ORDINANCE NO. O 2018-002

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 7, SECTION 51, COMMUNITY AUTOMATED EXTERNAL DEFIBRILLATOR AND STOP THE BLEED PROGRAM, PROVIDING FOR IMMUNITY FROM CIVIL LIABILITY PURSUANT TO FLORIDA STATUTE 768.1325; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVEDATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Davie is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town adopted Ordinance No. 2008-27 establishing a Community Automated External Defibrillator Program (AED); and

WHEREAS, the Town amended the Ordinance by Ordinance 2010-4; and

WHEREAS, it was the intent of the Town that adoption of these Ordinances would not in any way modify the immunity from civil liabilities established by Florida Statute 768.1325; and

WHEREAS, the Town wishes to amend the Code to include the provision of Stop the Bleed Kits to all facilities which are required to have Automated External Defibrillators (AED).

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 part of this Ordinance.

SECTION 2. The amended Chapter 7, Section 51 is hereby adopted as set forth in Exhibit "A".

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. This Ordinance shall become effective immediately upon passage and adoption.

PASSED ON FIRST READING THIS **6TH** DAY OF **DECEMBER**, 2017.

PASSED ON SECOND READING THIS **3RD** DAY OF **JANUARY**, 2018.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS **3RD** DAY OF **JANUARY**, 2018.

Approved as to form and legality:

TOWN ATTORNEY

Sec. 7-51. - Community automated external defibrillator and stop the bleed program.

(a) *Definition of automatic external defibrillator (AED) device.* A AED t is:

(1) Is commercially available 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, and

(3) Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

(b) *Definition of stop the bleed kit (SBK). A SBK is:*

(1) Capable of stopping severe bleeding through clotting, pressure, tourniquets, and other proven effective means of stopping blood loss; and

(2) Upon a blood loss emergency, is able to stem blood loss rapidly to prevent massive blood loss.

(c) *Intent.* It is the intent of the Town and the purpose of this chapter:

(1) To promote the public health, safety, and general welfare by requiring the installation of AED devices and SBK within certain buildings in the Town.

(2) To provide for the annual inspection of each AED device and SBK within the Town.

(d) *Automated external defibrillator devices (AED) and stop the bleed kits (SBK) required.* AED's and SBK's 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.

(1) *Assembly occupancy:*

a. Fitness centers, gymnasiums, and indoor recreational centers in excess of one thousand five hundred (1,500) square feet;

b. Theaters, restaurants, drinking establishments, with a maximum capacity of one hundred (100) or greater.

c. Places of worship with a maximum capacity of one hundred (100) or greater.

(2) *Business occupancy:*

a. Office buildings with a square footage greater than twenty thousand (20,000) square feet.

(3) *Mercantile occupancy:*

a. Commercial and retail spaces with a square footage greater than thirty-five thousand (35,000) square feet.

(4) *Residential occupancy:*

a. All hotels and motels.

b. Multi-story residential/dormitory buildings seven stories and above

(5) *Healthcare:*

a. Assisted living facilities as defined by Section 400.402, Florida Statute as amended from time to time.

b. All Dental offices in accordance with Florida Administrative Code 64B5-17.015.

(6) *[Multi story occupancies:]* Multi story occupancies listed above shall place an AED and SBK on every other floor beginning on the first floor. The AED and SBK shall be placed near the elevator(s) beginning in the first floor lobby. (first floor, third floor, fifth floor, etc).

(e) *Installation and operation.*

(1) The Town shall verify all AED devices and SBK's for operation prior to being placed in service or available for use, and on an annual basis.

(2) AED devices and SBK's shall be:

a. Placed in an easily accessible position (e.g., placed at a height so shorter individuals can reach and remove, unobstructed etc.)

b. Conspicuously located in plain view of the primary public entrance with unobstructed access.

c. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons.

d. Placed near the elevator(s) in the first floor lobby, if the building contains an elevator.

e. The AED and SBK's shall 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 (48) inches above the floor to prevent tapering, theft or damage.

f. The AED shall be located below a sign having a minimum area of seventy (70) square inches and containing the letters "AED" and the universally recognizable symbol, which should be placed no more than sixty (60) inches, on center, above the floor.

g. The SBK shall be located below a SBK sticker, which shall be provided by the Town of Davie. The SBK sticker may also be placed on the cabinet containing the SBK.

(3) AED devices shall contain adult pads and pediatric pads.

(4) SBK's, with the exception of large occupancy SBK's, shall minimally contain:

a. Two commercially manufactured tourniquets; and

b. Four gloves; and

c. One scissor; and

d. Two 3 inch gauze rolls; and

e. Two hemostatic dressing; and

f. Two gauze combine pads.

(5) Places of occupancy that hold five hundred or more persons must have a large occupancy SBK, which minimally must contain:

a. Eight commercially manufactured tourniquets; and

b. Eight gloves; and

c. Two scissors; and

d. Eight 3 inch gauze rolls; and

e. Eight hemostatic dressing; and

f. Eight gauze combine pads.

(5) The AED devices and SBK's shall be used in accordance with the manufacturer's guidelines.

(6) It shall be the responsibility of the occupant to:

a. Install AED devices and SBK's;

b. Provide all necessary training for appropriate use; and

c. Maintain AED devices and SBK's in accordance with manufacturer's recommended maintenance requirements and as required herein.

(7) If an AED device or SBK is removed for repair, a replacement shall be provided by the occupant or by the manufacturer.

(f) *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:

(1) 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;

(2) Obliterate the serial number on an AED device for purposes of falsifying service records;

(3) Improperly service, recharge, repair, test, or inspect an AED device;

(4) Maintain an expired SBK.

(g) *Requirements and procedures.* The following shall be the requirements and procedures for use, training, and data collection of the AED and SBK programs:

(1) The implementation of an AED or SBK 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 or SBK, 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 and SBK's , the name of manufacturer for the AED, and model number of each AED.

(2) It is required that prior to implementation of an AED or SBK, 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 and SBK. The training for the AED shall 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. The training for the SBK shall consist of a class provided by a nationally recognized organization or locally approved by the Town of Davie Fire Rescue Department. The standardized curriculum shall include, at a minimum: 1) tourniquet application and use; and 2) hemostatic dressing application and use.

(3) Recertification of users, maintenance, and inspection of the AED and SBK 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 shall consist of a class, which will review the techniques for using the AED and SBK; and follow a standardized curriculum. Recertification training shall be provided as in paragraph (3) above. Maintenance of the AED device and SBK shall be in accordance with the manufacturer's recommendations.

(4) 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).

(5) The Town of Davie Fire Rescue Department shall conduct a quality assurance review after use of an AED or SBK, which includes gathering clinical data and information from the person that used the AED or SBK and from the AED itself.

(6) The owner and user of the AED or SBK shall 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.

(7) The Town of Davie Fire Rescue Department shall verify the presence of the AED device or SBK, and may inspect any maintenance records and documentation of training to ensure compliance with the Community AED Program and SBK.

(8) The Town of Davie is not liable for any damages experienced by the AED and by the SBK, 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.

(h) *Immunity from civil liability provisions.* The provisions of F.S. § 768.1325, and specifically the immunity from civil liability for any harm resulting from the use or attempted use of an automated external defibrillator (AED) device as found in F.S. § 768.1325(3) as may be amended from time to time are hereby adopted and incorporated into Town of Davie Ordinance No. 2008-27 and this section 7-51 for all purposes.

(Ord. No. 2008-27, § 2, 8-6-08; Ord. No. 2010-4, § 2, 2-3-10)