

1                                   A bill to be entitled  
2           An act relating to the Good Samaritan Act;  
3           amending s. 768.13, F.S.; including certain  
4           persons who participate in emergency response  
5           activities under the direction of or in  
6           connection with a community emergency response  
7           team, a local emergency management agency, the  
8           Division of Emergency Management of the  
9           Department of Community Affairs, or the Federal  
10          Emergency Management Agency within the act for  
11          purposes of immunity from civil liability under  
12          certain circumstances; providing an effective  
13          date.

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

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17           Section 1. Subsection (2) of section 768.13, Florida  
18 Statutes, is amended to read:

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20           768.13 Good Samaritan Act; immunity from civil  
21 liability.--

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23           (2)(a) Any person, including those licensed to  
24 practice medicine, who gratuitously and in good faith renders  
25 emergency care or treatment either in direct response to  
26 emergency situations related to and arising out of a public  
27 health emergency declared pursuant to s. 381.00315, a state of  
28 emergency which has been declared pursuant to s. 252.36 or at  
29 the scene of an emergency outside of a hospital, doctor's  
30 office, or other place having proper medical equipment,  
31 without objection of the injured victim or victims thereof,  
shall not be held liable for any civil damages as a result of  
such care or treatment or as a result of any act or failure to

1 act in providing or arranging further medical treatment where  
2 the person acts as an ordinary reasonably prudent person would  
3 have acted under the same or similar circumstances.

4 (b)1. Any health care provider, including a hospital  
5 licensed under chapter 395, providing emergency services  
6 pursuant to obligations imposed by 42 U.S.C. s. 1395dd, s.  
7 395.1041, s. 395.401, or s. 401.45 shall not be held liable  
8 for any civil damages as a result of such medical care or  
9 treatment unless such damages result from providing, or  
10 failing to provide, medical care or treatment under  
11 circumstances demonstrating a reckless disregard for the  
12 consequences so as to affect the life or health of another.

13 2. The immunity provided by this paragraph applies to  
14 damages as a result of any act or omission of providing  
15 medical care or treatment, including diagnosis:

16 a. Which occurs prior to the time the patient is  
17 stabilized and is capable of receiving medical treatment as a  
18 nonemergency patient, unless surgery is required as a result  
19 of the emergency within a reasonable time after the patient is  
20 stabilized, in which case the immunity provided by this  
21 paragraph applies to any act or omission of providing medical  
22 care or treatment which occurs prior to the stabilization of  
23 the patient following the surgery.

24 b. Which is related to the original medical emergency.

25 3. For purposes of this paragraph, "reckless  
26 disregard" as it applies to a given health care provider  
27 rendering emergency medical services shall be such conduct  
28 that a health care provider knew or should have known, at the  
29 time such services were rendered, created an unreasonable risk  
30 of injury so as to affect the life or health of another, and  
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1 such risk was substantially greater than that which is  
2 necessary to make the conduct negligent.

3           4. Every emergency care facility granted immunity  
4 under this paragraph shall accept and treat all emergency care  
5 patients within the operational capacity of such facility  
6 without regard to ability to pay, including patients  
7 transferred from another emergency care facility or other  
8 health care provider pursuant to Pub. L. No. 99-272, s. 9121.  
9 The failure of an emergency care facility to comply with this  
10 subparagraph constitutes grounds for the department to  
11 initiate disciplinary action against the facility pursuant to  
12 chapter 395.

13           (c)1. Any health care practitioner as defined in s.  
14 456.001(4) who is in a hospital attending to a patient of his  
15 or her practice or for business or personal reasons unrelated  
16 to direct patient care, and who voluntarily responds to  
17 provide care or treatment to a patient with whom at that time  
18 the practitioner does not have a then-existing health care  
19 patient-practitioner relationship, and when such care or  
20 treatment is necessitated by a sudden or unexpected situation  
21 or by an occurrence that demands immediate medical attention,  
22 shall not be held liable for any civil damages as a result of  
23 any act or omission relative to that care or treatment, unless  
24 that care or treatment is proven to amount to conduct that is  
25 willful and wanton and would likely result in injury so as to  
26 affect the life or health of another.

27           2. The immunity provided by this paragraph does not  
28 apply to damages as a result of any act or omission of  
29 providing medical care or treatment unrelated to the original  
30 situation that demanded immediate medical attention.

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1           3. For purposes of this paragraph, the Legislature's  
2 intent is to encourage health care practitioners to provide  
3 necessary emergency care to all persons without fear of  
4 litigation as described in this paragraph.

5           (d) Any person whose acts or omissions are not  
6 otherwise covered by this section and who participates in  
7 emergency response activities under the direction of or in  
8 connection with a community emergency response team, local  
9 emergency management agencies, the Division of Emergency  
10 Management of the Department of Community Affairs, or the  
11 Federal Emergency Management Agency is not liable for any  
12 civil damages as a result of care, treatment, or services  
13 provided gratuitously in such capacity and resulting from any  
14 act or failure to act in such capacity in providing or  
15 arranging further care, treatment, or services, if such person  
16 acts as a reasonably prudent person would have acted under the  
17 same or similar circumstances.

18           Section 2. This act shall take effect upon becoming a  
19 law.