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CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to emergency medical dispatch; creating s. 768.1335, F.S.; creating the Emergency Medical Dispatch Act; providing definitions; providing a presumption of nonnegligence for certain persons who use emergency dispatch protocols; providing exceptions; amending s. 401.111, F.S.; providing for grants to local agencies to support emergency medical dispatch; providing an effective date.

WHEREAS, emergency medical dispatch programs promote appropriate standards that result in the more effective dispatch of emergency medical services and the saving of lives, and

WHEREAS, the dispatcher is the first responder to a medical emergency when someone dials 911 or calls a medical dispatch agency directly, and dispatchers are being recognized nationally as the true first responders to the emergency scene, and

WHEREAS, an emergency medical dispatcher has an immediate response time during which to offer basic instructions to the



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29 caller regardless of the emergency medical services response
30 time and is crucial for the delivery and receipt of information
31 to EMS units, and

32 WHEREAS, an emergency medical dispatch program is a key
33 component of a quality EMS system, and

34 WHEREAS, organizations such as the American Heart
35 Association (AHA), the American College of Emergency Physicians
36 (ACEP), the National Association of Emergency Medical Services
37 Physicians (NAEMSP), the National Institute of Health (NIH), the
38 National Highway Traffic Safety Administration (NHTSA), and the
39 American Society of Testing and Materials (ASTM) have endorsed
40 the development and adoption of standards for emergency medical
41 dispatch, and

42 WHEREAS, a properly trained emergency medical dispatcher
43 significantly improves the quality of care provided by an EMS
44 system because the dispatcher is able to identify the level of
45 need of the caller, including resource allocations and response
46 modes, thus enabling more effective and efficient dispatch of
47 limited response resources; identify situations that might
48 require prearrival instructions; gather information to be
49 relayed to the responding crews to help them better manage and
50 respond to the emergency medical situation upon arrival; and
51 obtain information regarding emergency medical scene safety for
52 the patient, bystanders, and responding personnel, and

53 WHEREAS, many states are now adopting a standard emergency
54 medical dispatch program, and



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55 WHEREAS, the most successful EMS systems are those that
56 have strong field response times coupled with well-trained
57 emergency medical dispatchers, NOW, THEREFORE,
58

59 Be It Enacted by the Legislature of the State of Florida:
60

61 Section 1. Section 768.1335, Florida Statutes, is created
62 to read:

63 768.1335 Emergency Medical Dispatch Act; presumption.--

64 (1) This section may be known by the popular name the
65 "Emergency Medical Dispatch Act."

66 (2) As used in this section:

67 (a) "Emergency medical dispatch" means the function of
68 utilizing emergency medical dispatch protocols.

69 (b) "Emergency medical dispatcher" means a person who is
70 trained or certified in the prompt and accurate processing of
71 calls for emergency medical assistance.

72 (c) "Emergency medical dispatch agency" means any private
73 or public entity that is responsible for the emergency medical
74 dispatch by emergency medical dispatchers.

75 (d) "Emergency medical dispatch protocol" means guidelines
76 for processing calls for emergency medical assistance or for the
77 dispatching of emergency medical services in a prehospital
78 setting which are substantially similar to standards set forth
79 by the American Society for Testing and Materials or the
80 National Highway Traffic Safety Administration and which have
81 been incorporated into an emergency medical dispatch training
82 program.



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83 (3) Notwithstanding any other provision of law to the
84 contrary, and unless otherwise immune under s. 768.28, any
85 emergency medical dispatcher or the emergency medical dispatch
86 agency, its agents, or its employees who utilize emergency
87 medical dispatch protocols are presumed not to have acted
88 negligently regarding any injuries or damages resulting from the
89 use of emergency medical dispatch protocols, if the emergency
90 medical dispatcher or the emergency medical dispatch agency, its
91 agents, or its employees:

92 (a) Properly trained their emergency medical dispatchers
93 in an emergency medical dispatch that is substantially similar
94 to standards set forth by the American Society for Testing and
95 Materials or the National Highway Traffic Safety Administration.

96 (b) Implemented standard practices and management for
97 emergency medical dispatch or practices that are substantially
98 similar to standards set forth by the American Society for
99 Testing and Materials or the National Highway Traffic Safety
100 Administration.

101 (c) Utilized standard practices for training, instructor
102 qualification, and certification eligibility of emergency
103 medical dispatchers or practices that are substantially similar
104 to standards set forth by the American Society for Testing and
105 Materials or the National Highway Traffic Safety Administration.

106 Section 2. Section 401.111, Florida Statutes, is amended
107 to read:

108 401.111 Emergency medical services grant program;
109 authority.--The department is hereby authorized to make grants
110 to local agencies and emergency medical services organizations



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111 | in accordance with any agreement entered into pursuant to this
112 | part. These grants shall be designed to assist said agencies and
113 | organizations in providing emergency medical services, including
114 | emergency medical dispatch. The cost of administering this
115 | program shall be paid by the department from funds appropriated
116 | to it.

117 | Section 3. This act shall take effect September 11, 2003.