

CHAMBER ACTION

1 The Health Care General Committee 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 the term "automated external  
10 defibrillator"; defining a related term; providing that it  
11 is a first degree misdemeanor for a person to commit  
12 certain acts involving the misuse of an automated external  
13 defibrillator; authorizing a local government to adopt an  
14 ordinance to license, permit, or inspect automated  
15 external defibrillators; providing for enforcement of such  
16 local ordinances; requiring the Department of Health to  
17 implement an educational campaign to inform the public  
18 about the lack of immunity from liability regarding the  
19 use of automated external defibrillators under certain  
20 conditions; providing an effective date.

21  
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 amended  
25 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 to  
30 achieve that goal, the Legislature intends to encourage training  
31 in lifesaving first aid and set standards for and encourage the  
32 use of automated external defibrillators.

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

34 (a) "Automated external defibrillator" means a device as  
35 defined in s. 768.1325(2)(b).

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

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

40 (a)~~(1)~~ All persons who use an automated external  
41 defibrillator must obtain appropriate training, to include  
42 completion of a course in cardiopulmonary resuscitation or  
43 successful completion of a basic first aid course that includes  
44 cardiopulmonary resuscitation training, and demonstrated  
45 proficiency in the use of an automated external defibrillator.

46 (b)~~(2)~~ Any person or entity in possession of an automated  
47 external defibrillator is encouraged to register with the local  
48 emergency medical services medical director the existence and  
49 location of the automated external defibrillator.

50 (c)~~(3)~~ Any person who uses an automated external  
51 defibrillator shall activate the emergency medical services

52 | system as soon as possible upon use of the automated external  
53 | defibrillator.

54 | (3) Any person who intentionally or willfully:

55 | (a) Tamper with or otherwise renders an automated  
56 | external defibrillator inoperative, except during such time as  
57 | the automated external defibrillator is being serviced, tested,  
58 | repaired, recharged, or inspected or except pursuant to court  
59 | order; or

60 | (b) Obliterates the serial number on an automated external  
61 | defibrillator for purposes of falsifying service records,  
62 |  
63 | commits a misdemeanor of the first degree, punishable as  
64 | provided in s. 775.082 or s. 775.083.

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

71 | (a) Fail to properly service, recharge, repair, test, or  
72 | inspect an automated external defibrillator;

73 | (b) Use the license, permit, or inspection certificate of  
74 | another person to service, recharge, repair, test, or inspect an  
75 | automated external defibrillator;

76 | (c) Hold a license, permit, or inspection certificate and  
77 | allow another person to use that license, permit, or inspection  
78 | certificate number to service, recharge, repair, test, or  
79 | inspect an automated external defibrillator; or

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80            (d) Use or permit the use of any license, permit, or  
 81 inspection certificate by any individual or organization other  
 82 than the one to whom the license, permit, or inspection  
 83 certificate is issued to service, recharge, repair, test, or  
 84 inspect an automated external defibrillator.

85            (5)~~(4)~~ Each local and state law enforcement vehicle may  
 86 carry an automated external defibrillator.

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

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

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

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