

CS/HB 231

2024

1 A bill to be entitled
2 An act relating to exposures of first responders to
3 fentanyl and fentanyl analogs; creating s. 893.132,
4 F.S.; providing definitions; providing criminal
5 penalties for adults who unlawfully possess specified
6 controlled substances and who expose a first responder
7 to such substances, if the exposure results in an
8 overdose or serious bodily injury; providing an
9 affirmative defense; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 893.132, Florida Statutes, is created
14 to read:

15 893.132 Dangerous fentanyl exposure of first responder
16 resulting in overdose or serious bodily injury.-

17 (1) For purposes of this section, the term:

18 (a) "Dangerous fentanyl or fentanyl analogues" means any
19 controlled substance described in s. 893.135(1) (c) 4.a.(I)-(VII).

20 (b) "Expose or exposure" means to cause any of the
21 following, including, but not limited to, ingestion, inhalation,
22 needlestick injury, or absorption through skin or mucous
23 membranes.

24 (c) "First responder" means a law enforcement officer as
25 defined in s. 943.10(1), a correctional officer as defined in s.

26 943.10(2), a correctional probation officer as defined in s.
27 943.10(3), a firefighter as defined in s. 633.102, an emergency
28 medical technician as defined in s. 401.23, or a paramedic as
29 defined in s. 401.23, who is acting in his or her official
30 capacity.

31 (d) "Overdose or serious bodily injury" means drug
32 toxicity or a physical condition that creates a substantial risk
33 of death or substantial loss or impairment of the function of
34 any bodily member or organ.

35 (2) A person 18 years of age or older who, in the course
36 of unlawfully possessing dangerous fentanyl or fentanyl
37 analogues, exposes a first responder to dangerous fentanyl or
38 fentanyl analogues and an overdose or serious bodily injury of
39 the first responder results, commits a felony of the first
40 degree, punishable as provided in s. 775.082, s. 775.083, or s.
41 775.084.

42 (3) It is a defense to a violation of this section that a
43 first responder acted so far outside the scope of ordinary care
44 generally exercised by a member of his or her profession that he
45 or she caused or substantially contributed to the exposure.

46 Section 2. This act shall take effect October 1, 2024.