



720072

LEGISLATIVE ACTION

Senate

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House

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

**Senate Amendment (with title amendment)**

Delete lines 35 - 45

and insert:

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

(2) A person 18 years of age or older who, in the course of  
unlawfully possessing dangerous fentanyl or fentanyl analogs,  
recklessly exposes a first responder to dangerous fentanyl or  
fentanyl analogs and an overdose or serious bodily injury of the



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11 first responder results, commits a felony of the second degree,  
12 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

13 (3) It is a defense to a violation of this section that a  
14 first responder acted outside the scope of ordinary care  
15 generally exercised by a member of his or her profession, and in  
16 doing so, caused or substantially contributed to his or her  
17 exposure.

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

20 893.21 Alcohol-related or drug-related overdoses; medical  
21 assistance; immunity from arrest, charge, prosecution, and  
22 penalization.—

23 (1) A person acting in good faith who seeks medical  
24 assistance for an individual experiencing, or believed to be  
25 experiencing, an alcohol-related or a drug-related overdose may  
26 not be arrested, charged, prosecuted, or penalized for a  
27 violation of s. 893.132, s. 893.147(1) or s. 893.13(6),  
28 excluding paragraph (c), if the evidence for such offense was  
29 obtained as a result of the person's seeking medical assistance.

30 (2) A person who experiences, or has a good faith belief  
31 that he or she is experiencing, an alcohol-related or a drug-  
32 related overdose and is in need of medical assistance may not be  
33 arrested, charged, prosecuted, or penalized for a violation of  
34 s. 893.132, s. 893.147(1) or s. 893.13(6), excluding paragraph  
35 (c), if the evidence for such offense was obtained as a result  
36 of the person's seeking medical assistance.

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



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40 And the title is amended as follows:

41 Delete lines 6 - 9

42 and insert:

43 controlled substances and who recklessly expose a  
44 first responder to such substances, and the exposure  
45 results in an overdose or serious bodily injury;  
46 providing a defense; amending s. 893.21; providing  
47 applicability; providing an effective date.