

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 the terms "automated external  
6 defibrillator" and "defibrillation"; providing that it is  
7 a first degree misdemeanor for a person to commit certain  
8 acts involving the misuse of an automated external  
9 defibrillator; providing penalties and an exception;  
10 requiring the Department of Health to implement an  
11 educational campaign to inform persons who acquire  
12 automated external defibrillator devices of the scope and  
13 limitations of the immunity from liability provided under  
14 the Cardiac Arrest Survival Act; amending s. 768.1325,  
15 F.S.; revising the definition of the term "automated  
16 external defibrillator"; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Section 401.2915, Florida Statutes, is amended  
21 to read:

22 401.2915 Automated external defibrillators.--It is the  
23 intent of the Legislature that an automated external  
24 defibrillator may be used by any person for the purpose of  
25 saving the life of another person in cardiac arrest. In order to  
26 achieve that goal, the Legislature intends to encourage training

27 | in lifesaving first aid and set standards for and encourage the  
28 | use of automated external defibrillators.

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

30 | (a) "Automated external defibrillator" means a device as  
31 | defined in s. 768.1325(2)(b).

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

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

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

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

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

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

51 | (a) Tamper with or otherwise renders an automated  
52 | external defibrillator inoperative, except during such time as  
53 | the automated external defibrillator is being serviced, tested,

54 repaired, recharged, or inspected or except pursuant to court  
55 order; or

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

58  
59 commits a misdemeanor of the first degree, punishable as  
60 provided in s. 775.082 or s. 775.083. Paragraph (a) does not  
61 apply to the owner of the automated external defibrillator or  
62 the owner's authorized representative or agent.

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

65 Section 2. The Department of Health shall implement an  
66 educational campaign to inform any person who acquires an  
67 automated external defibrillator device of the scope and  
68 limitations of the immunity from liability provided under s.  
69 768.1325, Florida Statutes.

70 Section 3. Paragraph (b) of subsection (2) of section  
71 768.1325, Florida Statutes, is amended to read:

72 768.1325 Cardiac Arrest Survival Act; immunity from civil  
73 liability.--

74 (2) As used in this section:

75 (b) "Automated external defibrillator device" means a  
76 lifesaving defibrillator device that:

77 1. Is commercially distributed in accordance with the  
78 Federal Food, Drug, and Cosmetic Act.

79 2. Is capable of recognizing the presence or absence of  
80 ventricular fibrillation, and is capable of determining without

81 | intervention by the user of the device whether defibrillation  
82 | should be performed.

83 |         3. Upon determining that defibrillation should be  
84 | performed, is able to deliver an electrical shock to an  
85 | individual.

86 |         Section 4. This act shall take effect July 1, 2006.