

By the Committees on Children, Families, and Elder Affairs; and Health Regulation; and Senator Fasano

586-03771-10

20102008c2

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

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

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18 Section 1. Present subsection (3) of section 429.255,
19 Florida Statutes, is renumbered as subsection (4) and amended,
20 and new subsections (3) and (5) are added to that section, to
21 read:

22 429.255 Use of personnel; emergency care.—

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

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

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

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

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

50 Section 2. This act shall take effect July 1, 2011.