

By the Committee on Fiscal Policy; the Appropriations Committee on Criminal and Civil Justice; the Committee on Criminal Justice; and Senators Collins and Hooper

594-03825-24

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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.; defining terms; providing criminal penalties for
5 adults who, in the course of unlawfully possessing
6 specified controlled substances, recklessly expose a
7 first responder to such substances and an overdose or
8 serious bodily injury of the first responder results;
9 amending s. 893.21, F.S.; prohibiting the arrest,
10 charging, prosecution, or penalizing under specified
11 provisions of law of a person acting in good faith who
12 seeks medical assistance for an individual
13 experiencing, or believed to be experiencing, an
14 alcohol-related or a drug-related overdose;
15 prohibiting the arrest, charging, prosecution, or
16 penalizing under specified provisions of a person who
17 experiences, or has a good faith belief that he or she
18 is experiencing, an alcohol-related or a drug-related
19 overdose; providing an effective date.

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

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23 Section 1. Section 893.132, Florida Statutes, is created to
24 read:

25 893.132 Dangerous fentanyl exposure of first responder
26 resulting in overdose or serious bodily injury.-

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

28 (a) "Dangerous fentanyl or fentanyl analogs" means any
29 controlled substance described in s. 893.135(1)(c)4.a.(I)-(VII).

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30 (b) "Expose" or "exposure" means to cause any of the
31 following, including, but not limited to, ingestion, inhalation,
32 needlestick injury, or absorption through skin or mucous
33 membranes.

34 (c) "First responder" means a law enforcement officer as
35 defined in s. 943.10(1), a correctional officer as defined in s.
36 943.10(2), a correctional probation officer as defined in s.
37 943.10(3), a firefighter as defined in s. 633.102, an emergency
38 medical technician as defined in s. 401.23, or a paramedic as
39 defined in s. 401.23, who is acting in his or her official
40 capacity.

41 (d) "Overdose or serious bodily injury" means drug toxicity
42 or a physical condition that creates a substantial risk of death
43 or substantial loss or impairment of the function of any bodily
44 member or organ.

45 (e) "Recklessly" means a willful or wanton disregard for
46 the safety of other persons.

47 (2) A person 18 years of age or older who, in the course of
48 unlawfully possessing dangerous fentanyl or fentanyl analogs,
49 recklessly exposes a first responder to dangerous fentanyl or
50 fentanyl analogs and an overdose or serious bodily injury of the
51 first responder results, commits a felony of the second degree,
52 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

53 Section 2. Subsections (1) and (2) of section 893.21,
54 Florida Statutes, are amended to read:

55 893.21 Alcohol-related or drug-related overdoses; medical
56 assistance; immunity from arrest, charge, prosecution, and
57 penalization.—

58 (1) A person acting in good faith who seeks medical

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59 assistance for an individual experiencing, or believed to be
60 experiencing, an alcohol-related or a drug-related overdose may
61 not be arrested, charged, prosecuted, or penalized for a
62 violation of s. 893.132; s. 893.147(1)i; or s. 893.13(6),
63 excluding paragraph (c), if the evidence for such offense was
64 obtained as a result of the person's seeking medical assistance.

65 (2) A person who experiences, or has a good faith belief
66 that he or she is experiencing, an alcohol-related or a drug-
67 related overdose and is in need of medical assistance may not be
68 arrested, charged, prosecuted, or penalized for a violation of
69 s. 893.132; s. 893.147(1)i; or s. 893.13(6), excluding paragraph
70 (c), if the evidence for such offense was obtained as a result
71 of the person's seeking medical assistance.

72 Section 3. This act shall take effect October 1, 2024.