

By the Committee on Health Care; and Senator Geller

587-1714-06

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 the terms "automated external
7 defibrillator" and "defibrillation"; providing
8 that it is a first-degree misdemeanor for a
9 person to commit certain acts involving the
10 misuse of an automated external defibrillator;
11 providing penalties and an exception; requiring
12 the Department of Health to implement an
13 educational campaign to inform the public about
14 the lack of immunity from liability regarding
15 the use of automated external defibrillators
16 under certain conditions; amending s. 768.1325,
17 F.S.; revising the definition of the term
18 "automated external defibrillator"; providing
19 an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

4 (b) "Defibrillation" means the administration of a
5 controlled electrical charge to the heart to restore a viable
6 cardiac rhythm.

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

8 (a)(1) All persons who use an automated external
9 defibrillator must obtain appropriate training, to include
10 completion of a course in cardiopulmonary resuscitation or
11 successful completion of a basic first aid course that
12 includes cardiopulmonary resuscitation training, and
13 demonstrated proficiency in the use of an automated external
14 defibrillator.

15 (b)(2) Any person or entity in possession of an
16 automated external defibrillator is encouraged to register
17 with the local emergency medical services medical director the
18 existence and location of the automated external
19 defibrillator.

20 (c)(3) Any person who uses an automated external
21 defibrillator shall activate the emergency medical services
22 system as soon as possible upon use of the automated external
23 defibrillator.

24 (3) Any person who intentionally or willfully:

25 (a) Tamper with or otherwise renders an automated
26 external defibrillator inoperative, except during such time as
27 the automated external defibrillator is being serviced,
28 tested, repaired, recharged, or inspected or except pursuant
29 to court order; or

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1 (b) Obliterates the serial number on an automated
2 external defibrillator for purposes of falsifying service
3 records,
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5 commits a misdemeanor of the first degree, punishable as
6 provided in s. 775.082 or s. 775.083. Paragraph (a) does not
7 apply to the owner of the automated external defibrillator or
8 the owner's agent.

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

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

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

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

22 Section 3. Paragraph (b) of subsection (2) of section
23 768.1325, Florida Statutes, is amended to read:

24 768.1325 Cardiac Arrest Survival Act; immunity from
25 civil liability.--

26 (2) As used in this section:

27 (b) "Automated external defibrillator device" means a
28 lifesaving defibrillator device that:

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

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1 2. Is capable of recognizing the presence or absence
2 of ventricular fibrillation, and is capable of determining
3 without intervention by the user of the device whether
4 defibrillation should be performed.

5 3. Upon determining that defibrillation should be
6 performed, is able to deliver an electrical shock to an
7 individual.

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 976

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13 The committee substitute: revises the definition of the term
14 "automated external defibrillator" under the Cardiac Arrest
15 Survival Act to specify that an automated external
16 defibrillator is a lifesaving device; deletes provisions that
17 authorized local governments to adopt an ordinance to license,
18 permit, or inspect automated external defibrillators; and
19 excludes an owner or the owner's agent from a criminal
20 prohibition for tampering with an automated external
21 defibrillator.

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