

1 A bill to be entitled
2 An act relating to alcohol or drug overdose
3 prosecutions; creating s. 562.112, F.S.; prohibiting
4 the arrest, charge, prosecution, or penalization under
5 specified provisions of a person acting in good faith
6 who seeks medical assistance for an individual
7 experiencing, or believed to be experiencing, an
8 alcohol-related overdose; providing requirements for
9 that person; prohibiting the arrest, charge,
10 prosecution, or penalization under specified
11 provisions of a person who experiences, or has a good
12 faith belief that he or she is experiencing, an
13 alcohol-related overdose; prohibiting the protection
14 from arrest, charge, prosecution, or penalization for
15 certain offenses from being grounds for suppression of
16 evidence in other criminal prosecutions; amending s.
17 893.21, F.S.; prohibiting the arrest, charging,
18 prosecution, or penalizing under specified provisions
19 of law of a person acting in good faith who seeks
20 medical assistance for an individual experiencing, or
21 believed to be experiencing, an alcohol or a drug-
22 related overdose; prohibiting the arrest, charging,
23 prosecution, or penalizing under specified provisions
24 of a person who experiences, or has a good faith
25 belief that he or she is experiencing, an alcohol or a

26 drug-related overdose; prohibiting a person from being
 27 penalized for a violation of a condition of certain
 28 programs if that person in good faith seeks medical
 29 assistance for himself or herself or an individual
 30 experiencing, or believed to be experiencing, an
 31 alcohol or a drug-related overdose; prohibiting the
 32 protection from arrest, charge, and prosecution for
 33 certain offenses from being grounds for suppression of
 34 evidence in other criminal prosecutions; providing an
 35 effective date.

36

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

38

39 Section 1. Section 562.112, Florida Statutes, is created
 40 to read:

41 562.112 Alcohol-related overdoses; medical assistance;
 42 immunity from arrest, charge, prosecution, and penalization.—

43 (1) A person who gives alcohol to an individual under 21
 44 years of age and who, acting in good faith, seeks medical
 45 assistance for the individual experiencing, or believed to be
 46 experiencing, an alcohol-related overdose may not be arrested,
 47 charged, prosecuted, or penalized for a violation of s. 562.11
 48 or s. 562.111 if the evidence for such offense was obtained as a
 49 result of the person's seeking medical assistance. The person
 50 must remain at the scene until emergency medical services

51 personnel arrive and must cooperate with the emergency medical
52 services personnel and law enforcement officers at the scene.

53 (2) A person who experiences, or has a good faith belief
54 that he or she is experiencing, an alcohol-related overdose and
55 is in need of medical assistance may not be arrested, charged,
56 prosecuted, or penalized for a violation of s. 562.111 if the
57 evidence for such offense was obtained as a result of the
58 person's seeking medical assistance.

59 (3) Protection under this section from arrest, charge,
60 prosecution, or penalization for an offense listed in this
61 section may not be grounds for suppression of evidence in other
62 criminal prosecutions.

63 Section 2. Section 893.21, Florida Statutes, is amended to
64 read:

65 893.21 Alcohol or drug-related overdoses; medical
66 assistance; immunity from arrest, charge, prosecution, and
67 penalization.—

68 (1) A person acting in good faith who seeks medical
69 assistance for an individual experiencing, or believed to be
70 experiencing, an alcohol or a drug-related overdose may not be
71 arrested, charged, prosecuted, or penalized pursuant to this
72 chapter for a violation of s. 893.147, possession of a
73 controlled substance if the evidence for such offense possession
74 of a controlled substance was obtained as a result of the
75 person's seeking medical assistance.

76 (2) A person who experiences, or has a good faith belief
 77 that he or she is experiencing, an alcohol or a drug-related
 78 overdose and is in need of medical assistance may not be
 79 arrested, charged, prosecuted, or penalized pursuant to this
 80 chapter for a violation of s. 893.147, possession of a
 81 controlled substance if the evidence for such offense possession
 82 of a controlled substance was obtained as a result of the
 83 person's seeking the overdose and the need for medical
 84 assistance.

85 (3) A person who experiences, or has a good faith belief
 86 that he or she is experiencing, an alcohol or a drug-related
 87 overdose and receives medical assistance, or a person acting in
 88 good faith who seeks medical assistance for an individual
 89 experiencing, or believed to be experiencing, an alcohol or a
 90 drug-related overdose, may not be penalized for a violation of a
 91 condition of pretrial release, probation, or parole if the
 92 evidence for such violation was obtained as a result of the
 93 person's seeking medical assistance.

94 (4) ~~(3)~~ Protection in this section from arrest, charge,
 95 prosecution, or penalization for an offense listed in this
 96 section possession offenses under this chapter may not be
 97 grounds for suppression of evidence in other criminal
 98 prosecutions.

99 Section 3. This act shall take effect July 1, 2019.