

By the Committee on Health Care; and Senators Geller and Lynn

587-2172-05

1 A bill to be entitled

2 An act relating to automated external

3 defibrillators; amending s. 401.2915, F.S.;

4 revising legislative intent with respect to the

5 use of an automated external defibrillator;

6 defining an automated external defibrillator as

7 a lifesaving defibrillation device; defining a

8 related term; providing that it is a

9 first-degree misdemeanor for a person to commit

10 certain acts involving the misuse of an

11 automated external defibrillator; authorizing a

12 local government to adopt an ordinance to

13 license, permit, or inspect automated external

14 defibrillators; providing for enforcement of

15 such local ordinances; requiring the Department

16 of Health to implement an educational campaign

17 to inform the public about the lack of immunity

18 from liability regarding the use of automated

19 external defibrillator devices under certain

20 conditions; providing an effective date.

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

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24 Section 1. Section 401.2915, Florida Statutes, is

25 amended to read:

26 401.2915 Automated external defibrillators.--It is the

27 intent of the Legislature that an automated external

28 defibrillator may be used by any person for the purpose of

29 saving the life of another person in cardiac arrest. In order

30 to achieve that goal, the Legislature intends to encourage

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 training in lifesaving first aid, set standards for the use of
2 automated external defibrillators, and encourage their use.

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

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

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

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

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

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

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

20 (a)~~(1)~~ All persons who use an automated external
21 defibrillator must obtain appropriate training, to include
22 completion of a course in cardiopulmonary resuscitation or
23 successful completion of a basic first aid course that
24 includes cardiopulmonary resuscitation training, and
25 demonstrated proficiency in the use of an automated external
26 defibrillator;

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

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

5 (3) Any person who intentionally or willfully:

6 (a) Tamper with or otherwise renders an automated
7 external defibrillator inoperative, except during such time as
8 the automated external defibrillator is being serviced,
9 tested, repaired, or recharged, or except pursuant to court
10 order; or

11 (b) Obliterates the serial number on an automated
12 external defibrillator for purposes of falsifying service
13 records,

14
15 commits a misdemeanor of the first degree, punishable as
16 provided in s. 775.082 or s. 775.083.

17 (4) A local ordinance may require a person to obtain a
18 license, permit, or inspection certificate regarding automated
19 external defibrillators. Such ordinance may provide for any
20 enforcement method authorized by s. 162.22. The ordinance may
21 provide that it is an infraction or a criminal offense for any
22 person to intentionally or willfully:

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

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

28 (c) Hold a permit or inspection certificate and allow
29 another person to use that permit or inspection certificate
30 number to service, recharge, repair, test, or inspect an
31 automated external defibrillator; or

1 (d) Use or permit the use of any license, permit, or
2 inspection certificate by any individual or organization other
3 than the one to whom the license, permit, or inspection
4 certificate is issued to service, recharge, repair, test, or
5 inspect an automated external defibrillator.

6 Section 2. The Department of Health shall implement an
7 educational campaign to inform any person who acquires an
8 automated external defibrillator device that his or her
9 immunity from liability under section 768.1325, Florida
10 Statutes, for harm resulting from the use or attempted use of
11 the device, does not apply if he or she fails to:

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

13 (2) Provide appropriate training in the use of the
14 device to his or her employee or agent when the employee or
15 agent was the person who used the device on the victim, except
16 as provided in section 768.1325, Florida Statutes.

17 Section 3. This act shall take effect upon becoming a
18 law.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 48

23 The committee substitute creates a criminal offense for
24 certain acts involving tampering with an automated external
25 defibrillator (AED). Local governments are authorized to adopt
26 an ordinance to require a person to obtain a license, permit,
27 or inspection certificate for AEDs and provides for
28 enforcement of such local ordinances. The bill requires the
29 Department of Health to implement an educational campaign to
30 inform persons who acquire an AED that immunity from liability
31 does not extend to failure to properly maintain and test the
AED or failure to provide appropriate training in the use of
the AED.