

1                   A bill to be entitled  
2           An act relating to automated external defibrillators in  
3           assisted living facilities; amending s. 429.255, F.S.;  
4           requiring certain assisted living facilities to possess a  
5           functioning automated external defibrillator; encouraging  
6           an assisted living facility to register the location of  
7           the automated external defibrillator with a local  
8           emergency medical services medical director; providing  
9           immunity from liability under the Good Samaritan Act and  
10          the Cardiac Arrest Survival Act; authorizing the  
11          Department of Elderly Affairs to adopt rules relating to  
12          the use of automated external defibrillators; providing  
13          appropriations; providing effective dates.

14  
15   Be It Enacted by the Legislature of the State of Florida:

16  
17          Section 1.   Effective July 1, 2011, present subsection (3)  
18          of section 429.255, Florida Statutes, is renumbered as  
19          subsection (4) and amended, and new subsections (3) and (5) are  
20          added to that section, to read:

21           429.255   Use of personnel; emergency care.—

22           (3) (a) An assisted living facility licensed under this  
23           part with 17 or more beds shall have on the premises at all  
24           times a functioning automated external defibrillator as defined  
25           in s. 768.1325(2) (b) .

26           (b) The facility is encouraged to register the location of  
27           each automated external defibrillator with a local emergency  
28           medical services medical director.

29           (c) The provisions of ss. 768.13 and 768.1325 apply to  
 30 automated external defibrillators within the facility.

31           ~~(4)(3)~~ Facility staff may withhold or withdraw  
 32 cardiopulmonary resuscitation or the use of an automated  
 33 external defibrillator if presented with an order not to  
 34 resuscitate executed pursuant to s. 401.45. The department shall  
 35 adopt rules providing for the implementation of such orders.  
 36 Facility staff and facilities shall not be subject to criminal  
 37 prosecution or civil liability, nor be considered to have  
 38 engaged in negligent or unprofessional conduct, for withholding  
 39 or withdrawing cardiopulmonary resuscitation or use of an  
 40 automated external defibrillator pursuant to such an order and  
 41 rules adopted by the department. The absence of an order to  
 42 resuscitate executed pursuant to s. 401.45 does not preclude a  
 43 physician from withholding or withdrawing cardiopulmonary  
 44 resuscitation or use of an automated external defibrillator as  
 45 otherwise permitted by law.

46           (5) The Department of Elderly Affairs may adopt rules to  
 47 implement the provisions of this section relating to use of an  
 48 automated external defibrillator.

49           Section 2. The sum of \$22,447 in recurring funds and  
 50 \$11,200 in nonrecurring funds from the General Revenue Fund and  
 51 two full-time equivalent positions with associated salary rate  
 52 of 70,229 is appropriated to the Agency for Health Care  
 53 Administration for the 2010-2011 fiscal year to implement the  
 54 provisions of this act. An additional \$113,030 in recurring  
 55 funds from the General Revenue Fund is appropriated to the

CS/CS/HB 945

2010

56 | Agency for Health Care Administration for the 2011-2012 fiscal  
57 | year for the same purpose.

58 |       Section 3. Except as otherwise expressly provided in this  
59 | act, this act shall take effect July 1, 2010.