

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Community Affairs Committee

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BILL: CS/SB 1436

SPONSOR: Community Affairs Committee, Senators Geller and Lynn

SUBJECT: Automated External Defibrillators

DATE: March 28, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This committee substitute (CS) amends s. 401.2915, F.S., which indicates legislative intent regarding the use of automated external defibrillators, to provide that each state and local law enforcement vehicle may carry an automated external defibrillator (AED). The CS also provides that a local government may use funds from forfeitures to purchase automated external defibrillators for its law enforcement vehicles.

This CS amends sections 401.2915 and 932.7055, Florida Statutes.

## II. Present Situation:

### Use of AEDs

“[S]udden cardiac arrest remains the leading cause of death in the United States, accounting for approximately 1,000 deaths per day. Most cases are due to ventricular fibrillation (VF), and quite often present the first presentation of coronary disease.”<sup>1</sup> “Most cardiac arrest is due to VF, and virtually all who survive cardiac arrest had VF as the initial rhythm. The goal of any effort to improve survival is focused on the speed with which defibrillation is achieved.”<sup>2</sup>

“AEDs” or automated external defibrillators are “computerized devices that can recognize cardiac rhythms and deliver a commanded electrical shock across the chest wall to terminate VF.”<sup>3</sup> According to staff of the National Conference of State Legislators, “[t]he American Heart

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<sup>1</sup> Ramaswamy K, Page RL. 2003. The Automated External Defibrillator: Critical Link in the Chain of Survival. *Annu. Rev. Med.* 54:235-243.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

Association notes that at least 20,000 lives could be saved annually by prompt use of AEDs. Ultimately, with broad deployment of AEDs among trained responders, as many as 50,000 deaths due to cardiac arrest could be prevented each year.”<sup>4</sup>

Because there are often delays in medical personnel arriving at the scene of an out-of-hospital cardiac arrest, a number of “deployment strategies” have been developed to facilitate a more rapid response to out-of-hospital cardiac arrests through the use of AEDs by nonmedical personnel.

Strategic deployment can be classified in four categories: (1) emergency vehicles, (2) public access sites, (3) multifamily dwellings, and (4) single-family dwellings.... The fundamental principle driving each of these strategies is that minimally trained personnel or lay individuals can learn to operate AEDs and apply them in the setting of a cardiac emergency. Examples of nonconventional cardiac arrest response by emergency vehicle personnel, other than conventional emergency rescue system (emergency medical services [EMS]) responders, include police patrol cars, standard fire engines, and ambulances. The rescuers for these strategies may have a higher level of training than some of the others. The public access strategies include AED placement in public buildings, stadiums and malls, airports and airliners, and other sites at which people congregate. The responder personnel can include the security personnel at various locations, designated rescuers, and even random lay persons with minimal training. Multifamily dwellings include apartment buildings, condominiums, and hotels, and once again responders may include security personnel, designated rescuers, or family members. The single family dwelling focuses on private homes, where the responder usually is a trained family member.... The anticipated effect of the patterns of deployment is to expand the density of availability of AEDs so that under conditions of a medical emergency, the probability of rapid access to defibrillation would be statistically greater.<sup>5</sup>

### **Legislative Intent on Use of AEDs**

According to staff of the National Conference of State Legislatures, Florida was the first state in the nation to enact a law providing for broad public access to AEDs.<sup>6</sup> Section 401.2951, F.S., provides:

It is the intent of the Legislature that an automated external defibrillator may be used by any person for the purpose of saving the life of another person in cardiac arrest. In order to ensure public health and safety:

(1) All persons who use an automated external defibrillator must obtain appropriate training, to include completion of a course in cardiopulmonary resuscitation or successful

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<sup>4</sup> National Conference of State Legislatures. 2004. State Laws on Heart Attacks, Cardiac Arrest & Defibrillators: Encouraging community access and use.

<sup>5</sup> Myerburg RJ, Velez M, Rosenberg DG, Fenster J, Castellanos A. 2003. Automatic External Defibrillators for Prevention of Out-of-Hospital Sudden Death: Effectiveness of the Automatic External Defibrillator. *J. Cardiovasc. Electrophysiol.* 14:108-116. (Original footnote omitted.)

<sup>6</sup> See Note 4.

completion of a basic first aid course that includes cardiopulmonary resuscitation training, and demonstrated proficiency in the use of an automated external defibrillator;

(2) Any person or entity in possession of an automated external defibrillator is encouraged to register with the local emergency medical services medical director the existence and location of the automated external defibrillator; and

(3) Any person who uses an automated external defibrillator is required to activate the emergency medical services system as soon as possible upon use of the automated external defibrillator.

### **Florida Contraband Forfeiture Act<sup>7</sup>**

Section 932.7055, F.S., provides for the disposition of property seized by state agencies and agencies of local government. When a seizing agency obtains a final judgment granting forfeiture of real property or personal property, it may:

- Retain the property for the agency's use;
- Sell the property at public auction or by sealed bid to the highest bidder, except for real property which should be sold in a commercially reasonable manner after appraisal by listing on the market; or
- Salvage, trade, or transfer the property to any public or nonprofit organization.

If the forfeited property is subject to a lien, the agency is required to sell the property with the proceeds first being used towards satisfaction of any liens. The seizing agency must use the remaining proceeds to pay any related storage, maintenance, security, cost, and then any court costs incurred in the forfeiture proceeding.

If the seizing agency is a county or municipal agency, the remaining proceeds must 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. The proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency.

If the seizing agency is a state agency, all remaining proceeds are deposited into the State's General Revenue Fund. However, s. 932.7055(6), F.S., authorizes twelve specific agencies to retain remaining proceeds to be used for various statutorily authorized agency uses.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 401.2915, F.S., which indicates legislative intent regarding the use of automated external defibrillators, to provide that each state and local law enforcement vehicle may carry an automated external defibrillator.

**Section 2** amends s. 932.7055(5)(a), F.S., to provide that a local government may use funds from forfeitures to purchase automated external defibrillators for its law enforcement vehicles.

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<sup>7</sup> Sections 932.701-932.707, F.S.

**Section 3** provides the CS shall take effect July 1, 2005.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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