

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 830

INTRODUCER: Fiscal Policy Committee; Health Policy Committee; and Senator Collins

SUBJECT: An act relating to student cardiac and medical emergencies

DATE: February 19, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Morgan</u>	<u>Brown</u>	<u>HP</u>	Fav/CS
2.	<u>Gerbrandt</u>	<u>McKnight</u>	<u>AHS</u>	Favorable
3.	<u>Morgan</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 830 amends the Education Code, creating s. 1003.457, F.S., to require each public school to have at least one automated external defibrillator (AED) on school grounds that meets specific requirements. Public schools are encouraged to have a sufficient number of AEDs on campus and to establish partnerships to fiscally support this goal. Charter and private schools are encouraged to do the same.

The bill also establishes that an individual who uses an AED or performs cardiopulmonary resuscitation (CPR) is immune from civil liability, requires that the Florida Department of Education (DOE) must enter into statewide contracts for certain purposes, requires the Commissioner of Education to create and disseminate protocols and plans related to AED use in schools, and requires the State Board of Education to adopt rules.

The bill also amends s. 1012.55, F.S., to require that an athletic coach in any public school in the state must hold and maintain a certification in CPR, first aid, and the use of an AED. The certification must be consistent with national, evidence-based emergency cardiovascular care guidelines.

The bill provides that, once enacted, the act may be cited as the “HeartCharged Act.”

The bill provides an effective date of July 1, 2024.

II. Present Situation:

Cardiopulmonary Resuscitation, First Aid, and Automatic External Defibrillation

Many types of injuries and illnesses can occur when participating in organized sports, including sudden cardiac arrest. While rare in young, healthy athletes, it can happen, and preparation via an emergency action plan, as well as required coursework and training, is pivotal in preparing coaches, parents and other athletics personnel or staff to respond in the most effective way to save lives.¹

Cardiopulmonary resuscitation (CPR) is an emergency lifesaving procedure performed when the heart stops beating. Immediate CPR can double or triple chances of survival after cardiac arrest by keeping the blood flow active until the arrival of trained medical staff.²

First aid refers to medical attention that is usually administered immediately on-site after the injury occurs. It often consists of a one-time, short-term treatment and requires little technology or training to administer. First aid can include cleaning minor cuts, scrapes, or scratches; treating a minor burn; applying bandages and dressings; the use of non-prescription medicine; draining blisters; removing debris from the eyes; massage; and drinking fluids to relieve heat stress.³

An automated external defibrillator (AED) is a lightweight, portable device. It delivers an electric shock through the chest to the heart when it detects an abnormal rhythm and changes the rhythm back to normal.⁴ AEDs can greatly increase a cardiac arrest victim's chances of survival.⁵ Although formal AED training isn't required, it's recommended to increase the confidence level of the user, promoting better outcomes.⁶

Student Extracurricular Activities and Athletics Legislation

Currently, the Education Code provides that each public school that is a member of the Florida High School Athletic Association (FHSAA) must have an operational AED on school grounds. The AED must be available 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, placement, and training in the use of the AED.⁷

¹ Atlantic Health System, *How to Be Better Prepared at a Child's Sporting Event*, available at <https://www.atlantichealth.org/about-us/stay-connected/news/content-central/2023/cardiac-arrest-kids-sports.html> (last visited Feb. 1, 2024).

² American Heart Association Emergency Cardiovascular Care, *What is CPR?*, available at <https://cpr.heart.org/en/resources/what-is-cpr> (last visited Feb. 1, 2024).

³ Occupational Safety and Health Administration, *What is First Aid?*, available at <https://www.osha.gov/medical-first-aid/recognition> (last visited Feb. 1, 2024).

⁴ American Heart Association, *What Is an Automated External Defibrillator?*, available at <https://www.heart.org/-/media/files/health-topics/answers-by-heart/what-is-an-aed.pdf> (last visited Feb. 16, 2024).

⁵ *Supra* note 2.

⁶ *Supra* note 4.

⁷ Section 1006.165(1)(a), F.S.

Under current law, an FHSAA member school employee or volunteer with current training in CPR and use of an AED must be present at each 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.⁸

The location of each AED must be registered with a local emergency medical services medical director. Each employee or volunteer required to complete the training must annually be notified in writing of the location of each AED on school grounds.⁹ Immunity from civil liability for the use of AEDs by employees and volunteers is covered under the Good Samaritan Act¹⁰ and the Cardiac Arrest Survival Act.^{11, 12}

Florida Department of Education

The DOE has the responsibility and authority to write rules necessary to protect the health and safety of staff and students of public and private schools in Florida. The Department of Health has inspection authority to apply the DOE standards.¹³

The applicability of a DOE rule is dependent on the type of school. However, in the case of charter schools, DOE standards apply based on the individual charter school's physical location.¹⁴

- If the charter school is located on public school property or property owned by the local county school board, the public school rule standards apply.
- If the charter school is located on property or in a building not owned by the local county school board, than the private school rule standards apply.

Public K-12 Schools

Public K-12 schools include charter schools and consist of:¹⁵

- Kindergarten classes;
- Elementary, middle, and high school grades and special classes;
- Virtual instruction programs;
- Workforce education;
- Career centers;
- Adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and
- Lab schools operated under the control of state universities.

⁸ Section 1006.165(1)(b), F.S.

⁹ Section 1006.165(1)(c), F.S.

¹⁰ Section 768.13, F.S.

¹¹ Section 768.1325, F.S.

¹² Section 1006.165(d), F.S.

¹³ Section 381.006(15), F.S.

¹⁴ Florida Department of Health, *Public, Private, and Charter Schools*, available at <https://www.floridahealth.gov/environmental-health/group-care/public-private-schools.html> (last visited Feb. 16, 2024).

¹⁵ Section 1000.04(2), F.S.

Charter schools are public schools that operate under a performance contract, or a “charter,” designed to create exemptions from many regulations produced for traditional public schools while maintaining accountability for academic and financial results. The charter contract between the charter school governing board and the district school board details the school’s mission, program, goals, students served, methods of assessment and ways to measure success. The length of time for which charters are granted varies, but most exist for five years.¹⁶

Private Schools

A private school is a nonpublic school defined as an individual, association, co-partnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(16), F.S., or that gives pre-employment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the afore-mentioned schools through correspondence or extension, except those licensed under the provisions of ch. 1005, F.S. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41, F.S.¹⁷

III. Effect of Proposed Changes:

Section 1 provides that, once enacted, the act may be cited as the “HeartCharged Act.”

Section 2 creates s. 1003.457, F.S., to require each public school to have at least one operational AED on school grounds, even outside the school year. The AED may not be placed in the school’s athletic facilities and must be placed according to guidelines set by an organization focused on emergency cardiovascular care in a location that is unlocked and easily accessible to anyone at any time.

The bill requires that each AED must have appropriate accompanying signage, including, but not limited to, signage at the AED’s exact location directing responders to the building or room where the AED is routinely kept. Each AED and all of its components must be maintained according to the manufacturer’s instructions and kept in proper working order.

Public schools are encouraged under the bill to have, or work towards acquiring and placing, a sufficient number of AEDs, as determined by the Cardiac Emergency Response Plan,¹⁸ to allow a person to retrieve an AED within three minutes of a cardiac or medical emergency anywhere on school grounds. Each school is encouraged to establish public and private partnerships and seek grants, gifts, and other donations to cover the costs associated with the purchase, placement, and training in the use of an AED.

¹⁶ Florida Department of Education, *Charter Schools, Frequently Asked Questions, General Information, What are charter schools?*, available at <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Feb. 16, 2024).

¹⁷ Section 1002.01(3), F.S.

¹⁸ The Cardiac Emergency Response Plan is provided under s. 1003.457(4), F.S., as created by the bill.

Charter and private schools are encouraged to have at least one operational AED on school grounds and to meet the public school requirements. A charter or private school that elects to meet these standards may utilize the DOE's statewide contracts for AEDs and will be provided with all protocols for deployment and administration of AEDs in schools by the Commissioner of Education.

The bill provides that the use of AEDs or CPR under the bill is immune from civil liability, pursuant to ss. 768.13 and 768.1325, F.S., also known as the Good Samaritan Act and the Cardiac Arrest Survival Act, respectively.

The bill requires the DOE to enter into statewide contracts for AEDs, in keeping with updated technologies and conveniences of available AEDs on the market, to provide discounts to schools and school districts.

The bill requires the Commissioner of Education, at his or her sole discretion, to create and disseminate all of the following:

- Protocols for the deployment and administration of AEDs in schools.
- A Cardiac Emergency Response Plan in accordance with guidelines set by nationally recognized, evidence-based standards to be developed by each school which address the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds.
- Appropriate school staff must be trained in first-aid, CPR, and AED use that follows evidence-based guidelines set forth by an organization focused on emergency cardiovascular care.

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

Section 3 amends s. 1012.55, F.S., to require that an individual employed and rendering services as a Florida public school athletic coach must hold and maintain a certification in CPR, first aid, and the use of an AED. The certification must be consistent with national, evidence-based emergency cardiovascular care guidelines.

Section 4 provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a fiscal impact on state expenditures, as the DOE is required under the bill to negotiate and enter statewide contracts for AEDs. At this time, the impact to schools and school districts is indeterminate; there are potential costs associated with required staff training, and it is unclear what public and private partnerships will be established to subsidize AED purchase, placement, and training costs.

VI. Technical Deficiencies:

The language under s. 1003.457(4), F.S., as created by the bill, has a parallel construction problem. That subsection provides that three items, found in paragraphs (a) through (c), are to be created and disseminated. However, paragraph (c) does not describe any item that may be created or disseminated. Instead, paragraph (c) appears to create a training requirement that must be met as part of the bill's implementation. The bill may benefit from an amendment to cure this parallel construction deficiency.

VII. Related Issues:

In the Education Code, a charter school is included in the definition of a public K-12 school. The bill requires that each public school have at least one operational AED on school grounds, while charter and private schools are encouraged to meet this requirement. Therefore, it is unclear whether all charter schools are exempt from the requirement, or only those located on property or in a building not owned by the local county school board.

The bill provides that the Commissioner of Education, at his or her sole discretion, shall create and disseminate a number of items relating to the bill's implementation. However, by providing that the Commissioner "shall" perform that function "at his or her sole discretion," the language creates uncertainty as to whether or not the bill creates a requirement for the Commissioner. An amendment to that language may provide clarity as to the bill's intent.

VIII. Statutes Affected:

This bill creates one non-statutory section of the Laws of Florida.

This bill creates section 1003.457 of the Florida Statutes.

This bill substantially amends section 1012.55 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Fiscal Policy on February 15, 2024:

The committee substitute provides that the act may be cited as the “HeartCharged Act,” retains the provisions of the underlying bill, and creates s. 1003.457, F.S., to:

- Require each public school to have at least one AED on school grounds that meets specific requirements.
- Encourage public schools to have a sufficient number of AEDs on campus and to establish partnerships to fiscally support this goal.
- Encourage charter and private schools to meet the same standards as the public schools.
- Provide that the use of AEDs or CPR under the bill is immune from civil liability, pursuant to ss. 768.13 and 768.1325, F.S., also known as the Good Samaritan Act and the Cardiac Arrest Survival Act, respectively.
- Require that the DOE must enter into statewide contracts for certain purposes.
- Require the Commissioner of Education, at his or her sole discretion, to create and disseminate protocols and plans related to AED use in schools.
- Require the State Board of Education to adopt rules.

CS by Health Policy on January 30, 2024:

The committee substitute removes Section 1 of the underlying bill and retains only the amendment to s. 1012.55, F.S., to update the qualifications of a Florida public school athletic coach to include a certification in CPR, first aid, and the use of an AED.

- B. **Amendments:**

None.