

1                                   A bill to be entitled  
 2           An act relating to automated external defibrillators;  
 3           amending s. 401.2915, F.S.; revising provisions relating  
 4           to maintenance and training requirements and notice to the  
 5           local emergency medical services medical director;  
 6           amending s. 768.1325, F.S.; revising requirements for  
 7           civil immunity for use or attempted use of a defibrillator  
 8           on a victim of a perceived medical emergency; providing an  
 9           effective date.

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

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13           Section 1. Paragraphs (a) and (b) of subsection (2) of  
 14 section 401.2915, Florida Statutes, are amended to read:

15           401.2915 Automated external defibrillators.--It is the  
 16 intent of the Legislature that an automated external  
 17 defibrillator may be used by any person for the purpose of  
 18 saving the life of another person in cardiac arrest. In order to  
 19 achieve that goal, the Legislature intends to encourage training  
 20 in lifesaving first aid and set standards for and encourage the  
 21 use of automated external defibrillators.

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

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

25                   1. Properly maintain and test the device.

26                   2. Provide training in cardiopulmonary resuscitation and  
 27 automated external defibrillator proficiency from the American  
 28 Heart Association or the American Red Cross, or a substantially

29 similar program from another provider, to any of its employees  
 30 or agents who are reasonably expected to be potential users of  
 31 the defibrillator. All persons who use an automated external  
 32 ~~defibrillator must obtain appropriate training, to include~~  
 33 ~~completion of a course in cardiopulmonary resuscitation or~~  
 34 ~~successful completion of a basic first aid course that includes~~  
 35 ~~cardiopulmonary resuscitation training, and demonstrated~~  
 36 ~~proficiency in the use of an automated external defibrillator.~~

37 (b) Any person or entity in possession of an automated  
 38 external defibrillator is encouraged to notify ~~register with~~ the  
 39 local emergency medical services medical director of the  
 40 ~~existence and~~ location of the automated external defibrillator.

41 Section 2. Subsection (3) of section 768.1325, Florida  
 42 Statutes, is amended to read:

43 768.1325 Cardiac Arrest Survival Act; immunity from civil  
 44 liability.--

45 (3) Notwithstanding any other provision of law to the  
 46 contrary, and except as provided in subsection (4), any person  
 47 who uses or attempts to use an automated external defibrillator  
 48 device on a victim of a perceived medical emergency, ~~without~~  
 49 ~~objection of the victim of the perceived medical emergency,~~ is  
 50 immune from civil liability for any harm resulting from the use  
 51 or attempted use of such device. In addition, any person who  
 52 acquired the device, including, but not limited to, a community  
 53 association organized under chapter 617, chapter 718, chapter  
 54 719, chapter 720, chapter 721, or chapter 723, is immune from  
 55 such liability, ~~if the harm was not due to the failure of such~~  
 56 ~~acquirer of the device to:~~

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

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

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

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

67 ~~2. The period of time elapsing between the engagement of~~  
68 ~~the person as an employee or agent and the occurrence of the~~  
69 ~~harm, or between the acquisition of the device and the~~  
70 ~~occurrence of the harm in any case in which the device was~~  
71 ~~acquired after engagement of the employee or agent, was not a~~  
72 ~~reasonably sufficient period in which to provide the training.~~

73 Section 3. This act shall take effect July 1, 2008.