

Florida Good Samaritan Act

Under Florida law, generally there is no duty to aid or assist an injured person. According to the Good Samaritan law, once an individual begins to provide aid to another, a duty forms to exercise due care. Due care, sometimes referred to as reasonable care, is defined as acting in a manner that a reasonably prudent person would act under the same or similar circumstances. The reasonable person standard is a legal creation. It is an objective test.

According to the **Florida Good Samaritan Act**, “any person, including those licensed to practice medicine” who willingly, and in good faith, provides emergency care or treatment to another in an emergency situation shall not be liable for any civil damages as a result of such aid or treatment.

The individual who renders help can be found liable if: 1) the helper fails to exercise due care and increases harm to the other person; or 2) the other person reasonably relied upon the helper’s undertaking and suffers an injury as a result. Essentially, someone who helps another person in an emergency situation will only be liable if they act in a manner that ultimately exacerbates the injury and/or condition rather than alleviating it.

The law is aimed at medical professionals who may be reluctant to jump in and render aid in a public emergency setting out of fear of being sued. The policy is to encourage such medical practitioners to help as much as possible. In Florida, health care providers will only be liable if their conduct was in “reckless disregard” of the consequences. Reckless disregard is defined as conduct that a medical professional knew or should have known would create an unreasonable risk of injury to the other person.

The Florida Good Samaritan law also encompasses the 911 Good Samaritan Act, which allows people to obtain help for a drug overdose without the risk of being prosecuted. In other words, Florida statutes give people limited immunity for being prosecuted for simple drug possession if they seek medical attention for someone suffering from a drug overdose. The provision is intended to save lives in a state where thousands of people die every year from drug overdose.