 (1) A person acting in good faith who seeks medical
67 assistance for an individual experiencing, or believed to be
68 experiencing, a drug-related overdose may not be arrested,
69 charged, prosecuted, or penalized pursuant to this chapter for a
70 violation of s. 782.04(1)(a)3., s. 893.13, s. 893.135, or s.
71 893.147 possession of a controlled substance if the evidence for
72 such offense possession of a controlled substance was obtained
73 as a result of the person's seeking medical assistance.

74 (2) A person who experiences, or has a good faith belief
75 that he or she is experiencing, a drug-related overdose and is
76 in need of medical assistance may not be arrested, charged,
77 prosecuted, or penalized pursuant to this chapter for a
78 violation of s. 893.13, s. 893.135, or s. 893.147 possession of
79 a controlled substance if the evidence for such offense
80 possession of a controlled substance was obtained as a result of
81 the person's seeking the overdose and the need for medical
82 assistance.

83 (3) A person who experiences, or has a good faith belief
84 that he or she is experiencing, a drug-related overdose and
85 receives medical assistance, or a person acting in good faith
86 who seeks medical assistance for an individual experiencing, or
87 believed to be experiencing, a drug-related overdose, may not be

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88 penalized for a violation of a condition of pretrial release,
89 probation, or parole if the evidence for such violation was
90 obtained as a result of the person's seeking medical assistance.

91 (4)(3) Protection under ~~in~~ this section from arrest,
92 charge, prosecution, or penalization for an offense listed in
93 this section ~~possession offenses under this chapter~~ may not be
94 grounds for suppression of evidence in other criminal
95 prosecutions.

96 Section 3. This act shall take effect July 1, 2019.