

By Senator Altman

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1 A bill to be entitled

2 An act relating to automated external defibrillators;  
3 amending s. 401.2915, F.S.; requiring certain entities  
4 to notify local emergency services medical directors  
5 of the locations of automated external defibrillators;  
6 requiring local emergency medical services medical  
7 directors to maintain registries of certain automated  
8 external defibrillator locations; amending s.

9 768.1326, F.S.; directing the State Surgeon General,  
10 with the assistance of the Department of Management  
11 Services, to adopt rules to establish guidelines for  
12 the appropriate placement and deployment of automated  
13 external defibrillators in places of public assembly;  
14 providing a definition; providing exceptions;  
15 providing for training and maintenance; providing for  
16 immunity from liability under the Good Samaritan Act  
17 and the Cardiac Arrest Survival Act; providing for  
18 application to local ordinances; providing an  
19 effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Section 401.2915, Florida Statutes, is amended  
24 to read:

25 401.2915 Automated external defibrillators.—It is the  
26 intent of the Legislature that an automated external  
27 defibrillator may be used by any person for the purpose of  
28 saving the life of another person in cardiac arrest. In order to  
29 achieve that goal, the Legislature intends to encourage training

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30 in lifesaving first aid and set standards for and encourage the  
31 use of automated external defibrillators.

32 (1) As used in this section, the term:

33 (a) "Automated external defibrillator" means a device as  
34 defined in s. 768.1325(2) (b).

35 (b) "Defibrillation" means the administration of a  
36 controlled electrical charge to the heart to restore a viable  
37 cardiac rhythm.

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

39 (a) All persons who use an automated external defibrillator  
40 are encouraged to obtain appropriate training, to include  
41 completion of a course in cardiopulmonary resuscitation or  
42 successful completion of a basic first aid course that includes  
43 cardiopulmonary resuscitation training, and demonstrated  
44 proficiency in the use of an automated external defibrillator.

45 (b) Any person or entity in possession of an automated  
46 external defibrillator is encouraged to notify the local  
47 emergency medical services medical director of the location of  
48 the automated external defibrillator. The owner, operator, or  
49 administrator responsible for a place of public assembly, as  
50 defined in s. 768.1326, shall notify the local emergency medical  
51 services medical director of the location of the automated  
52 external defibrillator. The state agency responsible for a  
53 building or portion of a building owned or leased by the state  
54 shall notify the local emergency medical services medical  
55 director of the location of the automated external  
56 defibrillator. The local emergency medical services medical  
57 director shall maintain a registry of these automated external  
58 defibrillator locations.

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59 (c) Any person who uses an automated external defibrillator  
60 shall activate the emergency medical services system as soon as  
61 possible upon use of the automated external defibrillator.

62 (3) Any person who intentionally or willfully:

63 (a) Tamper with or otherwise renders an automated external  
64 defibrillator inoperative, except during such time as the  
65 automated external defibrillator is being serviced, tested,  
66 repaired, recharged, or inspected or except pursuant to court  
67 order; or

68 (b) Obliterates the serial number on an automated external  
69 defibrillator for purposes of falsifying service records,  
70  
71 commits a misdemeanor of the first degree, punishable as  
72 provided in s. 775.082 or s. 775.083. Paragraph (a) does not  
73 apply to the owner of the automated external defibrillator or  
74 the owner's authorized representative or agent.

75 (4) Each local and state law enforcement vehicle may carry  
76 an automated external defibrillator.

77 Section 2. Section 768.1326, Florida Statutes, is amended  
78 to read:

79 768.1326 Placement of automated external defibrillators in  
80 state buildings and places of public assembly; rulemaking  
81 authority.—

82 (1) ~~No later than January 1, 2003,~~ The State Surgeon  
83 General shall adopt rules to establish guidelines on the  
84 appropriate placement of automated external defibrillator  
85 devices in buildings or portions of buildings owned or leased by  
86 the state and in places of public assembly, and shall establish,  
87 by rule, recommendations on procedures for the deployment of

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88 automated external defibrillator devices in such buildings and  
89 places of public assembly in accordance with the guidelines. The  
90 Secretary of Management Services shall assist the State Surgeon  
91 General in the development of the guidelines. The guidelines for  
92 the placement of the automated external defibrillators shall  
93 take into account the typical number of employees and visitors  
94 in the building or place of public assembly ~~buildings~~, the  
95 extent of the need for security measures regarding the building  
96 or place of public assembly ~~buildings~~, special circumstances in  
97 the building or a portion of the building ~~buildings or portions~~  
98 ~~of buildings~~ such as high electrical voltages or extreme heat or  
99 cold, and such other factors as the State Surgeon General and  
100 Secretary of Management Services determine to be appropriate.  
101 For purposes of this section, the term "place of public  
102 assembly" means a location with a seating capacity of at least  
103 1,000 people and includes, but is not limited to, any stadium,  
104 ballpark, gymnasium, field house, arena, civic center, or  
105 similar facility used for the conduct of sporting events and any  
106 concert hall, recital hall, theater, indoor or outdoor  
107 amphitheatre, or other auditorium used for the presentation of  
108 musical performances or concerts. The term does not include any  
109 church, synagogue, or other not-for-profit religious  
110 organization or any public association or public library. The  
111 State Surgeon General's recommendations for deployment of  
112 automated external defibrillators in buildings or portions of  
113 buildings owned or leased by the state or in places of public  
114 assembly shall include:

115       (a) ~~(1)~~ A reference list of appropriate training courses in  
116 the use of such devices, including the role of cardiopulmonary

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117 resuscitation;

118 ~~(b)(2)~~ The extent to which such devices may be used by  
119 laypersons;

120 ~~(c)(3)~~ Manufacturer recommended maintenance and testing of  
121 the devices; and

122 ~~(d)(4)~~ Coordination with local emergency medical services  
123 systems regarding registration of automated external  
124 defibrillators and documentation of the incidents of use of the  
125 devices.

126

127 In formulating these guidelines and recommendations, the State  
128 Surgeon General may consult with all appropriate public and  
129 private entities, including national and local public health  
130 organizations that seek to improve the survival rates of  
131 individuals who experience cardiac arrest.

132 (2) Whenever a place of public assembly is used for  
133 publicly or privately sponsored events or activities, the  
134 owners, operators, or administrators responsible for the place  
135 of public assembly shall require the presence of at least one  
136 employee or volunteer who is trained in accordance with s.  
137 401.2915 in the operation and use of an automated external  
138 defibrillator.

139 (3) The use of an automated external defibrillator by an  
140 employee or a volunteer under this section is covered under ss.  
141 768.13 and 768.1325.

142 (4) This section may not be construed to prohibit a county  
143 or municipal government from enacting, implementing, and  
144 enforcing any local ordinance that expands the requirements of  
145 this section for the placement of automated external

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146 defibrillators in a place of public assembly.

147 Section 3. This act shall take effect July 1, 2010.