

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 359 Automated External Defibrillators in Law Enforcement Vehicles
SPONSOR(S): Bilirakis and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 328

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	8 Y, 0 N	Bond	Kramer
2) Health Care General Committee	12 Y, 0 N	Schiefelbein	Brown-Barrios
3) Justice Appropriations Committee			
4) Justice Council			
5) _____			

SUMMARY ANALYSIS

An Automated External Defibrillator (AED) is a small, lightweight device used to assess a person's heart rhythm, and, if necessary, administer an electric shock to restore a normal rhythm in victims of sudden cardiac arrest. AEDs are designed to be used by people without medical backgrounds, such as police, firefighters, flight attendants, security guards, and lay rescuers.

This bill appropriates \$4.8 million from General Revenue in FY 2005-2006 to assist state and local law enforcement agencies in purchasing AEDs for law enforcement vehicles. Law enforcement agencies serving rural communities have a smaller match and have priority in receiving the grants.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- This bill creates a new government program.

Maintain public security -- This bill increases public resources devoted to public security.

B. EFFECT OF PROPOSED CHANGES:

When a person suffers a sudden cardiac arrest, chances of survival decrease by 7 to 10 percent for each minute that passes without defibrillation. A victim's best chance for survival is when there is revival within 4 minutes. An Automated External Defibrillator (AED) is a small, lightweight device used to assess a person's heart rhythm. If necessary, it administers an electric shock to restore a normal rhythm in victims of sudden cardiac arrest. Built-in computers assess the patient's heart rhythm, judge whether defibrillation is needed, and then administer an appropriate level of shock. Audible and/or visual prompts guide the user through the process. Anyone trained to use cardiopulmonary resuscitation (CPR) can be trained to use an AED. Most AEDs are designed to be used by people without medical backgrounds, such as police, firefighters, flight attendants, security guards, and lay rescuers.¹

A person, other than a medical professional, who uses an AED is generally immune from civil liability, 42 U.S.C.A. § 238q.

Effect of Bill

This bill makes legislative findings that:

- Placing automated external defibrillators (AEDs) in law enforcement vehicles will save lives.
- Law enforcement officers have an established public role as guardians of public safety and are in a unique position to help reduce death from sudden cardiac arrest.
- This bill intends to promote and encourage law enforcement agencies to equip their vehicles with AEDs.

This bill requires the Florida Department of Law Enforcement (FDLE) to administer a grant program to provide funds to law enforcement agencies to purchase AEDs in law enforcement vehicles. Eligible law enforcement agencies are defined as any "law enforcement service provider, including a municipal police department, a county sheriff's office, and the Florida Highway Patrol."

Law enforcement agencies serving rural communities, as defined in s. 288.0656, F.S.,² are required to provide a 10% match, and have priority in receiving the grant. Law enforcement agencies that are not serving a rural community do not have priority, and must provide a 25% match.

FDLE is required to adopt rules for administering this grant program by September 1, 2005.

¹ From the American College of Emergency Physicians, at <http://www.acep.org/1,2891,0.html>

² Section 288.0656(2)(b), F.S., defines rural community for purposes of administering the Rural Economic Development Initiative. The following counties, and cities within those counties, currently qualify: Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Nassau, Okeechobee, Putnam, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, Washington.

This bill makes a specific appropriation of \$4.8 million from the General Revenue Fund to the Department of Law Enforcement in FY 2005-2006. FDLE may keep up to 3% of the appropriation for administrative costs.³ If not appropriated in FY 2005-2006, the funds may carry over up to two years.

C. SECTION DIRECTORY:

Section 1 creates the AED grant program.

Section 2 provides an appropriation.

Section 3 provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

This bill appropriates \$4.8 million from General Revenue in FY 2005-2006.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None required. Local governments may elect to participate in the grant program.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Consumer prices for purchase of a single AED unit range from \$1,245 to \$2,906.⁴ It is likely that competitive procurement of several units would allow local governments to purchase units at a lower cost.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

³ Three percent of \$4.8 million is \$144,000.

⁴ From <http://www.aedsuperstore.com/>

A local community's decision not to participate in the grant program, or to participate in the program and purchase a specific brand of AED, appear to be planning level functions for which such communities would be immune from civil liability under the doctrine of sovereign immunity.

B. RULE-MAKING AUTHORITY:

This bill requires rulemaking by the Department of Law Enforcement. This bill appears to have adequate authority for the agency.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.