

ORDINANCE NO. 2008-27

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 7, FIRE PREVENTION AND PROTECTION, CREATING SECTION 7-51, OF THE DAVIE CODE, TO PROVIDE FOR A COMMUNITY AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM; INCLUDING PROVIDING FOR DEFINITION FOR AUTOMATIC EXTERNAL DEFIBRILLATORS; REQUIRING AUTOMATIC EXTERNAL DEFIBRILLATORS IN CERTAIN OCCUPANCIES; PROVIDING FOR INSTALLATION AND OPERATION; PROVIDING FOR A INSTALLATION FEE AND PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town's existing Code for regulating the health, safety, and general welfare does not recognize that there are devices that may be desirable to provide emergency medical treatment to the Town of Davie residents at certain buildings; and

WHEREAS, the American Heart Association reports recent breakthroughs in technology have resulted in the availability of devices known as automated external defibrillators ("AED") which are proven to be safe and effective for use by lay persons with minimal training in rapidly delivering a defibrillatory shock; and

WHEREAS, the American Heart Association anticipates the widespread availability of AED's will make sudden cardiac arrest a truly treatable disease and will save lives; and

WHEREAS, it is in the best interest of the citizens of the Town of Davie that the following regulations governing the general welfare of Town residents be adopted.

WHEREAS, the Florida Legislature has determined that certain procedures should be implemented to ensure proper use of AED's and has enacted Section 401.2915, 2007 Edition Florida Statutes, outlining these procedures; and

WHEREAS, it is the intent of this Ordinance to set minimum standards for use, maintenance, training, data collection, and data recovery for the Community Automated External Defibrillator Program; and

WHEREAS, the Town of Davie Fire Rescue Department as licensed providers of pre-hospital care will develop and coordinate this program; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2: That the Town of Davie Code of Ordinance, Section 7-51, is hereby created to read as follows:

\* \* \*

**Section #7-51: Community Automated External Defibrillator Program**

(1) Definition of Automatic External Defibrillator (AED) Device:

A defibrillator device that is:

- A. Is commercially available in accordance with the Federal Food, Drug, and Cosmetic Act,
- B. Is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed, and
- C. Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

(2) Intent:

It is the intent of the Town and the purpose of this Chapter:

- A. To promote the public health, safety, and general welfare by requiring the installation of Automated External Defibrillator devices within certain buildings in the Town.
- B. To provide for the annual verification inspection of each AED device within the Town

(3) Automated External Defibrillator Devices (AED) Required:

Automated External Defibrillator devices shall be installed in the following buildings located within the geographical boundaries of the Town of Davie: As defined in NFPA 101, Life Safety Code.

- A. Assembly Occupancy;
  1. Fitness centers, gymnasiums, and indoor recreational centers in excess of 1,500 square feet;
  2. Theaters, restaurants, drinking establishments, with a maximum capacity of 100 or greater.
- B. Business Residential Occupancy;
  1. ~~All hotels and motels.~~ Office buildings with a square footage greater than 20,000 sq ft.
- C. Mercantile Occupancy Healthcare;
  1. ~~Assisted Living Facilities as defined by Section 400.402, Florida Statute as amended from time to time.~~ Commercial and retail spaces with a square footage greater than 35,000 sq ft.

- D. Residential Occupancy:
  - 1. All hotels and motels
- E. Healthcare:
  - 1. Assisted Living Facilities as defined by Section 400.402, Florida Statute as amended from time to time.
  - 2. All Dental offices in accordance with Florida Administrative Code 64B5-17.015.
- F. Multi story occupancies listed above shall place an AED on every other floor beginning on the first floor. The AED shall be placed near the elevator(s) beginning in the first floor lobby. (first floor, third floor, fifth floor, etc).

(4) Installation and Operation:

- A. The Town shall verify all AED devices for operation prior to being placed in service or available for use, and on an annual basis.
- B. AED devices shall be:
  - 1. Placed in an easily accessible position (e.g., placed at a height so shorter individuals can reach and remove, unobstructed etc.)
  - 2. Conspicuously located in plain view of the primary public entrance with unobstructed access.
  - 3. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons.
  - 4. Placed near the elevator(s) in the first floor lobby, if the building contains an elevator.
  - 5. It is recommended that the AED be housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of a door, permanently affixed to a wall, and whose top is no more than forty-eight inches above the floor to prevent tapering, theft or damage.
  - 6. It is recommended that the AED be located below a sign having a minimum area of seventy square inches and containing the letters "AED" and the universally recognizable symbol, which should be placed no more than sixty inches, on center, above the floor.
- C. AED devices shall contain adult pads and pediatric pads.
- D. The AED devices shall be used in accordance with the manufacturer's guidelines.
- E. It shall be the responsibility of the occupant to:
  - 1. Install AED devices;
  - 2. Provide all necessary training for appropriate use; and
  - 3. Maintain AED devices in accordance with manufacturer's recommended maintenance requirements and as required herein.
- F. If an AED device is removed for repair, a replacement shall be provided by the occupant or AED device manufacturer.

(6) Penalties

It shall constitute a violation of the Town Code, punishable as provided in Town of Davie Code of Ordinance Section 16-1, to intentionally or willfully:

- A. Render an AED device inoperative except during such time as the AED device is being serviced, tested, repaired, or recharged, except pursuant to court order;
- B. Obliterate the serial number on an AED device for purposes of falsifying service records;
- C. Improperly service, recharge, repair, test, or inspect an AED device;

(7) Requirements and Procedures:

The following shall be the requirements and procedures for use, training, and data collection of the AED program:

- A. The implementation of an AED shall occur only after a written notification is made to the Fire Chief or designee by the individual, entity, organization, or company acquiring an AED. The written notification must contain the facility or business name, street address, specific location of the AED, the number of employees at the facility or business, the total number of persons trained or to be trained in the use of the AED's, the name of manufacturer, and model number of each AED.
- B. It is recommended prior to implementation of an AED, the individual, organization or company obtain and send to the Town of Davie Fire Rescue Department proof of standardized training for all intended users of the AED. The training should consist of a class provided by a nationally-recognized organization, or locally-approved by the Town of Davie Fire Rescue Department, including, but not limited to, the American Heart Association, the American Red Cross, Emergency Care and Safety Institute and the National Safety Council, and shall follow a standardized curriculum. The standardized curriculum shall include, at a minimum: 1) signs and symptoms of sudden cardiac arrest; 2) cardiopulmonary resuscitation; and 3) proper use, maintenance, and inspection of AED's.
- C. Recertification of users, maintenance, and inspection of the AED is the responsibility of the occupant and shall be done on a periodic basis, as prescribed by the manufacturer and/or certifying agency. Recertification of users should consist of a class, which will review the techniques for using the AED and follow a standardized curriculum. Recertification training shall be provided as in Paragraph C above. Maintenance of the AED device shall be in accordance with the manufacturer's recommendations.
- D. Any person who uses an AED is required to contact the Town of Davie Fire Rescue Department by calling 9-1-1 immediately prior to, or immediately upon use of the AED (F.S. 401.2915).
- E. The Town of Davie Fire Rescue Department shall conduct a quality assurance review after use of an AED that includes gathering clinical data and information from the person that used the AED and from the AED itself.
- F. The owner and user of the AED will not withhold consent for a quality assurance review by the Town of Davie Fire Rescue Department after the use of an AED or to the retrieval of clinical data from the device itself.
- G. The Town of Davie Fire Rescue Department shall verify the presence of the AED device, and may inspect any maintenance records and documentation of training to ensure compliance with the Community Automated External Defibrillator Program.
- H. The Town of Davie is not liable for any damages experienced by the AED, or any person or entity arising as a result of: (a) Business's use or misuse of the equipment or supplies. (b) Business's failure to provide services pertaining to the equipment or supplies; or (c) any defects in the equipment or supplies.

### **Applicability**

The occupant of any existing building required to have an Automated External Defibrillator device shall comply with this section within 6 months (180 days) of the effective date of this Ordinance. After the effective date of this ordinance, the occupant of any new building constructed will be required to have an Automated External Defibrillator device installed before receiving a certificate of occupancy.

SECTION 3: Conflicts.

All Ordinances or parts of Ordinances, and Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: Codification.

It is the intention of the Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Davie, Florida, and that the Sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 5: Severability.

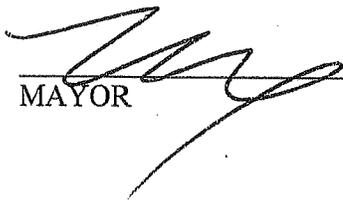
If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or Application, and to this end the provisions of this Ordinance are declared to be severable.

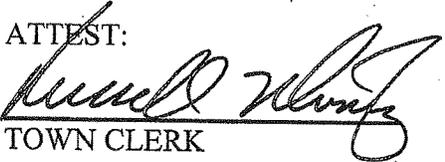
SECTION 6: Effective Date.

This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING THIS 2<sup>nd</sup> DAY OF July, 2008.

PASSED ON SECOND AND FINAL READING THIS 6<sup>th</sup> DAY OF August, 2008.

  
MAYOR

ATTEST:  
  
TOWN CLERK

APPROVED THIS 6<sup>th</sup> DAY OF August, 2008

Select Year:  

## The 2007 Florida Statutes

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[Title XLV](#)  
TORTS

[Chapter 768](#)  
NEGLIGENCE

[View Entire Chapter](#)

### 768.1325 Cardiac Arrest Survival Act; immunity from civil liability.--

(1) This section may be cited as the "Cardiac Arrest Survival Act."

(2) As used in this section:

(a) "Perceived medical emergency" means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.

(b) "Automated external defibrillator device" means a lifesaving defibrillator device that:

1. Is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act.
2. Is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed.
3. Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

(c) "Harm" means damage or loss of any and all types, including, but not limited to, physical, nonphysical, economic, noneconomic, actual, compensatory, consequential, incidental, and punitive damages or losses.

(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, any person who acquired the device, 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 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;

(b) Properly maintain and test the device; or

(c) 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 employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

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.

(4) Immunity under subsection (3) does not apply to a person if:

(a) The harm involved was caused by that person's willful or criminal misconduct, gross negligence, reckless disregard or misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed;

(b) The person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional;

(c) The person is a hospital, clinic, or other entity whose primary purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent;

(d) The person is an acquirer of the device who leased the device to a health care entity, or who otherwise provided the device to such entity for compensation without selling the device to the entity, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

(e) The person is the manufacturer of the device.

(5) This section does not establish any cause of action. This section does not require that an automated external defibrillator device be placed at any building or other location or require an acquirer to make available on its premises one or more employees or agents trained in the use of the device.

(6) An insurer may not require an acquirer of an automated external defibrillator device which is a community association organized under chapter 617, chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723 to purchase medical malpractice liability coverage as a condition of issuing any other coverage carried by the association, and an insurer may not exclude damages resulting from the use of an automated external defibrillator device from coverage under a general liability policy issued to

an association.

**History.**--s. 1, ch. 2001-76; s. 3, ch. 2004-345; s. 3, ch. 2004-353; s. 3, ch. 2006-206.

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Select Year:  

## The 2007 Florida Statutes

Title XXIX  
PUBLIC  
HEALTH

Chapter 401  
MEDICAL TELECOMMUNICATIONS AND  
TRANSPORTATION

View Entire  
Chapter

**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.

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

(a) "Automated external defibrillator" means a device as defined in s. [768.1325\(2\)\(b\)](#).

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

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

(a) All persons who use an automated 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 automated external defibrillator.

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

(3) Any person who intentionally or willfully:

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

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

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

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

**History.**—s. 1, ch. 97-34; s. 3, ch. 2001-76; s. 1, ch. 2005-109; s. 1, ch. 2006-206.

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• An employee at an automobile manufacturer was working on the production line when he suddenly collapsed, lost consciousness, and stopped breathing. Plant security responded, and after two shocks with an AED, the employee's heart responded and his pulse returned. He's alive today thanks to the fast actions of his coworkers and the company's emergency response plan, which included AED installation and training.

From the National Institute for  
Occupational Safety and Health

• While standing on a fire escape during a building renovation, a 30-year-old construction worker was holding a metal pipe with both hands. The pipe contacted a high voltage line, and the worker instantly collapsed. About 4 minutes later, a rescue squad arrived and began CPR. Within 6 minutes the squad had defibrillated the worker. His heartbeat returned to normal and he was transported to a hospital. The worker regained consciousness and was discharged from the hospital within 2 weeks.

#### **AEDS SAVE LIVES!**

These devices have a proven track record of saving lives in public places as well as in the workplace. They can do the same for you and your employees. Please consider installing AEDs in your workplace.

This informational booklet provides a general overview of a particular topic related to OSHA standards. It does not alter or determine compliance responsibilities in OSHA standards or the *Occupational Safety and Health Act of 1970*. Because interpretations and enforcement policy may change over time, you should consult current OSHA administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the Courts for additional guidance on OSHA compliance requirements.

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This information is available to sensory impaired individuals upon request. Voice phone: (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.



**Occupational Safety  
and Health Administration**  
U.S. Department of Labor  
www.osha.gov

## **Saving Sudden Cardiac Arrest Victims in the Workplace**

### **Automated External Defibrillators**

OSHA 3185-09N 2003

### **Improving survival from sudden cardiac arrest.**

There are 220,000 victims of sudden cardiac arrest per year in the United States; about 10,000 sudden cardiac arrests occur at work.

Waiting for the arrival of emergency medical system personnel results in only 5-7% survival.

Studies with immediate defibrillation have shown up to 60% survival one year after sudden cardiac arrest.

### **Automated external defibrillators**

An automated external defibrillator (AED) is a medical device designed to analyze the heart rhythm and deliver an electric shock to victims of ventricular fibrillation to restore the heart rhythm to normal. Ventricular fibrillation is the uncoordinated heart rhythm most often responsible for sudden cardiac arrest.

### **Sudden cardiac arrest**

Sudden cardiac arrest occurs when ventricular fibrillation takes place or when the heart stops beating altogether. Without medical attention, the victim collapses, loses consciousness, becomes unresponsive, and dies. Many victims have no prior history of heart disease and are stricken without warning.

### **Causes of sudden cardiac arrest**

- Heart attack
- Electrocutation
- Asphyxiation (loss of consciousness and death caused by inadequate oxygen in the work environment, such as in a confined space).

### **Reasons for AEDs in the workplace**

- Workers may suffer sudden cardiac arrest while on the job.
- Onsite AEDs save precious treatment time, and can improve survival odds because they can be used before emergency medical service (EMS) personnel arrive.
- A heart rhythm in ventricular fibrillation may only be restored to normal by an electric shock.
- The AED is compact, lightweight, portable, battery operated, safe, and easy to use.

### **Placement of AEDs**

- AEDs should be conveniently installed to ensure response within 3-5 minutes.
- Areas where many people work closely together, such as assembly lines and office buildings.
- Close to a confined space.
- Areas where electric-powered devices are used.

- Outdoor worksites where lightning may occur.
- Health units where workers may seek treatment for heart attack symptoms.
- Company fitness units and cafeterias.
- Remote sites, such as off-shore drilling rigs, construction projects, marine vessels, power transmission lines, and energy pipe lines.

### **AED program cost**

AEDs cost \$1200-\$3000 per device.

Training, annual retraining, and administrative costs are additional.

### **AED training**

Your workers can easily be trained to:

- Recognize sudden cardiac arrest and notify EMS personnel,
- Perform cardiopulmonary resuscitation (CPR),
- Provide early defibrillation with an AED, and
- Care for the victim until EMS personnel arrive.

For more information, visit the OSHA website at [www.osha.gov](http://www.osha.gov) or the websites of the following organizations:

- American Heart Association
- American College of Occupational and Environmental Medicine
- American Red Cross
- Federal Occupational Health
- National Center for Early Defibrillation
- National Safety Council

## **SUCCESS STORIES**

### **From the American Heart Association**

- *A 41-year-old worker at a manufacturer of heating and air-conditioning systems suffered a sudden cardiac arrest at work. After three shocks and CPR he was revived within 4 minutes. Fortunately, his company had AEDs and trained responders. By the time EMS personnel arrived, he had been resuscitated and was moved to a hospital. The employee survived.*
- *A 62-year-old employee of a coatings, glass, and chemical manufacturer suffered a sudden cardiac arrest after walking up the stairs to her office. Employees in the next office heard her fall and notified the plant emergency response team. She was defibrillated and saved in less than 2 minutes. EMS personnel then arrived to transport her to the hospital. She sent a note to the company after her discharge from the hospital saying she had "no doubt that headquarters spent money wisely."*