

CHAPTER 2024-68

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 718

An act relating to exposures of first responders to fentanyl and fentanyl analogs; creating s. 893.132, F.S.; defining terms; providing criminal penalties for adults who, in the course of unlawfully possessing specified controlled substances, recklessly expose a first responder to such substances and an overdose or serious bodily injury of the first responder results; amending s. 893.21, F.S.; prohibiting the arrest, charging, prosecution, or penalizing under specified provisions of law of a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose; prohibiting the arrest, charging, prosecution, or penalizing under specified provisions of a person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose; providing an effective date.

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

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

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

(c) “First responder” means a law enforcement officer as defined in s. 943.10(1), a correctional officer as defined in s. 943.10(2), a correctional probation officer as defined in s. 943.10(3), a firefighter as defined in s. 633.102, an emergency medical technician as defined in s. 401.23, or a paramedic as defined in s. 401.23, who is acting in his or her official capacity.

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

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

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

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

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

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

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

Approved by the Governor April 8, 2024.

Filed in Office Secretary of State April 8, 2024.