

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:

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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 2ND DAY OF July, 2008.

PASSED ON SECOND AND FINAL READING THIS 6TH DAY OF August, 2008.


MAYOR

ATTEST:


TOWN CLERK

APPROVED THIS 6TH DAY OF August, 2008