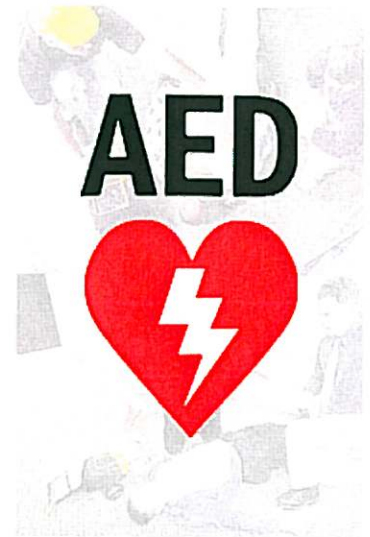


# Worried having an AED at your business will increase your liability?

Recent court cases show not having one may pose a greater risk.

One such case, a wrongful death suit, involved Busch Gardens. A family of a 13-year-old girl filed suit after the girl died of cardiac arrest following a roller coaster ride. The jury awarded \$500,000 in damages, in large part because the park did not have an automated external defibrillator (AED).

In another case, a Florida health club settled a suit for \$2.25 million after a 42-year-old male suffered cardiac arrest at the club and fell into a coma. The club did not have an AED on site. Four years later, the LA Fitness chain was forced to pay a Fort Lauderdale family more than \$600,000 for negligence and not having an AED at the facility, a penalty allowed by the Florida Wrongful Death Act.



## Federal AED Laws

### Cardiac Arrest Survival Act of 2000

Requires placement of AEDs in federal buildings to improve survival rates of people who experience cardiac arrest. Additionally, the Act establishes protections from civil liability arising from the emergency use of the devices.

### Good Samaritan Protections Regarding AEDs

“Any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is **immune from civil liability for any harm** resulting from the use or attempted use of such service, and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such inquirer of the device to 1) notify local emergency response personnel ... of the recent placement of the device within a reasonable time after the device was placed; 2) to properly maintain and test the device; and 3) to provide appropriate training in the use of the device to an employee or agent of the acquirer ...”.

### Medical Prescriptions for Commercial AEDs

The Food & Drug Act (FDA) requires that a prescription be written to allow a facility to purchase an AED and implement a program. However, the FDA allows use of AEDs at home without a prescription.

## Florida AED Laws

### Training

Acquirer must provide adequate training to employees or agents. Training must consist of CPR and AED use.

### Device Maintenance & Testing

Per manufacturer's recommendations, a log must be kept on file.

### Event Tracking & Reporting

Upon use, the EMS system must be activated.

### Notification Requirements

Location of the device must be reported to the local EMS Medical Director.

### Good Samaritan Protection

Same as the federal protections.

### Supplier & Manufacturer

Immunity does not extend to supplier, manufacturer, hospitals or health professionals in the act of employment.

### State Buildings & Parks

Required.

### Public Schools

AEDs are required in all public schools with high school athletics.

[Sources: HB0949--2005, HB1429-2001, HB411-1997, SB772-2006, Statute 401.2915-2000 and Statute 768.1325-2003]