

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 the maintenance of and training requirements for the  
 5           use of automated external defibrillators; revising  
 6           provisions encouraging notice to the local emergency  
 7           medical services medical director; amending s. 768.1325,  
 8           F.S.; revising requirements for civil immunity for the use  
 9           or attempted use of a defibrillator on a victim of a  
 10          perceived medical emergency; providing an effective date.

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

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 14           Section 1. Subsection (2) of section 401.2915, Florida  
 15 Statutes, is amended to read:

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

23           (2) In order to promote ~~ensure~~ public health and safety:

24           (a) All persons who use an automated external  
 25 defibrillator are encouraged to ~~must~~ obtain appropriate  
 26 training, to include completion of a course in cardiopulmonary  
 27 resuscitation or successful completion of a basic first aid  
 28 course that includes cardiopulmonary resuscitation training, and

29 | demonstrated proficiency in the use of an automated external  
 30 | defibrillator.

31 | (b) Any person or entity in possession of an automated  
 32 | external defibrillator is encouraged to notify ~~register with~~ the  
 33 | local emergency medical services medical director of the  
 34 | ~~existence and~~ location of the automated external defibrillator.

35 | (c) Any person who uses an automated external  
 36 | defibrillator shall activate the emergency medical services  
 37 | system as soon as possible upon use of the automated external  
 38 | defibrillator.

39 | Section 2. Subsection (3) of section 768.1325, Florida  
 40 | Statutes, is amended to read:

41 | 768.1325 Cardiac Arrest Survival Act; immunity from civil  
 42 | liability.--

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

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

65 1. The device is equipped with audible, visual, or written  
66 instructions on its use, including any such visual or written  
67 instructions posted on or adjacent to the device;

68 ~~2.1.~~ The employee or agent was not an employee or agent  
69 who would have been reasonably expected to use the device; or

70 ~~3.2.~~ The period of time elapsing between the engagement of  
71 the person as an employee or agent and the occurrence of the  
72 harm, or between the acquisition of the device and the  
73 occurrence of the harm in any case in which the device was  
74 acquired after engagement of the employee or agent, was not a  
75 reasonably sufficient period in which to provide the training.

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