

By Senator Mayfield

17-00426A-18

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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.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15       Section 1. Section 877.28, Florida Statutes, is created to  
16       read:

17       877.28 Failure to provide reasonable assistance at scene of  
18       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 that  
24       another person at the scene of the emergency is an endangered  
25       person shall, to the extent that he or she is able and can do so  
26       without danger or peril to himself, herself, or others, provide  
27       reasonable assistance to the endangered person, unless the  
28       person knows that such assistance is already being provided by  
29       another person. Reasonable assistance may include, but is not

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30 limited to, obtaining or attempting to obtain aid from an  
31 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.