



1           (7) "Automated external defibrillator device" means a  
2 device as defined in s. 768.1325.

3           Section 2. Section 401.111, Florida Statutes, is  
4 amended to read:

5           401.111 Emergency medical services grant program;  
6 authority.--The department is hereby authorized to make grants  
7 to local agencies, ~~and~~ emergency medical services  
8 organizations, and youth athletic organizations in accordance  
9 with any agreement entered into pursuant to this part. These  
10 grants shall be designed to assist local ~~said~~ agencies and  
11 emergency medical services organizations in providing  
12 emergency medical services, including emergency medical  
13 dispatch, and to assist youth athletic organizations that work  
14 in conjunction with local emergency medical services  
15 organizations to expand the use of automated external  
16 defibrillator devices in the community. The cost of  
17 administering this program shall be paid by the department  
18 from funds appropriated to it.

19           Section 3. Paragraphs (a) and (b) of subsection (2) of  
20 section 401.113, Florida Statutes, are amended to read:

21           401.113 Department; powers and duties.--

22           (2) The department shall annually dispense funds  
23 contained in the Emergency Medical Services Trust Fund as  
24 follows:

25           (a) Forty-five percent of such moneys must be divided  
26 among the counties according to the proportion of the combined  
27 amount deposited in the trust fund from the county. These  
28 funds may not be used to match grant funds as identified in  
29 paragraph (b). An individual board of county commissioners may  
30 distribute these funds to emergency medical service  
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1 organizations and youth athletic organizations within the  
2 county, as it deems appropriate.

3 (b) Forty percent of such moneys must be used by the  
4 department for making matching grants to local agencies,  
5 municipalities, ~~and~~ emergency medical services organizations,  
6 and youth athletic organizations for the purpose of conducting  
7 research, increasing existing levels of emergency medical  
8 services, evaluation, community education, injury-prevention  
9 programs, and training in cardiopulmonary resuscitation and  
10 other lifesaving and first aid techniques.

11 1. At least 90 percent of these moneys must be made  
12 available on a cash matching basis. A grant made under this  
13 subparagraph must be contingent upon the recipient providing a  
14 cash sum equal to 25 percent of the total department-approved  
15 grant amount.

16 2. No more than 10 percent of these moneys must be  
17 made available to rural emergency medical services, and  
18 notwithstanding the restrictions specified in subsection (1),  
19 these moneys may be used for improvement, expansion, or  
20 continuation of services provided. A grant made under this  
21 subparagraph must be contingent upon the recipient providing a  
22 cash sum equal to no more than 10 percent of the total  
23 department-approved grant amount.

24  
25 The department shall develop procedures and standards for  
26 grant disbursement under this paragraph based on the need for  
27 emergency medical services, the requirements of the population  
28 to be served, and the objectives of the state emergency  
29 medical services plan.

30 Section 4. Subsection (4) of section 768.1325, Florida  
31 Statutes, is amended to read:

1           768.1325 Cardiac Arrest Survival Act; immunity from  
2 civil liability.--

3           (4) Immunity under subsection (3) does not apply to a  
4 person if:

5           (a) The harm involved was caused by that person's  
6 willful or criminal misconduct, gross negligence, reckless  
7 disregard or misconduct, or a conscious, flagrant indifference  
8 to the rights or safety of the victim who was harmed;

9           (b) The person is a licensed or certified health  
10 professional who used the automated external defibrillator  
11 device while acting within the scope of the license or  
12 certification of the professional and within the scope of the  
13 employment or agency of the professional;

14           (c) The person is a hospital, clinic, or other entity  
15 whose primary purpose is providing health care directly to  
16 patients, and the harm was caused by an employee or agent of  
17 the entity who used the device while acting within the scope  
18 of the employment or agency of the employee or agent;

19           (d) The person is an acquirer of the device who leased  
20 the device to a health care entity, or who otherwise provided  
21 the device to such entity for compensation without selling the  
22 device to the entity, and the harm was caused by an employee  
23 or agent of the entity who used the device while acting within  
24 the scope of the employment or agency of the employee or  
25 agent; ~~or~~

26           (e) The person is an acquirer of the device who failed  
27 to maintain and test the device or failed to provide  
28 appropriate training in the use of the device to his or her  
29 employee or agent when the employee or agent is the person who  
30 used the device on the victim; or

31           (f)~~(e)~~ The person is the manufacturer of the device.

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The Department of Health shall administer an educational campaign to inform each person who acquires an automated external defibrillator device about the provisions of this subsection.

Section 5. This act shall take effect July 1, 2006.

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SENATE SUMMARY

Provides for grants to local agencies, emergency medical services organizations, and youth athletic organizations to expand the use of automated external defibrillator devices. Provides additional circumstances under which immunity for the use of an automated external defibrillator does not apply. Requires the Department of Health to administer an educational campaign regarding the lack of immunity in the use of such a device under certain circumstances.