

Committee Substitute for
Committee Substitute for Senate Bill No. 564

An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising provisions relating to the maintenance of and training requirements for the use of automated external defibrillators; revising provisions encouraging notice to the local emergency medical services medical director; amending s. 768.1325, F.S.; revising requirements for civil immunity for the use or attempted use of a defibrillator on a victim of a perceived medical emergency; providing an effective date.

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

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

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

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

(a) All persons who use an automated external defibrillator are encouraged to ~~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 automated external defibrillator.

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

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

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

768.1325 Cardiac Arrest Survival Act; immunity from civil liability.—

(3) Notwithstanding any other provision of law to the contrary, and except as provided in subsection (4), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency, without objection of the victim of the perceived medical emergency, is immune from civil liability for any harm resulting from the use or

attempted use of such device. In addition, notwithstanding any other provision of law to the contrary, and except as provided in subsection (4), any person who acquired the device and makes it available for use, including, but not limited to, a community association organized under chapter 617, chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723, is immune from such liability, if the harm was not due to the failure of such person acquirer of the device to:

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

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

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

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

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

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

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

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.