

By Senator Constantine

22-1023-07

See HB 493

1                                   A bill to be entitled

2           An act relating to automated external

3           defibrillators; amending s. 212.08, F.S.;

4           providing a sales and use tax exemption for

5           defibrillators obtained by businesses for use

6           on their premises; amending s. 401.2915, F.S.;

7           revising provisions relating to maintenance and

8           training requirements and notice to the local

9           emergency medical services medical director;

10          amending s. 768.1325, F.S.; revising

11          requirements for civil immunity for use or

12          attempted use of a defibrillator on a victim of

13          a perceived medical emergency; providing an

14          effective date.

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

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18           Section 1. Paragraph (k) of subsection (2) of section

19   212.08, Florida Statutes, is redesignated as paragraph (l),

20   and a new paragraph (k) is added to that subsection, to read:

21           212.08 Sales, rental, use, consumption, distribution,

22   and storage tax; specified exemptions.--The sale at retail,

23   the rental, the use, the consumption, the distribution, and

24   the storage to be used or consumed in this state of the

25   following are hereby specifically exempt from the tax imposed

26   by this chapter.

27           (2) EXEMPTIONS; MEDICAL.--

28           (k) Automated external defibrillators obtained by

29   businesses for use on their premises are exempt.

30           Section 2. Paragraphs (a) and (b) of subsection (2) of

31   section 401.2915, Florida Statutes, are amended to read:

1           401.2915 Automated external defibrillators.--It is the  
2 intent of the Legislature that an automated external  
3 defibrillator may be used by any person for the purpose of  
4 saving the life of another person in cardiac arrest. In order  
5 to achieve that goal, the Legislature intends to encourage  
6 training in lifesaving first aid and set standards for and  
7 encourage the use of automated external defibrillators.

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

9           (a) Any person or entity in possession of an automated  
10 external defibrillator shall:

11           1. Properly maintain and test the device.

12           2. Provide training in cardiopulmonary resuscitation  
13 and automated external defibrillator proficiency from the  
14 American Heart Association or the American Red Cross, or a  
15 substantially similar program from another provider, to any of  
16 its employees or agents who are reasonably expected to be  
17 potential users of the defibrillator. All persons who use an  
18 automated external defibrillator must obtain appropriate  
19 training, to include completion of a course in cardiopulmonary  
20 resuscitation or successful completion of a basic first aid  
21 course that includes cardiopulmonary resuscitation training,  
22 and demonstrated proficiency in the use of an automated  
23 external defibrillator.

24           (b) Any person or entity in possession of an automated  
25 external defibrillator is encouraged to notify ~~register with~~  
26 the local emergency medical services medical director of the  
27 ~~existence and~~ location of the automated external  
28 defibrillator.

29           Section 3. Subsection (3) of section 768.1325, Florida  
30 Statutes, is amended to read:

1           768.1325 Cardiac Arrest Survival Act; immunity from  
2 civil liability.--

3           (3) Notwithstanding any other provision of law to the  
4 contrary, and except as provided in subsection (4), any person  
5 who uses or attempts to use an automated external  
6 defibrillator device on a victim of a perceived medical  
7 emergency, ~~without objection of the victim of the perceived~~  
8 ~~medical emergency,~~ is immune from civil liability for any harm  
9 resulting from the use or attempted use of such device. In  
10 addition, any person who acquired the device, including, but  
11 not limited to, a community association organized under  
12 chapter 617, chapter 718, chapter 719, chapter 720, chapter  
13 721, or chapter 723, is immune from such liability, ~~if the~~  
14 ~~harm was not due to the failure of such acquirer of the device~~  
15 ~~to:~~

16           ~~(a) Notify the local emergency medical services~~  
17 ~~medical director of the most recent placement of the device~~  
18 ~~within a reasonable period of time after the device was~~  
19 ~~placed;~~

20           ~~(b) Properly maintain and test the device; or~~

21           ~~(c) Provide appropriate training in the use of the~~  
22 ~~device to an employee or agent of the acquirer when the~~  
23 ~~employee or agent was the person who used the device on the~~  
24 ~~victim, except that such requirement of training does not~~  
25 ~~apply if:~~

26           1. ~~The employee or agent was not an employee or agent~~  
27 ~~who would have been reasonably expected to use the device; or~~

28           2. ~~The period of time elapsing between the engagement~~  
29 ~~of the person as an employee or agent and the occurrence of~~  
30 ~~the harm, or between the acquisition of the device and the~~  
31 ~~occurrence of the harm in any case in which the device was~~

1 ~~acquired after engagement of the employee or agent, was not a~~  
2 ~~reasonably sufficient period in which to provide the training.~~

3           Section 4. This act shall take effect July 1, 2007.  
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