

By the Committee on Criminal Justice; and Senators Collins and Hooper

591-02405-24

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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, and the exposure results in an
8 overdose or serious bodily injury; providing a
9 defense; providing an effective date.

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

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13 Section 1. Section 893.132, Florida Statutes, is created to
14 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 analogs" 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

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30 capacity.

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

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

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

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