

CHAMBER ACTION

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1 The Criminal Justice 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 terms "automated external  
10 defibrillator" and "defibrillation"; providing that it is  
11 a first degree misdemeanor for a person to commit certain  
12 acts involving the misuse of an automated external  
13 defibrillator; providing penalties and an exception;  
14 requiring the Department of Health to implement an  
15 educational campaign to inform the public about the lack  
16 of immunity from liability regarding the use of automated  
17 external defibrillators under certain conditions;  
18 providing an effective date.

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

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

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

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

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

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

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

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

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

48 (c)~~(3)~~ Any person who uses an automated external  
49 defibrillator shall activate the emergency medical services  
50 system as soon as possible upon use of the automated external  
51 defibrillator.

52           (3) Any person who intentionally or willfully:  
 53           (a) Tamper with or otherwise renders an automated  
 54 external defibrillator inoperative, except during such time as  
 55 the automated external defibrillator is being serviced, tested,  
 56 repaired, recharged, or inspected or except pursuant to court  
 57 order; or  
 58           (b) Obliterates the serial number on an automated external  
 59 defibrillator for purposes of falsifying service records,  
 60  
 61 commits a misdemeanor of the first degree, punishable as  
 62 provided in s. 775.082 or s. 775.083. Paragraph (a) does not  
 63 apply to the owner of the automated external defibrillator or  
 64 the owner's agent.

65           (4) Each local and state law enforcement vehicle may carry  
 66 an automated external defibrillator.

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

73           (1) Properly maintain and test the device; or  
 74           (2) Provide appropriate training in the use of the device  
 75 to his or her employee or agent when the employee or agent was  
 76 the person who used the device on the victim, except as provided  
 77 in s. 768.1325, Florida Statutes.

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