

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 or a drug-related overdose; providing  
9           requirements for that person; prohibiting the arrest,  
10          charge, 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 or a drug-related overdose;  
14          prohibiting the protection from arrest, charge,  
15          prosecution, or penalization for certain offenses from  
16          being grounds for suppression of evidence in other  
17          criminal prosecutions; amending s. 893.21, F.S.;  
18          prohibiting the arrest, charging, prosecution, or  
19          penalizing under specified provisions of law of a  
20          person acting in good faith who seeks medical  
21          assistance for an individual experiencing, or believed  
22          to be experiencing, an alcohol-related or a drug-  
23          related overdose; prohibiting the arrest, charging,  
24          prosecution, or penalizing under specified provisions  
25          of a person who experiences, or has a good faith

26 | belief that he or she is experiencing, an alcohol-  
 27 | related or a drug-related overdose; prohibiting a  
 28 | person from being penalized for a violation of a  
 29 | condition of certain programs if that person in good  
 30 | faith seeks medical assistance for himself or herself  
 31 | or an individual experiencing, or believed to be  
 32 | experiencing, an alcohol-related or a drug-related  
 33 | overdose; prohibiting the protection from arrest,  
 34 | charge, and prosecution for certain offenses from  
 35 | being grounds for suppression of evidence in other  
 36 | criminal prosecutions; providing an effective date.

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38 | Be It Enacted by the Legislature of the State of Florida:

39 |

40 | Section 1. Section 562.112, Florida Statutes, is created  
 41 | to read:

42 | 562.112 Alcohol-related or drug-related overdoses; medical  
 43 | assistance; immunity from arrest, charge, prosecution, and  
 44 | penalization.—

45 | (1) A person who gives alcohol to an individual under 21  
 46 | years of age and who, acting in good faith, seeks medical  
 47 | assistance for the individual experiencing, or believed to be  
 48 | experiencing, an alcohol-related or a drug-related overdose may  
 49 | not be arrested, charged, prosecuted, or penalized for a  
 50 | violation of s. 562.11 or s. 562.111 if the evidence for such

51 offense was obtained as a result of the person's seeking medical  
52 assistance. The person must remain at the scene until emergency  
53 medical services personnel arrive and must cooperate with the  
54 emergency medical services personnel and law enforcement  
55 officers at the scene.

56 (2) A person who experiences, or has a good faith belief  
57 that he or she is experiencing, an alcohol-related or a drug-  
58 related overdose and is in need of medical assistance may not be  
59 arrested, charged, prosecuted, or penalized for a violation of  
60 s. 562.11 or s. 562.111 if the evidence for such offense was  
61 obtained as a result of the person's seeking medical assistance.

62 (3) Protection under this section from arrest, charge,  
63 prosecution, or penalization for an offense listed in this  
64 section may not be grounds for suppression of evidence in other  
65 criminal prosecutions.

66 Section 2. Section 893.21, Florida Statutes, is amended to  
67 read:

68 893.21 Alcohol-related or drug-related overdoses; medical  
69 assistance; immunity from arrest, charge, prosecution, and  
70 penalization.-

71 (1) A person acting in good faith who seeks medical  
72 assistance for an individual experiencing, or believed to be  
73 experiencing, an alcohol-related or a drug-related overdose may  
74 not be arrested, charged, prosecuted, or penalized pursuant to  
75 this chapter for a violation of s. 893.147(1) or s. 893.13(6),

76 excluding paragraph (c), possession of a controlled substance if  
77 the evidence for such offense ~~possession of a controlled~~  
78 ~~substance~~ was obtained as a result of the person's seeking  
79 medical assistance.

80 (2) A person who experiences, or has a good faith belief  
81 that he or she is experiencing, an alcohol-related or a drug-  
82 related overdose and is in need of medical assistance may not be  
83 arrested, charged, prosecuted, or penalized pursuant to this  
84 ~~chapter~~ for a violation of s. 893.147(1) or s. 893.13(6),  
85 excluding paragraph (c), possession of a controlled substance if  
86 the evidence for such offense ~~possession of a controlled~~  
87 ~~substance~~ was obtained as a result of the person's seeking the  
88 ~~overdose and the need for~~ medical assistance.

89 (3) A person who experiences, or has a good faith belief  
90 that he or she is experiencing, an alcohol-related or a drug-  
91 related overdose and receives medical assistance, or a person  
92 acting in good faith who seeks medical assistance for an  
93 individual experiencing, or believed to be experiencing, an  
94 alcohol-related or a drug-related overdose, may not be penalized  
95 for a violation of a condition of pretrial release, probation,  
96 or parole if the evidence for such violation was obtained as a  
97 result of the person's seeking medical assistance.

98 (4) ~~(3)~~ Protection in this section from arrest, charge,  
99 prosecution, or penalization for an offense listed in this  
100 section ~~possession offenses under this chapter~~ may not be

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101 | grounds for suppression of evidence in other criminal  
102 | prosecutions.

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