

ORDINANCE NO. 08-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES," OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY REPEALING SECTION 96.18, "AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KITS" AND READOPTING SAME, AS REVISED, AS A NEW SECTION 96.12, "AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KITS," REESTABLISHING THE CITY-WIDE AUTOMATED EXTERNAL DEFIBRILLATOR AND BLEEDING CONTROL KIT PROGRAM, WITH REVISIONS TO PROVIDE DEFINITIONS FOR AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS IN THE ORDINANCE, TO REQUIRE ALL BUSINESS OCCUPANCIES EXCEEDING 20,000 SQ. FEET PROVIDE AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS, AND TO AUTHORIZE THE FIRE MARSHAL OR DESIGNEE THE DISCRETION TO MAKE ADJUSTMENTS TO THE LOCATION OF AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS; PROVIDING FOR IMMUNITY FROM CIVIL LIABILITY PURSUANT TO FLORIDA STATUTE 768.1325, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Commission adopted Ordinance No. 11-24 on June 18, 2024 amending the Delray Beach Code of Ordinances to require defibrillators and bleeding control kits throughout the City and providing the minimum standards for their use, maintenance, and installation; and

WHEREAS, the definitions of "Automated External Defibrillator" and "Bleeding Control Kit" were inadvertently included in Appendix A to the Land Development Regulations while they should have been included in the Code of Ordinances; and

WHEREAS, this Ordinance is intended to correct this error, reassign the provision to a different code section, clarify that all business occupancies listed require AED above 20,000 square feet, and allow discretion of the Fire Marshal or Designee as to the potential locations for AEDs and Bleeding Control Kits; and

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

WHEREAS, the City Commission determines 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, incorporated and attached hereto as Exhibit "A" is hereby repealed in its entirety and replaced with a new Chapter 96, "Fire Safety and Emergency Services", Section 96.12 "Automated External Defibrillator (AED) and Bleeding Control Kits," incorporated herein and attached hereto as Exhibit "B."

Section 3. 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 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 6. 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 _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney