

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 949 CS Automated External Defibrillators
SPONSOR(S): Sands; Kravitz
TIED BILLS: none **IDEN./SIM. BILLS:** SB 1436

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	7 Y, 0 N, w/CS	Bond	Kramer
2) Health Care General Committee	9 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 provides that law enforcement vehicles may carry AEDs, and that local governments may use forfeiture funds to purchase AEDs.

This bill does not appear to have a fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

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

B. EFFECT OF PROPOSED CHANGES:

This bill amends s. 401.2915, F.S., to provide that each local and state law enforcement vehicle may carry an automated external defibrillator. This bill amends the forfeiture law at s. 932.7055, F.S., to provide that a local government may use funds from forfeitures to purchase automated external defibrillators for its law enforcement vehicles.

Background

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.

Section 401.2915, F.S., provides:

- Persons who use an automated external defibrillator must obtain appropriate training.
- Persons in possession of an automated external defibrillator are encouraged to register with the local emergency medical services medical director the existence and location of the automated external defibrillator.
- Any person who uses an automated external defibrillator must activate the emergency medical services system as soon as possible upon use of the automated external defibrillator.

Sections 932.701 - 932.707, F.S., the Florida Contraband Forfeiture Act, provides for forfeiture of illegal obtained and illegally used money and property. Section 932.7055(1), F.S., provides that a local law enforcement agency may keep or sell forfeited property for the agency's own use. Section 932.7055(5)(a), F.S., provides that forfeiture money may not be used to meet normal operating expenses of the law enforcement agency, and may only be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise and providing matching funds to obtain federal grants.

¹ From the American College of Emergency Physicians, at http://www.acep.org/1_2891_0.html

C. SECTION DIRECTORY:

Section 1 amends s. 401.2915, F.S., regarding automated external defibrillators.

Section 2 amends s. 932.7055, F.S., regarding forfeiture law.

Section 3 provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Criminal Justice Committee met on March 16, 2005, adopted one amendment to this bill, moving the language allowing local governments to use forfeiture funds to purchase automated external defibrillators to the forfeiture law in ch. 932, F.S. The bill was then reported favorably as HB 949 with a committee substitute.

This analysis is written to the committee substitute as presented to the Health Care General Committee on March 23, 2005.