

A bill to be entitled

An act relating to automated external defibrillators; amending s. 212.08, F.S.; providing a sales and use tax exemption for defibrillators obtained by businesses for use on their premises; amending s. 401.2915, F.S.; revising provisions relating to maintenance and training requirements and notice to the local emergency medical services medical director; amending s. 768.1325, F.S.; revising requirements for civil immunity for use or attempted use of a defibrillator on a victim of a perceived medical emergency; providing an effective date.

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

Section 1. Paragraph (k) of subsection (2) of section 212.08, Florida Statutes, is redesignated as paragraph (l), and a new paragraph (k) is added to that subsection, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(2) EXEMPTIONS; MEDICAL.--

(k) Automated external defibrillators obtained by businesses for use on their premises are exempt.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 401.2915, Florida Statutes, are amended to read:

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

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

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

39                 1. Properly maintain and test the device.

40                 2. Provide training in cardiopulmonary resuscitation and  
 41 automated external defibrillator proficiency from the American  
 42 Heart Association or the American Red Cross, or a substantially  
 43 similar program from another provider, to any of its employees  
 44 or agents who are reasonably expected to be potential users of  
 45 the defibrillator. ~~All persons who use an automated external~~  
 46 ~~defibrillator must obtain appropriate training, to include~~  
 47 ~~completion of a course in cardiopulmonary resuscitation or~~  
 48 ~~successful completion of a basic first aid course that includes~~  
 49 ~~cardiopulmonary resuscitation training, and demonstrated~~  
 50 ~~proficiency in the use of an automated external defibrillator.~~

51           (b) Any person or entity in possession of an automated  
 52 external defibrillator is encouraged to notify ~~register with~~ the  
 53 local emergency medical services medical director of the  
 54 ~~existence and~~ location of the automated external defibrillator.

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

57 768.1325 Cardiac Arrest Survival Act; immunity from civil  
 58 liability.--

59 (3) Notwithstanding any other provision of law to the  
 60 contrary, and except as provided in subsection (4), any person  
 61 who uses or attempts to use an automated external defibrillator  
 62 device on a victim of a perceived medical emergency, ~~without~~  
 63 ~~objection of the victim of the perceived medical emergency,~~ is  
 64 immune from civil liability for any harm resulting from the use  
 65 or attempted use of such device. In addition, any person who  
 66 acquired the device, including, but not limited to, a community  
 67 association organized under chapter 617, chapter 718, chapter  
 68 719, chapter 720, chapter 721, or chapter 723, is immune from  
 69 such liability, ~~if the harm was not due to the failure of such~~  
 70 ~~acquirer of the device to:~~

71 ~~(a) Notify the local emergency medical services medical~~  
 72 ~~director of the most recent placement of the device within a~~  
 73 ~~reasonable period of time after the device was placed;~~

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

75 ~~(c) Provide appropriate training in the use of the device~~  
 76 ~~to an employee or agent of the acquirer when the employee or~~  
 77 ~~agent was the person who used the device on the victim, except~~  
 78 ~~that such requirement of training does not apply if:~~

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

81 ~~2. The period of time elapsing between the engagement of~~  
 82 ~~the person as an employee or agent and the occurrence of the~~  
 83 ~~harm, or between the acquisition of the device and the~~  
 84 ~~occurrence of the harm in any case in which the device was~~

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

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