

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 441 Cardiac and Medical Emergencies on School Grounds

SPONSOR(S): Education Quality Subcommittee, Yarkosky and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 432

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	15 Y, 0 N, As CS	Blalock	Sanchez
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

The bill, also known as the “Kickstart My Heart Act,” requires that by July 1, 2026, every public school, including charter schools, must have at least one operational automatic external defibrillator (AED) on school grounds.¹ The AED must be available in a clearly marked and publicized location and maintained according to the manufacturer's recommendations. The location of the AED must be registered with a local emergency medical services medical director.

The bill provides immunity from liability for school employees and volunteers who use a defibrillator under the Good Samaritan Act and the Cardiac Arrest Survival Act.

Annually, beginning June 30, 2027, the bill requires each school district and charter school to report to the Commissioner of Education how many times a defibrillator was used on school grounds and the survival rate of individuals experiencing cardiac arrest.

Subject to an appropriation, the Department of Education may reimburse each school district and charter school up to 50 percent of the total AED purchase price.

The bill requires the State Board of Education to adopt rules to administer the provisions of the bill.

The bill has an indeterminate fiscal impact. See Fiscal Comments.

The bill takes effect July 1, 2024.

¹ For a public school that is a member of the Florida High School Athletic Association, this requirement is in addition to the current requirement to have an operational automatic external defibrillator (AED) on school grounds.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Since 2006, a public school that is a member of the Florida High School Athletic Association (FHSAA) has been required to have an operational automated external defibrillator (AED) on school grounds.² In 2020, the Florida Legislature passed House Bill 7011 (Ch. 2020-91, Laws of Fla.), also known as the “Zachary Martin Act,” in order to protect the well-being of students participating in extracurricular activities from exertional heat stroke by revising provisions related to AEDs on school grounds, training related to cardiopulmonary resuscitation (CPR) and AEDs, FHSAA student athlete safety policies, and specified medical evaluations.³

Sudden cardiac arrest (SCA) is another health risk that can be mitigated through the use of CPR and an AED. Vigorous exercise during athletic practices and games can act as a trigger. SCA from ventricular defibrillation can have a survival rate of 50 percent or higher if treated rapidly within three to five minutes of collapse using CPR and an AED. In 2014, approximately 360,000 people suffered SCA in community settings including schools across the United States.⁴

Present Situation

Florida High School Athletic Association

The FHSAA is statutorily designated as the governing nonprofit organization for interscholastic athletics for grades 6 through 12 in Florida public schools.⁵ Any high school, middle school, or combination school,⁶ including charter schools, virtual schools, private schools, and home education cooperatives,⁷ may become a member of the FHSAA, but membership in the FHSAA is not mandatory.⁸ The FHSAA may not deny or discourage a private school from simultaneously maintaining membership in another athletic association, and may allow a public school the option of applying for consideration to join another athletic association.⁹ The FHSAA is prohibited from denying or discouraging interscholastic competition between its member schools and non-FHSAA member schools in Florida and may not take discriminatory or retributory action against a member school that engages in interscholastic competition with non-FHSAA member schools.¹⁰

The FHSAA is required to adopt bylaws regulating student eligibility, recruiting, student safety and member schools’ interscholastic competition in accordance with applicable law.¹¹ If the FHSAA fails to meet its obligations and responsibilities, the Commissioner of Education is directed to designate a

² Ch. 2006-301, L.O.F.

³ Florida Department of Education (DOE), *2020 Legislative Review (2020)*, available at <https://www.fldoe.org/core/fileparse.php/7749/urlt/HB7011-BS.pdf>.

⁴ American Heart Association, *Cardiac Emergency Response Planning for Schools: A Policy Statement (2016)*, available at <https://cpr.heart.org/-/media/CPR-Files/Training-Programs/Nation-of-Heartsavers/CERP/CERP-for-Schools-Policy-in-Brief.pdf>.

⁵ Section 1006.20(1), F.S.

⁶ A “combination school” is any school that provides instruction to students in high school and the middle school grades; elementary, middle or high school grades combined; or elementary and middle grades combined (e.g. K-12; K-8; 6-12; or 7-12). Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc., 2022-23 Edition*, at Bylaw 3.2.2.3., https://fhsaa.com/documents/2023/7/13/2324_handbook.pdf?id=4394 (last visited Jan. 28, 2024).

⁷ A “home education cooperative” is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. FHSAA, *supra*, note 2, at Bylaw 3.2.2.4.

⁸ Section 1006.20(1), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 1006.20(2), F.S.

nonprofit organization to manage interscholastic athletics with the approval of the State Board of Education (SBE).¹²

Automated External Defibrillators on School Grounds

Since 2006, a public school that is a member of the Florida High School Athletic Association (FHSAA) has been required to have an operational automated external defibrillator (AED) on school grounds.¹³ In 2020, the “Zachary Martin Act” required the AED to be in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session, including those conducted outside of the school year. Public and private partnerships are encouraged to cover the cost associated with the purchase and placement of the AED and training in the use of the AED.¹⁴

Beginning in 2021, a school employee or volunteer with current training in CPR and use of an AED must be present at every athletic event during and outside of the school year, including athletic contests, practices, workouts, and conditioning sessions. The training must include completion of a course in CPR or a basic first aid course that includes CPR training, and demonstrated proficiency in the use of an AED. Each employee or volunteer who is reasonably expected to use an AED must complete this training.¹⁵

The location of the AED must be registered with a local emergency medical services medical director and each employee or volunteer required to complete the training must be notified annually in writing of the location of the AED on school grounds. The use of defibrillators by employees and volunteers is covered under the Good Samaritan Act and the Cardiac Arrest Survival Act.¹⁶

Effect of Proposed Changes

The bill establishes the “Kickstart My Heart Act,” requiring that by July 1, 2026, every public school, including charter schools, must have at least one operational AED on school grounds. The defibrillator must be available in a clearly marked and publicized location. Schools must maintain the defibrillator according to the manufacturer's recommendations and maintain all verification records for the defibrillator. The location of the defibrillator must be registered with a local emergency medical services medical director.

The bill provides immunity from liability for school employees and volunteers who use a defibrillator under the Good Samaritan Act and the Cardiac Arrest Survival Act.

Annually, beginning June 30, 2027, the bill requires each school district and charter school to report to the Commissioner of Education how many times a defibrillator was used on school grounds and the survival rate of individuals experiencing cardiac arrest.

If a public school is a member of the FHSAA and as such is already required to have an operational AED on school grounds to comply with existing law, that does not constitute compliance with the requirements of this bill. The bill requires such schools to purchase an additional AED.

Subject to an appropriation, the bill authorizes the DOE to reimburse each school district and charter school up to 50 percent of the total AED purchase price.

The bill requires the SBE to adopt rules to administer the provisions of the bill.

B. SECTION DIRECTORY:

Section 1: Providing a short title.

¹² Section 1006.20(1), F.S.

¹³ Ch. 2006-301, L.O.F.

¹⁴ Section 1006.165(1)(a), F.S.

¹⁵ Section 1006.165(1)(b), F.S.

¹⁶ Section 1006.165(1)(c)-(d), F.S.

Section 2: Creates s. 1003.457, F.S.; requiring public schools, including charter schools, to have at least one automated external defibrillator on school grounds by a specified date; providing requirements for the placement and maintenance of the defibrillators; providing immunity from liability for school employees and volunteers under the Good Samaritan Act and the Cardiac Arrest Survival Act; requiring public schools, including charter schools, to annually report specified information to the Commissioner of Education; subject to appropriation, authorizing the Department of Education to reimburse school districts and charter schools for a portion of specified purchases; requiring the State Board of Education to adopt rules.

Section 3: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

Subject to an appropriation, the Department of Education may reimburse each school district and charter school up to fifty percent of the total automated external defibrillator (AED) purchase price. Without such appropriation, each school district and charter school would be responsible for the full cost of acquiring an AED for each school in that district. The bill has an indeterminate fiscal impact on school districts.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules to administer the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 31, 2024, the Education Quality Subcommittee adopted a Proposed Committee Substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from the original bill in the following ways:

- Provides a new short title, “Kickstart My Heart Act.”
- Requires charter schools to have at least one operational automatic external defibrillator (AED) on the school grounds no later than July 1, 2026.
- Provides that, subject to an appropriation, the DOE may reimburse each school district and charter school up to 50 percent of the total AED purchase price.
- Revises specific requirements from the bill related to the accessibility and location of the AED.
- Revises specific requirements from the bill related to signage for the AED.
- Removes provision from the bill encouraging public schools to work towards having enough AEDs that one can be retrieved within 3 minutes after a cardiac or medical emergency from anywhere on school grounds.
- Removes provision from the bill encouraging public schools to establish public and private partnerships and seek grants, gifts, and other donations to cover the costs associated with AEDs.
- Removes provision from the bill encouraging charter schools and private schools to have at least one operational AED on school grounds.
- Removes a requirement from the bill that the Department of Education (DOE) enter into statewide contracts for AEDs to provide statewide discounts to schools and school districts.
- Removes a requirement from the bill that the Commissioner of Education create and disseminate protocols, a comprehensive emergency action plan, and an education plan related to the use of AEDs in schools.

The analysis is drafted to the committee substitute adopted by the Education Quality Subcommittee.