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

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

WHEREAS, organizations such as the American Heart Association (AHA), the American College of Emergency Physicians (ACEP), the National Association of Emergency Medical Services



29 Physicians (NAEMSP), the National Institute of Health (NIH), the
 30 National Highway Traffic Safety Administration (NHTSA), and the
 31 American Society of Testing and Materials (ASTM) have endorsed
 32 the development and adoption of standards for emergency medical
 33 dispatch, and

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

45 WHEREAS, many states are now adopting a standard emergency
 46 medical dispatch program, and

47 WHEREAS, the most successful EMS systems are those that
 48 have strong field response times coupled with well-trained
 49 emergency medical dispatchers, NOW, THEREFORE,

50

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

52

53 Section 1. Section 768.1335, Florida Statutes, is created
 54 to read:

55 768.1335 Emergency Medical Dispatch Act; presumption.--



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

58 (2) As used in this section:

59 (a) "Emergency medical dispatch" means the function of
60 utilizing emergency medical dispatch protocols.

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

64 (c) "Emergency medical dispatch agency" means any private
65 or public entity that is responsible for the emergency medical
66 dispatch by emergency medical dispatchers.

67 (d) "Emergency medical dispatch protocol" means guidelines
68 for processing calls for emergency medical assistance or for the
69 dispatching of emergency medical services in a prehospital
70 setting which are substantially similar to standards set forth
71 by the American Society for Testing and Materials or the
72 National Highway Traffic Safety Administration and which have
73 been incorporated into an emergency medical dispatch training
74 program.

75 (3) Notwithstanding any other provision of law to the
76 contrary, and unless otherwise immune under s. 768.28, any
77 emergency medical dispatcher or the emergency medical dispatch
78 agency, its agents, or its employees who utilize emergency
79 medical dispatch protocols are presumed not to have acted
80 negligently regarding any injuries or damages resulting from the
81 use of emergency medical dispatch protocols, if the emergency
82 medical dispatcher or the emergency medical dispatch agency, its
83 agents, or its employees:



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

88 (b) Implemented standard practices and management for
89 emergency medical dispatch or practices that are substantially
90 similar to standards set forth by the American Society for
91 Testing and Materials or the National Highway Traffic Safety
92 Administration.

93 (c) Utilized standard practices for training, instructor
94 qualification, and certification eligibility of emergency
95 medical dispatchers or practices that are substantially similar
96 to standards set forth by the American Society for Testing and
97 Materials or the National Highway Traffic Safety Administration.

98 Section 2. Section 401.111, Florida Statutes, is amended
99 to read:

100 401.111 Emergency medical services grant program;
101 authority.--The department is hereby authorized to make grants
102 to local agencies and emergency medical services organizations
103 in accordance with any agreement entered into pursuant to this
104 part. These grants shall be designed to assist said agencies and
105 organizations in providing emergency medical services, including
106 emergency medical dispatch. The cost of administering this
107 program shall be paid by the department from funds appropriated
108 to it.

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