

By Senator Altman

24-00643-11

20111082

1                   A bill to be entitled  
2       An act relating to medical devices; amending s.  
3       401.2915, F.S.; requiring certain entities to notify  
4       local emergency services medical directors of the  
5       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      clarifying the scope of the requirements of the act;  
16      amending s. 1006.165, F.S.; requiring the placement of  
17      an automated external defibrillator in each public  
18      school in this state; requiring training of certain  
19      persons; requiring registration of such devices with  
20      local emergency medical services medical directors;  
21      providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25       Section 1. Section 401.2915, Florida Statutes, is amended  
26 to read:

27       401.2915 Automated external defibrillators.—It is the  
28 intent of the Legislature that an automated external  
29 defibrillator may be used by a ~~any~~ person for the purpose of

24-00643-11

20111082

30 saving the life of another person in cardiac arrest. In order to  
31 achieve that goal, the Legislature intends to encourage training  
32 in lifesaving first aid and set standards for and encourage the  
33 use of automated external defibrillators.

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

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

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

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

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

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

24-00643-11

20111082

59 director shall maintain a registry of these automated external  
60 defibrillator locations.

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

65 (3) A ~~Any~~ person who intentionally or willfully:

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

71 (b) Obliterates the serial number on an automated external  
72 defibrillator for purposes of falsifying service records,

73  
74 commits a misdemeanor of the first degree, punishable as  
75 provided in s. 775.082 or s. 775.083. Paragraph (a) does not  
76 apply to the owner of the automated external defibrillator or  
77 the owner's authorized representative or agent.

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

80 Section 2. Section 768.1326, Florida Statutes, is amended  
81 to read:

82 768.1326 Placement of automated external defibrillators in  
83 state buildings and places of public assembly; rulemaking  
84 authority.—

85 (1) ~~No later than January 1, 2003,~~ The State Surgeon  
86 General shall adopt rules to establish guidelines on the  
87 appropriate placement of automated external defibrillator

24-00643-11

20111082

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

24-00643-11

20111082

117 leased by the state or in places of public assembly shall  
118 include:

119 (a)~~(1)~~ A reference list of appropriate training courses in  
120 the use of such devices, including the role of cardiopulmonary  
121 resuscitation;

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

124 (c)~~(3)~~ Manufacturer recommended maintenance and testing of  
125 the devices; and

126 (d)~~(4)~~ Coordination with local emergency medical services  
127 systems regarding registration of automated external  
128 defibrillators and documentation of the incidents of use of the  
129 devices.

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

136 (2) This section does not:

137 (a) Prohibit a county or municipal government from  
138 enacting, implementing, and enforcing any local ordinance that  
139 expands the requirements of this section for the placement of  
140 automated external defibrillators in a place of public assembly;

141 (b) Mandate the placement of any automated external  
142 defibrillator in any place of public assembly; or

143 (c) Authorize the adoption of rules, guidelines, or  
144 recommendations that would establish any legal standard of care  
145 in civil actions.

24-00643-11

20111082

146 Section 3. Section 1006.165, Florida Statutes, is amended  
147 to read:

148 1006.165 Automated external defibrillator; user training.-

149 (1) Each public school in this state ~~that is a member of~~  
150 ~~the Florida High School Athletic Association~~ must have an  
151 operational automated external defibrillator on the school  
152 grounds. Public and private partnerships are encouraged to cover  
153 the cost associated with the purchase and placement of the  
154 defibrillator and training in the use of the defibrillator.

155 (2) Each school must ensure that all employees or  
156 volunteers who are reasonably expected to use the device obtain  
157 appropriate training, including completion of a course in  
158 cardiopulmonary resuscitation or a basic first aid course that  
159 includes cardiopulmonary resuscitation training, and  
160 demonstrated proficiency in the use of an automated external  
161 defibrillator.

162 (3) The location of each automated external defibrillator  
163 must be registered with a local emergency medical services  
164 medical director.

165 (4) The use of automated external defibrillators by  
166 employees and volunteers is covered under ss. 768.13 and  
167 768.1325.

168 Section 4. This act shall take effect July 1, 2011.