

ORDINANCE NO. 11-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES," BY ADDING SECTION 96.18, "AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KITS" TO REQUIRE DEFIBRILLATORS AND BLEEDING CONTROL KITS THROUGHOUT THE CITY FOR SPECIFIC OCCUPANCIES, OUTLINING INSTALLATION AND OPERATION INCLUDING LOCATION REQUIREMENTS, INSPECTION PROCEDURES, MAINTENANCE AND USE REQUIREMENTS, ENFORCEMENT PROCEDURES, AND PROVIDING DEFINITIONS FOR AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida constitution and Chapter 166 of the Florida Statutes, the City of Delray Beach 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, according to the American Heart Association, devices known as Automated External Defibrillators are proven to be safe and effective for use by lay persons in rapidly delivering a defibrillatory shock; and Bleeding Control Kits are proven to be safe and effective for use by lay person, and

WHEREAS, the Florida Legislature has determined that certain procedures should be implemented to ensure proper use of Automated External Defibrillators and Bleeding Control Kits and has enacted Section 401.2915, Florida Statutes, in furtherance of this determination; and

WHEREAS, the purpose and intent of this Ordinance is to set minimum standards for use, maintenance, and installation of Automated External Defibrillators and Bleeding Control Kits in certain businesses located within the City of Delray Beach, Florida; and

WHEREAS, it is the intent of the City that adoption of this Ordinance would not in any way modify the immunity from civil liabilities established by Florida Statute 768.1325; and

WHEREAS, the City Commission has further determined that this Ordinance is in the best interest and promotes the health, safety, and welfare of the citizens, residents, and businesses of the City of Delray Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Chapter 96, “Fire Safety and Emergency Services”, Section 96.18 “Automated External Defibrillator (AED) and Bleeding Control Kits” of the Code of Ordinances of the City of Delray Beach, Florida is hereby amended as follows:

Sec. 96.18- Automated External Defibrillator and Stop the Bleed kits.

(A) Automated external defibrillators and bleeding control kits shall be installed in the following buildings located within the geographical boundaries of the city of Delray Beach:

- (1) Fitness centers, gymnasiums, and indoor recreational centers in excess of one thousand five hundred (1,500) square feet.
- (2) Theaters, restaurants, drinking establishments, with a capacity of one hundred (100) or greater.
- (3) Places of worship with a capacity of one hundred (100) or greater.
- (4) Office buildings and any business occupancies with a square footage greater than twenty thousand (20,000) square feet.
- (5) All Dental offices in accordance with Florida Administrative Code 64B5-17.015.
- (6) All adult day care facilities
- (7) All charter and private schools.
- (8) Assisted living facilities as defined by section 429.021(5) Florida Statute as amended from time to time.

- (9) Ambulatory surgical centers as defined by section 395.002 (3) Florida Statute as amended from time to time.
- (10) Walk in medical care facilities.
- (11) Hospitals providing emergency services, including freestanding facilities, shall be excluded.
- (12) Commercial and retail spaces with a square footage greater than thirty-five thousand (35,000) square feet.
- (13) All hotels and motels.
- (14) Multi-story residential/dormitory buildings five (5) floors or more.

(B) 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.)

(C) Buildings that contain more than one (1) automated external defibrillator device shall be required to have a bleeding control kit located with each defibrillator device.

(D) Installation and Operation.

(1) Fire Marshall or Designee shall inspect all automated external defibrillator devices and bleeding control kits for operation prior to being placed in service or available for use, and on an annual basis.

(2) Automated external defibrillator devices 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 the top should be no more than forty-eight (48) inches above the floor;
- iii. 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;

- iv. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
 - v. Placed near the elevator(s) in the first-floor lobby, if the building contains an elevator.
- (3) Bleeding control kits shall be located in the same cabinet as the automated external defibrillator devices. If that is not feasible, then, the bleeding control kits shall be located in one (1) of the following locations:
- 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 forty-eight (48) inches above the floor;
 - iii. 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;
 - iv. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
 - v. Placed near the elevator(s) in the first floor lobby, if the building contains an elevator.
- (4) Automated external defibrillator devices shall contain adult and pediatric pads and bandage scissors.
- (5) All automated external defibrillator devices shall be used in accordance with the manufacturer's guidelines.
- (6) It shall be the responsibility of the owner of the building to:
- i. Install automated external defibrillator devices and bleeding control kits;
 - ii. Provide all necessary training for appropriate use of automated defibrillator devices and bleeding control kits; and
 - iii. Maintain automated external defibrillator devices and bleeding control kits in accordance with manufacturer's recommended maintenance requirements and as required herein.

- (7) If an automated external defibrillator device or bleeding control kit is removed for repair, a replacement shall be provided.
- (8) Penalties: It shall constitute a violation of the City Code, punishable as provided in Sec. 37.36 to:
- i. Render an automated external defibrillator device or bleeding control kit inoperative except during such time as the automated external defibrillator device or bleeding control kit is being serviced, tested, repaired, or recharged, except pursuant to court order;
 - ii. Obliterate the serial number on an automated external defibrillator device or bleeding control kit for purposes of falsifying service records;
 - iii. Improperly service, recharge, repair, test, or inspect an automated external defibrillator device or bleeding control kit; or
 - iv. Use the inspection certificate of another person or hold an inspection certificate and allow another person to use said inspection certificate number.
 - v. Fail to install or remove an automated external defibrillator device or bleeding control kit required by section 96.18.
- (9) Applicability: After the effective date of this article, the owner of any new building constructed required to have an automated external defibrillator device and bleeding control kit shall comply with this article.

Section 3. Appendix A, “Definitions”, of the Land Development Regulations of the City of Delray Beach is hereby amended as follows:

AUTOMATED EXTERNAL DEFIBRILLATOR: A lifesaving device that is 1. 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.

BLEEDING CONTROL KIT: a collection of equipment specified by the fire department and 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. The fire department may update the list of equipment as necessary.

Section 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a Court of competent jurisdiction to be invalid,

such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 6. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 7. This Ordinance shall become effective and enforceable eighteen months after its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Thomas F. Carney Jr.

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney