

By Senator Geller

31-250-06

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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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.

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

5 ~~(3)(4)~~ Each local and state law enforcement vehicle
6 may carry an automated external defibrillator.

7 (4) Any person who intentionally or willfully:

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

13 (b) Obliterates the serial number on an automated
14 external defibrillator for purposes of falsifying service
15 records,
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17 commits a misdemeanor of the first degree, punishable as
18 provided in s. 775.082 or s. 775.083.

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

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

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

30 (c) Hold a permit or inspection certificate and allow
31 another person to use that permit or inspection certificate

1 number to service, recharge, repair, test, or inspect an
2 automated external defibrillator; or

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

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

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

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

19 Section 3. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Defines an automated external defibrillator as a
25 lifesaving defibrillation device. Provides that it is a
26 first-degree misdemeanor for a person to commit certain
27 acts involving the misuse of an automated external
28 defibrillator. Authorizes a local government to adopt an
29 ordinance to license, permit, or inspect automated
30 external defibrillators. Requires the Department of
31 Health to implement an educational campaign to inform the
public about the lack of immunity from liability
regarding the use of automated external defibrillator
devices under certain conditions.