

1 A bill to be entitled
 2 An act relating to duty to provide emergency
 3 assistance; creating s. 877.28, F.S.; defining the
 4 term "endangered person"; requiring a person at the
 5 scene of an emergency to provide reasonable assistance
 6 to an endangered person; providing a criminal penalty;
 7 providing increased criminal penalties under certain
 8 circumstances; requiring a court to impose community
 9 service; providing immunity from liability for
 10 providing reasonable assistance; providing
 11 construction; providing an effective date.

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

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 15 Section 1. Section 877.28, Florida Statutes, is created to
 16 read:

17 877.28 Failure to provide reasonable assistance at scene
 18 of emergency; penalty; immunity from civil liability;
 19 construction.—

20 (1) As used in this section, the term "endangered person"
 21 means a person who is in imminent danger of, or who has
 22 suffered, grave physical harm.

23 (2) (a) A person at the scene of an emergency who knows
 24 that another person at the scene of the emergency is an
 25 endangered person shall, to the extent that he or she is able

26 | and can do so without danger or peril to himself, herself, or
27 | others, provide reasonable assistance to the endangered person,
28 | unless the person knows that such assistance is already being
29 | provided by another person. Reasonable assistance may include,
30 | but is not limited to, obtaining or attempting to obtain aid
31 | from an emergency medical care provider, a firefighter, or a law
32 | enforcement officer, as those terms are defined in s. 784.07.

33 | (b) A person who violates paragraph (a) commits a
34 | misdemeanor of the first degree, punishable as provided in s.
35 | 775.082 or by a fine of up to \$10,000, or both. However, a
36 | person who, in the course of committing a violation of paragraph
37 | (a), videotapes or otherwise electronically records the
38 | endangered person and uploads the recording to a social media or
39 | social networking website, commits a felony of the third degree,
40 | punishable as provided in s. 775.082 or by a fine of up to
41 | \$10,000, or both. In addition to any other penalty, the court
42 | shall order a person who violates paragraph (a) to serve up to
43 | 100 hours of community service.

44 | (3) A person who complies with subsection (2) and provides
45 | reasonable assistance, excluding emergency care or treatment, is
46 | not liable for civil damages for any injury that arises out of
47 | the provision of such assistance. To the extent provided in s.
48 | 768.13, a person who, in compliance with this section, provides
49 | reasonable assistance by providing emergency care or treatment
50 | is not liable for civil damages for such assistance.

51 (4) The statutory duty of a person to provide reasonable
52 assistance in compliance with subsection (2) may not be
53 construed as extending to information that is provided in
54 obtaining or attempting to obtain aid which would violate the
55 privilege of such person against self-incrimination.

56 Section 2. This act shall take effect October 1, 2018.