

Miramar, Florida AED and Bleeding Control Legislation

Miramar, Florida

Sec. 9-89. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automated external defibrillator ("AED") means a 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; and
- (3) Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

Stop the Bleed kit ("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.

Sec. 9-90. – AEDs and SBKs required.

AEDs and SBKs required. At least one AED and SBK shall be installed in each of the following buildings, structures, or portions thereof located within the geographical boundaries of the city:

- (1) Gymnasiums, fitness centers, athletic clubs and indoor recreational centers;
- (2) Assembly occupancies with an occupant load of 100 or greater, including places of worship;
- (3) All hotels, motels, and apartments and condominiums with capacity for 100 occupants or greater;
- (4) All medical facilities, to include assisted living facilities as defined by Florida Statutes, as amended, nursing homes, ambulatory health care facilities, dentists, urgent care medical centers, doctor's offices, adult day care facilities;
- (5) Office buildings with interior corridors and a square footage greater than 20,000 square feet; and
- (6) Commercial and retail spaces with a square footage greater than 30,000 square feet.

Sec. 9-91. - Installation and operation.

(1) The fire chief, or designee, shall inspect all AEDs and SBKs for operation prior to being placed in service or available for use, and on an annual basis.

(2) AEDs and SBKs shall be:

- i. Conspicuously located in plain view of the primary public entrance, with unobstructed access;
- ii. 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 48 inches above the floor;
- iii. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons;
- iv. Placed near the elevator(s) on every floor of the building, if the building contains an elevator. If the building does not have an elevator, the automated external defibrillator shall be placed in the area of the main entrance;

- v. AEDs shall be located on each floor such that the maximum length of travel measured from the most remote point on a floor to any automated external defibrillator, shall not exceed 250 feet;
- vi. AEDs shall be located on each floor such that the maximum length of travel between and two automated external defibrillators shall not exceed 500 feet;
- vii. AEDs shall be located below a visible sign having a minimum area of 70 square inches and containing the letters "AED" and the universally recognizable symbol; and
- viii. SBKs shall be located below an SBK sticker, which shall be provided by the City. The SBK sticker may also be placed on the cabinet containing the SBK.

(3) AEDs shall contain two sets of adult pads and bandage scissors.

(4) SBKs, with the exception of large occupancy SBKs, shall minimally contain:

- a. Two (2) commercially manufactured tourniquets;
- b. Four (4) gloves;
- c. One (1) scissor;
- d. Two (2) three-inch gauze rolls;
- e. Two (2) gauze combine pads.

(5) Places of occupancy that hold five hundred (500) or more persons must have a large occupancy SBK, which minimally must contain:

- a. Eight (8) commercially manufactured tourniquets;
- b. Eight (8) gloves;
- c. Two (2) scissors;
- d. Eight (8) 3-inch gauze rolls;
- e. Eight (8) gauze combine pads.

(6) All AEDs and SBKs shall be used in accordance with the manufacturer's guidelines.

(7) It shall be the responsibility of the owner of the building to:

- i. Install AEDs and SBKs.
- ii. Maintain AEDs and SBKs in accordance with manufacturer's recommended maintenance requirements as required herein.

(8) If an AED or SBK is removed for repair, a replacement shall be provided immediately.

Sec. 9-92. - Fees.

Fees for AED and SBK permits and inspections shall be set by resolution, and will be included in the fee booklet.

Sec. 9-93. - Penalties.

It shall constitute a violation of the City Code, punishable as provided in section 1-13 of the Code, to intentionally or willfully:

- (1) Render an AED inoperative except during such time as the AED is being serviced, tested, repaired, or

recharged, except pursuant to court order;

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

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

(4) Use the inspection certificate and allow another person to use said inspection certificate number; and

(5) Hold an inspector certificate and allow another person to use said inspection certificate number.

(6) Maintain an expired SBK.

Sec. 9-94. - Applicability.

The owner or, if leased, the tenant, of any existing building, structure, or portion thereof required to have an AED and SBK shall comply with this section within 36 months of the effective date of the ordinance from which this section is derived. After the effective date of this Article, the owner of any new building constructed required to have an AED and SBK shall comply with this Article.

Sec. 9-95. - Requirements and procedures.

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

(7) 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 and SBK. 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 AEDs and SBKs, the name of manufacturer for the AED, and model number of each AED. It is required that prior to implementation of an AED or SBK, the individual, organization or company must provide training for appropriate use, and maintain proof of training for review on premises. The training for the AED shall consist of a class provided by a nationally-recognized organization, 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 AEDs. The training for the SBK shall consist of a class provided by a nationally recognized organization. The standardized curriculum shall include, at a minimum: 1) tourniquet application and use; and 2) dressing application and use.

(8) 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 (2) above. Maintenance of the AED device and SBK shall be in accordance with the manufacturer's recommendations.

(9) Any person who uses an AED is required to contact the city fire rescue department by calling 9-1-1 immediately prior to, or immediately upon use of the AED (F.S. § 401.2915).

(10) The city 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.

(11) The owner and user of the AED or SBK shall not withhold consent for a quality assurance review by the city fire rescue department after the use of an AED or to the retrieval of clinical data from the device itself.

(12) The city fire rescue department shall verify the presence of the AED and SBK, and may inspect any maintenance records and documentation of training to ensure compliance with the community AED program and SBK.

(13) The city 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.

Sec. 9-96. - Violations.

Violations of this article shall be subject to the imposition of penalties applicable generally to municipal ordinance violations, and in addition, persons and entities violating the provisions of this article shall be subject to the jurisdiction of the code enforcement board established by ordinance.

Sec. 9-97. - 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 AED as found in F.S. §768.1325(3), as may be amended from time to time are hereby adopted and incorporated into this section for all purposes.

Parkland, Florida AED and Bleeding Control Legislation

Sec. 14-3. - Community automated external defibrillator (AED) and bleeding control kit program.

(1) *Definition of automated external defibrillators.* Automated external defibrillator device. A defibrillator device that:

- (a) Is commercially distributed 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) *Definition of bleeding control kit (BCK).* A collection of equipment housed in a container that displays the universal medical symbol that is used to attempt to control bleeding from a patient who has suffered a traumatic injury. A bleeding control kit shall contain the following equipment that must be approved by the fire department prior to purchase:

Regular BCK:

- (a) Two (2) commercially manufactured tourniquets;
- (b) Two (2) four-inch pressure dressings;
- (c) Two (2) compressed gauze pads;
- (d) Two (2) vented chest seals;
- (e) Two (2) pairs of x-large medical gloves;
- (f) One (1) pair of trauma scissors; and
- (g) One (1) instruction card.

Large BCK:

- (a) Eight (8) commercially manufactured tourniquets;
- (b) Eight (8) four-inch pressure dressings;
- (c) Eight (8) compressed gauze pads;
- (d) Eight (8) vented chest seals;
- (e) Eight (8) pairs of x-large medical gloves;
- (f) One (1) pair of trauma scissors; and
- (g) One (1) instruction card.

(3) *Intent.*

- (a) It is the intent of the city and the purpose of this chapter:
 - 1. To promote the public health, safety, and general welfare by requiring the installation of automated external defibrillator devices and bleeding control kits within certain buildings in the city;
 - 2. To provide for the inspection of each automated external defibrillator device and bleeding control kit within the city;
 - 3. To provide for the payment of automated external defibrillator and bleeding control kit inspection fees; and
 - 4. To provide for penalties for non-compliance with this article.

(4) *Automated external defibrillator devices and bleeding control kits required.*

- (a) Automated external defibrillator devices and regular bleeding control kits (unless otherwise specified) shall be installed in the following locations and buildings located within the geographical boundaries of the city:
1. Gymnasiums, fitness centers, and indoor recreational centers in excess of one thousand five hundred (1,500) square feet;
 2. Restaurants, theaters and dining establishments with a one hundred (100) maximum capacity or greater including indoor, outdoor and bar area;
 3. All hotels and motels;
 4. Assisted living facilities as defined by F.S. § 429.02, as amended from time to time;
 5. Pharmacies. A pharmacy is an establishment or institution in which the practice of pharmacy is conducted; drugs, medicines or medicinal chemicals are dispensed or offered for sale, or a sign is displayed bearing the word or words "pharmacist," "pharmacy," "apothecary," "drugstore," "druggist," "medicine store," "drug sundries," "prescriptions filled," or similar words intended to indicate that the practice of pharmacy is being conducted;
 6. All dental offices in accordance with Florida Administrative Code 64B5-17.015;
 7. Multi-story occupancies listed in subsections 1. through 6. and/or multi-story office buildings 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, etc.).
 8. Office buildings with a square footage greater than twenty thousand (20,000) square feet;
 9. Commercial and retail spaces with a square footage greater than thirty-five thousand (35,000) square feet;
 10. Places of occupancy that hold five hundred (500) or more persons shall have a large bleeding control kit in addition to the required automated external defibrillators.

(5) *Installation and operation.*

- (a) The city shall inspect all automated external defibrillator and bleeding control kits for operation prior to being placed in service or available for use, and on an annual basis.
- (b) Automated external defibrillator devices shall be:
1. Conspicuously located in plain view of the primary public entrance, with unobstructed access;
 2. 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;
 3. Located below a sign having a minimum area of seventy (70) square inches and containing the letters "AED" and the universally recognizable symbol, which shall be placed no more than sixty (60) inches, on center, above the floor;
 4. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
 5. Placed near the elevator(s) in the first floor lobby, if the building contains an elevator.
- (c) Automated external defibrillator devices shall contain adult and pediatric pads and bandage scissors. Adult living facilities shall be exempt from providing pediatric pads.
- (d) All automated external defibrillator devices shall be used in accordance with the manufacturer's guidelines.

- (e) Bleeding control kits shall be located in the same cabinet as automated external defibrillators or:
 - 1. Conspicuously located in plain view of the primary public entrance, with unobstructed access;
 - 2. 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 or housed in the automated defibrillator cabinet;
 - 3. Located below a sign having a minimum area of seventy (70) square inches and containing the words "BLEEDING CONTROL" and the universally recognizable medical cross, which shall be placed no more than sixty (60) inches, on center, above the floor;
 - 4. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
 - 5. Placed near the elevator(s) in the first floor lobby, if the building contains an elevator.
- (f) It shall be the responsibility of the owner of the building to:
 - 1. Install automated external defibrillator devices;
 - 2. Provide all necessary training (as approved by the fire department or as set forth in the manufacturer' specifications) for appropriate use.
 - 3. Maintain automated external defibrillator devices and bleeding control kits in accordance with manufacturer's recommended maintenance requirements and as required herein.
 - 4. Comply with all other provisions of this section.
- (g) If an automated external defibrillator device or bleeding control kit, or any part thereof, is removed for repair, a replacement shall be provided within forty-eight (48) hours.
- (h) If an automated external defibrillator device or bleeding control kit is required to be located within a business, signage containing the letters "AED" and the universally recognizable symbol is required to be placed within the tenant message space on the door and shall be displayed on all external doors of all buildings in which an AED is required.
- (6) *Fees.* Fees for automated external defibrillator device permits and inspections shall be set by resolution.
- (7) *Penalties.* It shall constitute a violation of the city Code, punishable as provided in this section-to intentionally or willfully:
 - (a) Render an automated external defibrillator device or bleeding control kit inoperative except during such time as the automated external defibrillator device is being serviced, tested, repaired, or recharged, except pursuant to court order;
 - (b) Obliterate the serial number on an automated external defibrillator device or bleeding control kit for purposes of falsifying service records;
 - (c) Improperly service, recharge, repair, test, or inspect an automated external defibrillator device bleeding control kit;
 - (d) Use the inspection certificate of another person;
 - (e) Hold an inspection certificate and allow another person to use said inspection certificate number;
 - (f) Intentionally open an encased automated external defibrillator or bleeding control kit for any purpose other than to provide emergency medical care. It shall not be a violation of this subsection for an owner of property, or an agent thereof, to open their encased automated external defibrillator or bleeding control kit for maintenance, replacement, or inspection; or
 - (g) To otherwise fail to comply with this article.

- (8) *[Penalties.]* Failure to comply with any part of this article shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment. Each day a violation exists shall be a separate violation. In addition, the city shall also have the right to revoke, refuse to issue, refuse to reissue, refuse to transfer, or refuse to renew any business tax receipt for any facility, business, entity or establishment where the violation occurred until such time as the violation and/or fine is corrected.
- (9) *Requirements and procedures.* The following shall be the requirements and procedures for use and training of the AED program:
- (a) The use and training of an AED shall occur only after a written notification, in a form determined by the city, is made to the fire chief or his/her 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 name of the AED manufacturer, and model number of each AED.
 - (b) Maintenance and inspection of the AED or bleeding control kit is the responsibility of the occupant and shall be done on a periodic basis, at a minimum annually, as prescribed by the manufacturer and/or certifying agency. Maintenance of the AED device and bleeding control kit shall be in accordance with the manufacturer's recommendations.
 - (c) The fire rescue department, or his/her designee, shall verify at a minimum annually, 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.
 - (d) The City of Parkland and the City of Parkland Fire Rescue Department, or their designee is not liable for any damages experienced by the AED, or any person or entity arising as a result of:
 - 1. Business's use or misuse of the equipment or supplies;
 - 2. Business's failure to provide services pertaining to the equipment or supplies; or
 - 3. Any defects in the equipment or supplies.
- (10) *Applicability.* The owner of any existing building and the business owner shall be required to have an automated external defibrillator device or bleeding control kit shall comply with this section.

(Ord. No. 2007-05, § 2, 3-28-2007; Ord. No. 2009-06, § 2, 3-4-2009; Ord. No. 2009-24, § 2, 7-1-2009; Ord. No. 2018-005, 5-16-2018)