

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

604-03272-24

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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 providing a defense; amending s. 893.21, F.S.;

10 prohibiting the arrest, charging, prosecution, or  
11 penalizing under specified provisions of law of a  
12 person acting in good faith who seeks medical  
13 assistance for an individual experiencing, or believed  
14 to be experiencing, an alcohol-related or a drug-  
15 related overdose; prohibiting the arrest, charging,  
16 prosecution, or penalizing under specified provisions  
17 of a person who experiences, or has a good faith  
18 belief that he or she is experiencing, an alcohol-  
19 related or a drug-related overdose; providing an  
20 effective date.

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

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

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

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

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

604-03272-24

2024718c2

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

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

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

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

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

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

54 (3) It is a defense to a violation of this section that a  
55 first responder acted outside the scope of ordinary care  
56 generally exercised by a member of his or her profession, and in  
57 doing so, caused or substantially contributed to his or her  
58 exposure.

604-03272-24

2024718c2

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

61 893.21 Alcohol-related or drug-related overdoses; medical  
62 assistance; immunity from arrest, charge, prosecution, and  
63 penalization.—

64 (1) A person acting in good faith who seeks medical  
65 assistance for an individual experiencing, or believed to be  
66 experiencing, an alcohol-related or a drug-related overdose may  
67 not be arrested, charged, prosecuted, or penalized for a  
68 violation of s. 893.132; s. 893.147(1); or s. 893.13(6),  
69 excluding paragraph (c), if the evidence for such offense was  
70 obtained as a result of the person's seeking medical assistance.

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

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