

CHAPTER 97-34

Committee Substitute for House Bill No. 411

An act relating to automatic external defibrillators; providing legislative intent that automatic external defibrillators may be used by any person; requiring persons to obtain training and to activate the emergency medical services system upon use of a defibrillator; encouraging certain persons and entities to register a defibrillator; repealing s. 401.291, F.S., relating to automatic external defibrillators; amending s. 768.13, F.S.; providing immunity from liability for certain persons; providing an effective date.

WHEREAS, the Legislature finds that the number of deaths due to sudden cardiac arrest is too high, and

WHEREAS, the key to preventing this high number of deaths is to dramatically expand the availability of defibrillation therapy in a timely fashion, and

WHEREAS, recent breakthroughs in automatic external defibrillator technology have resulted in the availability of devices that have proven to be exceptionally safe and effective in treating sudden cardiac arrest, and

WHEREAS, these new devices are virtually maintenance-free, safe and easy to use with minimum training, small, lightweight, durable, and less expensive, and

WHEREAS, the widespread availability of these new devices will make sudden cardiac arrest a truly treatable disease, preventing hundreds of unnecessary deaths, and

WHEREAS, the Legislature has determined that it is in the public interest to make these devices readily available to the general public, but that the public be trained to properly use these devices and to activate the emergency medical services system immediately upon using the device, NOW, THEREFORE,

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

Section 1. It is the intent of the Legislature that an automatic external defibrillator may be used by any person for the purpose of saving the life of another person in cardiac arrest. In order to ensure public health and safety:

(1) All persons who have access to or use an automatic external defibrillator must obtain appropriate training, to include completion of a course in cardiopulmonary resuscitation or successful completion of a basic first-aid course that includes cardiopulmonary resuscitation training, and demonstrated proficiency in the use of an automatic external defibrillator;

(2) Any person or entity in possession of an automatic external defibrillator is encouraged to register with the local emergency medical services

medical director the existence and location of the automatic external defibrillator; and

(3) Any person who uses an automatic external defibrillator is required to activate the emergency medical services system as soon as possible upon use of the automatic external defibrillator.

Section 2. Section 401.291, Florida Statutes, is hereby repealed.

Section 3. Subsection (4) is added to section 768.13, Florida Statutes, to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(4) Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment by the use of or provision of an automatic external defibrillator, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor April 30, 1997.

Filed in Office Secretary of State April 30, 1997.