

By the Committee on Health and Human Services Appropriations;  
and Senators Rich, Lynn and Alexander

603-2375-06

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A bill to be entitled

An act relating to emergency medical services;  
creating the "Gordon and Muilli Act"; amending  
s. 401.107, F.S.; defining the terms "youth  
athletic organization" and "automated external  
defibrillator device"; amending s. 401.111,  
F.S.; providing for grants to local agencies,  
emergency medical services organizations, and  
youth athletic organizations to expand the use  
of automated external defibrillator devices;  
amending s. 401.113, F.S.; providing for  
disbursement of funds from the Emergency  
Medical Services Trust Fund; amending s.  
768.1325, F.S.; providing additional  
circumstances under which immunity for the use  
of an automated external defibrillator does not  
apply; requiring the Department of Health to  
administer an educational campaign regarding  
the lack of immunity in the use of such a  
device under certain circumstances; providing  
an effective date.

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

Section 1. This act may be cited as the "Gordon and  
Muilli Act."

Section 2. Subsections (6) and (7) are added to  
section 401.107, Florida Statutes, to read:

401.107 Definitions.--As used in this part, the term:

1           (6) "Youth athletic organization" means a private  
2 not-for-profit organization that promotes and provides  
3 organized athletic activities to youth.

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

6           Section 3. Section 401.111, Florida Statutes, is  
7 amended to read:

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

22           Section 4. Paragraphs (a) and (b) of subsection (2) of  
23 section 401.113, Florida Statutes, are amended to read:

24           401.113 Department; powers and duties.--

25           (2) The department shall annually dispense funds  
26 contained in the Emergency Medical Services Trust Fund as  
27 follows:

28           (a) Forty-five percent of such moneys must be divided  
29 among the counties according to the proportion of the combined  
30 amount deposited in the trust fund from the county. These  
31 funds may not be used to match grant funds as identified in

1 paragraph (b). An individual board of county commissioners may  
2 distribute these funds to emergency medical service  
3 organizations and youth athletic organizations within the  
4 county, as it deems appropriate.

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

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

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

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

1           Section 5. Subsection (4) of section 768.1325, Florida  
2 Statutes, is amended to read:

3           768.1325 Cardiac Arrest Survival Act; immunity from  
4 civil liability.--

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

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

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

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

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

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

3       ~~(f)(e)~~ The person is the manufacturer of the device.  
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5 The Department of Health shall administer an educational  
6 campaign to inform each person who acquires an automated  
7 external defibrillator device about the provisions of this  
8 subsection.

9           Section 6. This act shall take effect July 1, 2006.  
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11                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12                                   COMMITTEE SUBSTITUTE FOR  
13                                   Senate Bill 252

14 Provides that this act may be cited as the "Gordon and Muilli  
15 Act".  
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