

By Senator Bennett

21-00688-11

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1                   A bill to be entitled  
2           An act relating to emergency management; creating s.  
3           252.515, F.S.; providing a short title; providing  
4           immunity from civil liability for providers of  
5           temporary housing and aid to emergency first  
6           responders and their immediate family members  
7           following a declared emergency; providing  
8           nonapplicability; providing definitions; providing an  
9           effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Section 252.515, Florida Statutes, is created to  
14 read:

15           252.515 Postdisaster Relief Assistance Act; immunity from  
16 civil liability.—

17           (1) This act may be cited as the "Postdisaster Relief  
18 Assistance Act."

19           (2)(a)1. Any individual, corporation, or other business  
20 entity within the state, including an individual, corporation,  
21 or business entity listed in subparagraph 2., who in good faith  
22 provides temporary housing, food, water, or electricity to  
23 emergency first responders or the immediate family members of  
24 emergency first responders during a period of 6 months following  
25 the declaration of an emergency by the Governor, either in  
26 direct response to an emergency situation related to and arising  
27 out of a public health emergency declared pursuant to s.  
28 381.00315 or a state of emergency declared pursuant to s.  
29 252.36, may not be held liable for any civil damages as a result

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30 of providing the temporary housing, food, water, or electricity  
31 where the individual, corporation, or business entity acts as an  
32 ordinary reasonably prudent person would have acted under the  
33 same or similar circumstances.

34 2. As used in this section, the term:

35 a. "Immediate family member" means any parent, spouse,  
36 child, or sibling.

37 b. "Individual, corporation, or other business entity  
38 within the state" includes, but is not limited to, any:

39 (I) Physician licensed under chapter 458.

40 (II) Osteopathic physician licensed under chapter 459.

41 (III) Chiropractic physician licensed under chapter 460.

42 (IV) Podiatric physician licensed under chapter 461.

43 (V) Dentist licensed under chapter 466.

44 (VI) Advanced registered nurse practitioner certified under  
45 s. 464.012.

46 (VII) Physician assistant licensed under s. 458.347 or s.  
47 459.022.

48 (VIII) Worker employed by a public or private hospital in  
49 the state.

50 (IX) Paramedic as defined in s. 401.23(17).

51 (X) Emergency medical technician as defined in s.  
52 401.23(11).

53 (XI) Firefighter as defined in s. 633.30.

54 (XII) Member of the Florida National Guard.

55 (XIII) Other personnel designated as emergency personnel by  
56 the Governor pursuant to a declared emergency.

57 (b)1. Any entity, employee thereof, or any individual that  
58 annually registers prior to a declared emergency with a county

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59 emergency management agency as a housing provider for emergency  
60 first responders and who in good faith provides housing, food,  
61 water, or electricity for emergency first responders or the  
62 immediate family members of emergency first responders where the  
63 provision of such housing, food, water, or electricity is  
64 necessitated by a sudden or unexpected postemergency situation  
65 or occurrence arising as a result of a declared emergency may  
66 not be held liable for any civil damages as a result of  
67 providing or failing to provide such housing, food, water, or  
68 electricity unless such damages result from providing or failing  
69 to provide such housing, food, water, or electricity under  
70 circumstances demonstrating a reckless disregard for the  
71 consequences of another.

72 2. The immunity provided by this paragraph does not apply  
73 to damages as a result of any act or omission:

74 a. That occurs more than 6 months after the declaration of  
75 an emergency by the Governor, unless the declared state of  
76 emergency is extended by the Governor, in which case the  
77 immunity provided by this paragraph continues to apply for the  
78 duration of the extension; or

79 b. That is unrelated to the original declared emergency or  
80 any extension thereof.

81 3. As used in this paragraph, the term "reckless disregard"  
82 as it applies to an entity, employee thereof, or individual  
83 registered with a county emergency management agency prior to a  
84 declared emergency as a provider of housing for emergency first  
85 responders and that provides temporary housing, food, water, or  
86 electricity during a postdisaster emergency situation shall be  
87 such conduct that a reasonable person knew or should have known,

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88 at the time such services were provided, would be likely to  
89 result in injury so as to affect the life or health of another,  
90 taking into account the extent or serious nature of the  
91 prevailing circumstances.

92 Section 2. This act shall take effect July 1, 2011.