

ENROLLED

CS/CS/HB 595

2019 Legislature

1  
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

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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.

37 |  
 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

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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),

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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.