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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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

(a) "Dangerous fentanyl or fentanyl analogs" means any



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11 controlled substance described in s. 893.135(1)(c)4.a.(I)-(VII).

12 (b) "Expose" or "exposure" means to cause any of the
13 following, including, but not limited to, ingestion, inhalation,
14 needlestick injury, or absorption through skin or mucous
15 membranes.

16 (c) "First responder" means a law enforcement officer as
17 defined in s. 943.10(1), a correctional officer as defined in s.
18 943.10(2), a correctional probation officer as defined in s.
19 943.10(3), a firefighter as defined in s. 633.102, an emergency
20 medical technician as defined in s. 401.23, or a paramedic as
21 defined in s. 401.23, who is acting in his or her official
22 capacity.

23 (d) "Overdose or serious bodily injury" means drug toxicity
24 or a physical condition that creates a substantial risk of death
25 or substantial loss or impairment of the function of any bodily
26 member or organ.

27 (2) A person 18 years of age or older who, in the course of
28 unlawfully possessing dangerous fentanyl or fentanyl analogs,
29 exposes a first responder to dangerous fentanyl or fentanyl
30 analog and an overdose or serious bodily injury of the first
31 responder results, commits a felony of the first degree,
32 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

33 (3) It is an affirmative defense to a violation of this
34 section that a first responder acted so far outside the scope of
35 ordinary care generally exercised by a member of his or her
36 profession that he or she caused or substantially contributed to
37 the exposure.

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

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40 ===== T I T L E A M E N D M E N T =====

41 And the title is amended as follows:

42 Delete everything before the enacting clause

43 and insert:

44 A bill to be entitled

45 An act relating to exposures of first responders to
46 fentanyl and fentanyl analogs; creating s. 893.132,
47 F.S.; providing definitions; providing criminal
48 penalties for adults who unlawfully possess specified
49 controlled substances and who expose a first responder
50 to such substances, and the exposure results in an
51 overdose or serious bodily injury; providing an
52 affirmative defense; providing an effective date.