

CHAMBER ACTION

1 The Health & Families Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to automated external defibrillators;
7 amending s. 401.2915, F.S.; revising legislative intent
8 with respect to the use of an automated external
9 defibrillator; defining an automated external
10 defibrillator as a lifesaving defibrillation device;
11 defining a related term; providing that it is a first-
12 degree misdemeanor for a person to commit certain acts
13 involving the misuse of an automated external
14 defibrillator; authorizing a local government to adopt an
15 ordinance to license, permit, or inspect automated
16 external defibrillators; providing for enforcement of such
17 local ordinances; requiring the Department of Health to
18 implement an educational campaign to inform the public
19 about the lack of immunity from liability regarding the
20 use of automated external defibrillators under certain
21 conditions; providing an effective date.

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

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Section 1. Section 401.2915, Florida Statutes, is amended to read:

401.2915 Automated external defibrillators.--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 achieve that goal, the Legislature intends to encourage training in lifesaving first aid, set standards for the use of automated external defibrillators, and encourage their use.

(1) As used in this section, the term:

(a) "Automated external defibrillator" means a lifesaving defibrillation device that:

1. Is commercially distributed as a defibrillation device in accordance with the Federal Food, Drug, and Cosmetic Act.

2. Is capable of recognizing the presence or absence of ventricular fibrillation and is capable of determining, without intervention by the user of the device, if defibrillation should be performed.

3. Is capable of delivering an electrical shock to an individual, upon determining that defibrillation should be performed.

(b) "Defibrillation" means the administration of a controlled electrical charge to the heart to restore a viable cardiac rhythm.

(2) In order to ensure public health and safety:

(a)~~(1)~~ All persons who use an automated external defibrillator must obtain appropriate training, to include

52 completion of a course in cardiopulmonary resuscitation or
 53 successful completion of a basic first aid course that includes
 54 cardiopulmonary resuscitation training, and demonstrated
 55 proficiency in the use of an automated external defibrillator.;

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

60 (c)(3) Any person who uses an automated external
 61 defibrillator shall ~~is required to~~ activate the emergency
 62 medical services system as soon as possible upon use of the
 63 automated external defibrillator.

64 (3) Any person who intentionally or willfully:

65 (a) Tamper with or otherwise renders an automated
 66 external defibrillator inoperative, except during such time as
 67 the automated external defibrillator is being serviced, tested,
 68 repaired, or recharged or except pursuant to court order; or

69 (b) Obliterates the serial number on an automated external
 70 defibrillator for purposes of falsifying service records,

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 72 commits a misdemeanor of the first degree, punishable as
 73 provided in s. 775.082 or s. 775.083.

74 (4) A local ordinance may require a person to obtain a
 75 license, permit, or inspection certificate regarding automated
 76 external defibrillators. Such ordinance may provide for any
 77 enforcement method authorized by s. 162.22. The ordinance may
 78 provide that it is an infraction or a criminal offense for any
 79 person to intentionally or willfully:

80 (a) Fail to properly service, recharge, repair, test, or
 81 inspect an automated external defibrillator;

82 (b) Use the license, permit, or inspection certificate of
 83 another person to service, recharge, repair, test, or inspect an
 84 automated external defibrillator;

85 (c) Hold a permit or inspection certificate and allow
 86 another person to use that permit or inspection certificate
 87 number to service, recharge, repair, test, or inspect an
 88 automated external defibrillator; or

89 (d) Use or permit the use of any license, permit, or
 90 inspection certificate by any individual or organization other
 91 than the one to whom the license, permit, or inspection
 92 certificate is issued to service, recharge, repair, test, or
 93 inspect an automated external defibrillator.

94 Section 2. The Department of Health shall implement an
 95 educational campaign to inform any person who acquires an
 96 automated external defibrillator device that his or her immunity
 97 from liability under s. 768.1325, Florida Statutes, for harm
 98 resulting from the use or attempted use of the device, does not
 99 apply if he or she fails to:

100 (1) Properly maintain and test the device; or

101 (2) Provide appropriate training in the use of the device
 102 to his or her employee or agent when the employee or agent was
 103 the person who used the device on the victim, except as provided
 104 in s. 768.1325, Florida Statutes.

105 Section 3. This act shall take effect July 1, 2005.