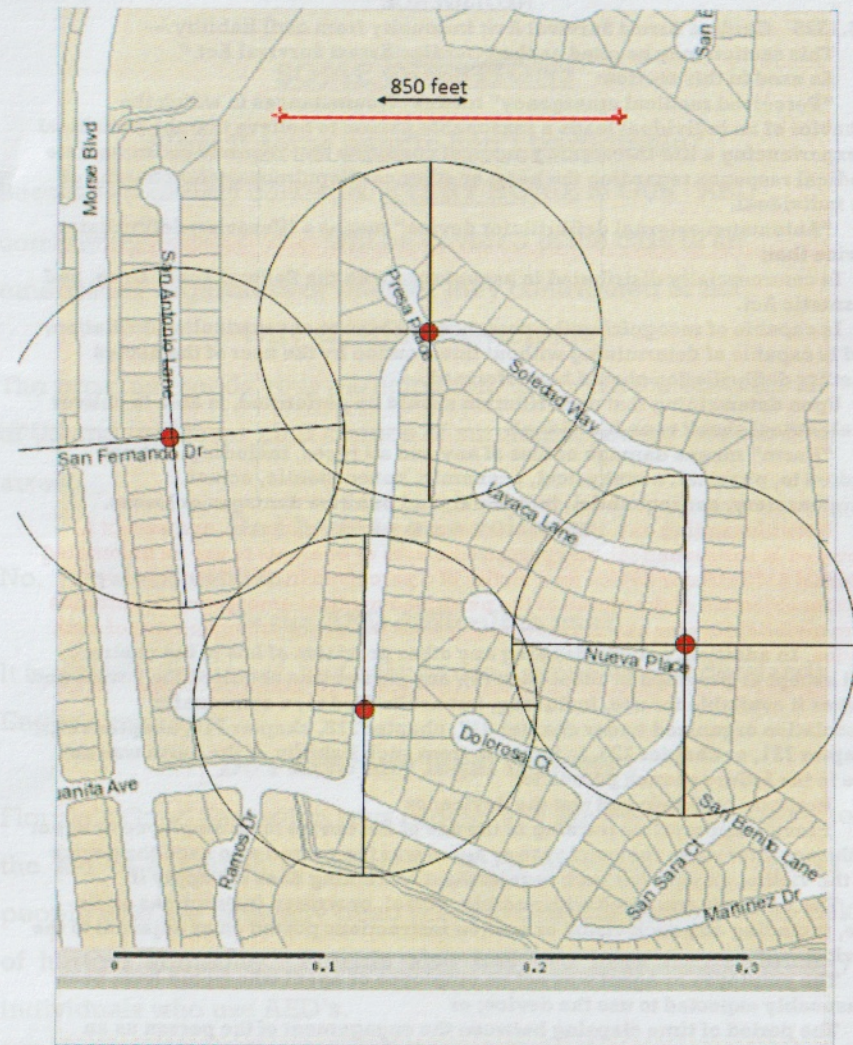


The 2017 Florida Statutes
Chapter 768
NEGLIGENCE

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, notwithstanding any other provision of law to the contrary, and except as provided in subsection (4), any person who acquired the device and makes it available for use, 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 person to:
 - (a) Properly maintain and test the device; or
 - (b) 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 device is equipped with audible, visual, or written instructions on its use, including any such visual or written instructions posted on or adjacent to the device;
 2. The employee or agent was not an employee or agent who would have been reasonably expected to use the device; or
 3. 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.



Suggested location of AED