

Bill No. SB 564



753744

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
2/6/2008	.	
	.	
	.	

1 The Committee on Health Regulation (Jones) recommended the
 2 following **amendment**:

Senate Amendment (with directory and title amendments)

Delete line(s) 21 through 42 and insert:

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

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

14 (b) Any person or entity in possession of an automated
 15 external defibrillator is encouraged to notify ~~register with~~ the

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16 local emergency medical services medical director of the
17 ~~existence and~~ location of the automated external defibrillator.

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

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

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

26 (3) Notwithstanding any other provision of law to the
27 contrary, and except as provided in subsection (4), any person
28 who uses or attempts to use an automated external defibrillator
29 device on a victim of a perceived medical emergency, without
30 objection of the victim of the perceived medical emergency, is
31 immune from civil liability for any harm resulting from the use
32 or attempted use of such device. In addition, notwithstanding
33 any other provision of law to the contrary, and except as
34 provided in subsection (4), any person who makes the device
35 available ~~acquired the device~~, including, but not limited to, a
36 community association organized under chapter 617, chapter 718,
37 chapter 719, chapter 720, chapter 721, or chapter 723, is immune
38 from such liability, if the harm was not due to the failure of
39 such person ~~acquirer of the device~~ to:

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

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



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44 (b) (e) Provide appropriate training in the use of the
 45 device to an employee or agent of the person who makes the
 46 device available ~~acquirer~~ when the employee or agent was the
 47 person who used the device on the victim, except that such
 48 requirement of training does not apply if:

49 1. The device is equipped with audible, visual, or written
 50 instructions on its use, including the posting of visual or
 51 written instructions on or adjacent to the device.

52 ~~2.1.~~ The employee or agent was not an employee or agent
 53 who would have been reasonably expected to use the device; or

54 ~~3.2.~~ The period of time elapsing between the engagement of
 55 the person as an employee or agent and the occurrence of the
 56 harm, or between the acquisition of the device and the
 57 occurrence of the harm in any case in which the device was
 58 acquired after engagement of the employee or agent, was not a
 59 reasonably sufficient period in which to provide the training.

60

61 Redesignate subsequent sections.

62

63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete line(s) 7 through 8 and insert:

66

67 medical services medical director; amending s. 768.1325, F.S.;

68 revising requirements for civil immunity for use or attempted

69 use of a defibrillator on a victim of a perceived medical

70 emergency; providing an effective date.

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