

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

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 401.2915, Florida Statutes, is amended
 22 to read:

23 401.2915 Automated external defibrillators.--It is the
 24 intent of the Legislature that an automated external
 25 defibrillator may be used by any person for the purpose of
 26 saving the life of another person in cardiac arrest. In order to
 27 achieve that goal, the Legislature intends to encourage training
 28 in lifesaving first aid, set standards for the use of automated

29 external defibrillators, and encourage their use.

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

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

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

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

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

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

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

46 (a)~~(1)~~ All persons who use an automated external
 47 defibrillator must obtain appropriate training, to include
 48 completion of a course in cardiopulmonary resuscitation or
 49 successful completion of a basic first aid course that includes
 50 cardiopulmonary resuscitation training, and demonstrated
 51 proficiency in the use of an automated external defibrillator.

52 (b)~~(2)~~ Any person or entity in possession of an automated
 53 external defibrillator is encouraged to register with the local
 54 emergency medical services medical director the existence and
 55 location of the automated external defibrillator.

56 ~~(c)(3)~~ Any person who uses an automated external
57 defibrillator shall activate the emergency medical services
58 system as soon as possible upon use of the automated external
59 defibrillator.

60 (3) Any person who intentionally or willfully:

61 (a) Tamper with or otherwise renders an automated
62 external defibrillator inoperative, except during such time as
63 the automated external defibrillator is being serviced, tested,
64 repaired, or recharged or except pursuant to court order; or

65 (b) Obliterates the serial number on an automated external
66 defibrillator for purposes of falsifying service records,
67
68 commits a misdemeanor of the first degree, punishable as
69 provided in s. 775.082 or s. 775.083.

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

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

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

81 (c) Hold a permit or inspection certificate and allow
82 another person to use that permit or inspection certificate
83 number to service, recharge, repair, test, or inspect an

84 automated external defibrillator; or

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

90 (5)(4) Each local and state law enforcement vehicle may
 91 carry an automated external defibrillator.

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

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

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

103 Section 3. This act shall take effect July 1, 2006.