

CHAPTER 2010-200

Committee Substitute for Committee Substitute for House Bill No. 945

An act relating to automated external defibrillators in assisted living facilities; amending s. 429.255, F.S.; requiring certain assisted living facilities to possess a functioning automated external defibrillator; encouraging an assisted living facility to register the location of the automated external defibrillator with a local emergency medical services medical director; providing immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act; authorizing the Department of Elderly Affairs to adopt rules relating to the use of automated external defibrillators; providing appropriations; providing effective dates.

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

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

429.255 Use of personnel; emergency care.—

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

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

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

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

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

Section 2. The sum of \$22,447 in recurring funds and \$11,200 in nonrecurring funds from the General Revenue Fund and two full-time equivalent positions with associated salary rate of 70,229 is appropriated to the Agency for Health Care Administration for the 2010-2011 fiscal year to implement the provisions of this act. An additional \$113,030 in recurring funds from the General Revenue Fund is appropriated to the Agency for Health Care Administration for the 2011-2012 fiscal year for the same purpose.

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

Approved by the Governor June 3, 2010.

Filed in Office Secretary of State June 3, 2010.