

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill potentially increases government employee or volunteer responsibility by providing AED devices to be located within state parks. In the event of a person experiencing a sudden cardiac arrest within a state park, the use of an AED device may result in the preservation of human life.

Promote personal responsibility: Tax payer dollars will be utilized to appropriate a sum of \$214,000 from the General Revenue Fund to the Division of Recreation and Parks, Department of Environmental Protection, for the purpose of implementing this act during the 2005-2006 fiscal year. In the event of a person experiencing a sudden cardiac arrest within a state park, the use of an AED device may result in the preservation of human life.

The bill does not appear to implicate any of the other House Principles.

B. EFFECT OF PROPOSED CHANGES:

ISSUE – Automated External Defibrillator

Background

Each year, more than 350,000 Americans die from sudden cardiac arrest.¹ In cardiac arrest, the heart quivers uncontrollably, contractions in the ventricles become uncoordinated, and the heart cannot pump blood through the body. Minutes and even seconds can mean the difference between life and death. One way to provide aid during a cardiac arrest is to utilize an AED device, which does not require extensive training. An AED determines the patient's heart rhythm to determine if a shock should be provided, and if needed, adjusts the level of energy to deliver an appropriate shock to the patient's heart when a rescuer pushes a button. The shock stops the abnormal rhythm and allows a normal pumping action to resume.² To increase the chances of surviving a sudden cardiac arrest, an electrical defibrillation shock must be delivered quickly.

Public access to AEDs has increased survival rates by up to 50 percent for those suffering a sudden cardiac arrest. All states have enacted defibrillator laws or adopted regulations regarding their use.³

Under section 401.2915, F.S., it is the intent of the Legislature that an AED may be used by any person for the purpose of saving the life of another person in cardiac arrest. In order to ensure public health and safety:

- All persons who use an AED must obtain appropriate training, which includes completion of a course in cardiopulmonary resuscitation or successful completion of a basic first aid course that includes cardiopulmonary resuscitation training, and demonstrate proficiency in the use of an AED.
- Any person or entity in possession of an AED is encouraged to register with the local emergency medical director the existence and location of the AED.
- Any person who uses an AED is required to activate the emergency medical services system as soon as possible upon the use of the AED.

¹ http://www.skyaid.org/Skyaid%20Org/Medical/sca_survivalink.htm

² <http://www.ncsl.org/legis/lbriefs/LEGIS1031.htm>

³ <http://www.ncsl.org/legis/lbriefs/LEGIS1031.htm>

Part I of chapter 768, F.S., provides the state's general negligence law. Section 768.13, F.S., the Good Samaritan Act, provides immunity from civil liability to any persons, including those licensed to practice medicine, who gratuitously and in good faith render emergency care or treatment either in direct response to emergency situations related to and arising out of a state of emergency which has been declared pursuant to section 252.36, F.S., or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment. Specifically as it relates to the use of an AED, section 768.1325, F.S., the Cardiac Arrest Survival Act, provides immunity from liability for a person who uses or attempts to use an AED.

Present Situation

Florida's state park system is one of the largest in the country, with 158 parks covering more than 700,000 acres. More than 19.1 million people visited Florida's award-winning state parks last fiscal year, setting an all-time record for attendance statewide.

Currently, there are 11 state parks out of 158 state parks that have either purchased or have had donated AED devices.

Effect of Proposed Change

The bill creates section 258.0165, F.S., known as "Defibrillators in state parks", to provide the following:

- Each state park is encouraged to have a functioning AED on the premises at all times.
- State parks that do provide an AED must ensure that employees and volunteers are properly trained in accordance with section 401.2915, F.S.
- The AED location must be registered with a local emergency medical services medical director.
- The use of AED by employees and volunteers will be covered under section 768.13, F.S., (Good Samaritan Act) and section 768.1325, F.S., (Cardiac Arrest Survival Act).

The bill provides that the Division of Recreation and Parks, Department of Environmental Protection, may adopt rules pursuant to section 120.536(1), F.S., and section 120.54, F.S., to implement the provisions of this section of statute.

The bill appropriates a sum of \$214,000 from the General Revenue Fund to the Division of Recreation and Parks, Department of Environmental Protection, for the purpose of implementing this act during the 2005-2006 fiscal year. The average cost of an AED is approximately \$3,500.⁵ This appropriation may provide an additional 61 AEDs (\$214,000/\$3,500 per AED) to the state park system. The purchase of additional AED devices may equip a total of 72 parks (11 parks that currently have an AED + 61 additional AED devices) access to an AED in the event of a person experiencing a cardiac arrest.

C. SECTION DIRECTORY:

Section 1. Creates s. 258.0165, F.S., to provide AEDs in state parks and appropriates a sum of \$214,000 from the General Revenue Fund to the Division of Recreation and Parks, Department of Environmental Protection, for the purpose of implementing this act during the 2005-2006 fiscal year.

Section 2. Provides that the act will take effect upon becoming law.

⁴ http://www.dep.state.fl.us/secretary/news/2004/july/0721_1.htm

⁵ <http://www.wc-redcross.org/aed/aed.htm>

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None

2. Expenditures:

Non-Recurring Expense:

Department of Environmental Protection	FY 2005-06
General Revenue Fund	\$214,000
Total Expense	\$214,000

(\$214,000 in FY 2005-06 is appropriated to the Division of Recreation and Parks, Department of Environmental Protection, for the purchase of as many AEDs as possible.)

Recurring Expense: Regular replacement of AEDs will occur when they no longer work, wear out of use, or become outdated because of technological advances in AED development. The expense is unknown due to the variables associated with each AED repair.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None

2. Expenditures: None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The proposed bill, if passed, would benefit the successful bidder on a contract to provide \$214,000 worth of AEDs to state parks.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other: None.

B. RULE-MAKING AUTHORITY:

The bill provides the Division of Recreation and Parks, Department of Environmental Protection, may adopt rules to implement the provisions of section 258.0165, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Line 35 and 36: Delete”with available funds” and replace with from this appropriation.

Department of Environmental Protection Comments:

The Department has concerns about AED placements at each state park and opines that AEDs should only be located at parks where they can actually be used. Many state parks feature vast, isolated wilderness areas with only a small staff that are not always readily available. The amount of time involved to notify staff and respond to an emergency involving the use of an AED device may be impractical.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.