

BCC Mtg. Date: May 24, 2022

Effective Date: May 31, 2022

**ORDINANCE NO. 2022-19**

**AN ORDINANCE PERTAINING TO EMERGENCY AND NONEMERGENCY MEDICAL CARE AND TRANSPORTATION IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 20, ARTICLE III OF THE ORANGE COUNTY CODE OF ORDINANCES; PROVIDING FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; PROVIDING FOR CERTIFICATION PROCEDURES AND STANDARDS WHEN OPERATING AS AN EMERGENCY MEDICAL SERVICES PROVIDER; PROVIDING FOR ALTERNATIVE TRANSPORTATION SERVICES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR FILING OF ORDINANCE AND EFFECTIVE DATE.**

**WHEREAS**, Chapter 401, Part III, Florida Statutes, establishes minimum standards for emergency medical services personnel, vehicles, services, and medical direction; and

**WHEREAS**, Section 401.25(1), Florida Statutes, requires providers of prehospital or interfacility advanced life support services or basic life support transportation services to be licensed by the State of Florida, Department of Health before offering such services to the public; and

**WHEREAS**, Section 401.25(2)(d), Florida Statutes, requires applicants for licensure for basic life support (“BLS”) or advanced life support (“ALS”) service to obtain a certificate of public convenience and necessity (“COPCN”) from each county in which the applicant will operate; and

**WHEREAS**, Section 401.25(6)(a), Florida Statutes, authorizes the governing body of each county to adopt ordinances that provide reasonable standards for COPCNs for BLS or ALS services and air ambulance services upon considering state guidelines, recommendations of the local or regional trauma agency created under Chapter 395, Florida Statutes, and the recommendations of municipalities within the county’s jurisdiction; and

**WHEREAS**, Orange County, Florida (the “County”) has established rules and regulations for the provision of emergency and nonemergency medical care and transportation in Chapter 20, Article III of the Orange County Code of Ordinances (“Code”); and

**WHEREAS**, the Board of County Commissioners of Orange County, Florida (“Board” or “BCC”) desires to process emergency and nonemergency medical transportation service applications, certificates, and licenses in a more effective manner and finds that it is in the interest of protecting the health, safety, and welfare of the residents of the County and its visitors to amend Chapter 20, Article III of the Code as provided in this ordinance.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:**

*Section 1. Amendments to Chapter 20, Article III.* Chapter 20, Article III of the Code is hereby amended and restated to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

**CHAPTER 20. HEALTH AND HUMAN SERVICES**

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**ARTICLE III. EMERGENCY AND NONEMERGENCY  
MEDICAL CARE AND TRANSPORTATION**

**DIVISION 1. GENERALLY**

*Section 20-51. 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:

*Advanced life support (ALS)* shall mean treatment of life-threatening medical emergencies ~~through the use of~~ using techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by a qualified person, pursuant to Florida Statutes, rules, and regulations, and local laws, rules, and regulations.

*Advanced life support service* shall mean any ~~licensed agency providing basic and advanced~~ emergency medical transportation or nontransport services that uses ALS techniques, pursuant to state laws, rules, and regulations, and local laws, rules, and regulations. The term ALS service shall be inclusive of the provision of BLS service by an ALS service provider.

*Alternative transportation service or Paratransit* shall mean any privately or publicly owned service employing a land, air or water vehicle that is designed, constructed, reconstructed, maintained, equipped or operated for, and is used for, or intended to be used for air, land or water transportation of persons who are confined to wheelchairs or stretchers and whose condition is such that these persons do not need, nor are likely to need, immediate medical attention during transport. ~~This service is also known as Paratransit.~~

*Ambulance or emergency medical services vehicle* shall mean any privately or publicly owned land, air or water vehicle that

is permitted by the state in accordance with Chapter 401, Florida Statutes, and designed, constructed, reconstructed, maintained, equipped, or operated for, and is used for, or intended to be used for, air, land or water response and/or transportation of sick or injured persons ~~who may need~~ requiring or likely to require medical attention during transport.

*Basic life support (BLS)* shall mean treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), automated cardiac defibrillation, splinting, obstetrical assistance, bandaging, administration of oxygen, and other techniques ~~pursuant to Florida Statutes~~ described in the EMT-Basic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation. BLS also includes other techniques that have been approved and are performed under conditions as approved by the state.

*Basic life support service* shall mean any ~~licensed agency providing~~ emergency medical transportation or nontransport services that uses basic life support techniques, pursuant to state laws, rules, and regulations, and local laws, rules, and regulations.

*Board* shall mean the Board of County Commissioners of Orange County, Florida.

*Business agreement* shall mean a written instrument with terms for the provision of ALS or BLS services which may include interfacility transport.

*Certificate or COPCN* shall mean ~~the~~ a certificate of public convenience and necessity to be required under issued pursuant to this article and applicable state law.

*Citizens based emergency response programs*: ~~These programs shall include but are not limited to:~~ Automatic External Defibrillator (AED) programs, Citizens Cardiopulmonary Resuscitation (CPR) programs, ~~and~~ Community Emergency Response Team (CERT) programs, and other programs approved by the division and allowed by state law.

*County* means Orange County, Florida.

*County emergency medical services advisory council (EMSAC)* shall mean the advisory council created by the board of county commissioners to provide strategic planning for the

countywide emergency medical services system and to evaluate and make recommendations to the board of county commissioners and other appropriate authorities.

*County emergency medical services system* shall mean a system consisting of: (1) all county BLS or ALS services with EMTs and paramedics who operate under the supervision of the county medical director; (2) all private and other governmental basic life support service or advanced life support service which that employ state certified emergency medical technicians and paramedics who operate under the supervision of the county medical director pursuant to a and/or who have signed an interlocal or operational agreement with the board of county commissioners; and (3) designated first responder agencies.

Countywide emergency medical services system shall mean a system consisting of all private and governmental basic life support service or advanced life support service that possess a certificate of public convenience and necessity from the county. This system includes both EMS providers operating under the supervision of the county medical director and EMS providers with EMTs and paramedics who operate under the supervision of an independent medical director.

*Credentialing* shall mean authorization issued by the medical director of a basic life support service or advanced life support service to any person to act as an emergency medical technician or a paramedic within the countywide emergency medical services system.

*Department* shall mean the ~~health and family services department~~ county's health services department.

*Division* or EMS shall mean the ~~county health services division in the health and family services department~~ EMS/office of the medical director division in the county's health services department.

*Emergency medical condition* shall mean a medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

- (1) Serious jeopardy to patient health, including a pregnant woman or fetus;

- (2) Serious impairment to bodily functions; or
- (3) Serious dysfunction of any bodily organ or part.

*Emergency medical dispatch* shall mean the medical director approved system of emergency call taking designed to dispatch the appropriate level of services based on established criteria and provide pre-arrival instructions to the caller until an EMS provider arrives.

*Emergency medical services (EMS) ALS and BLS provider* shall mean any person, firm, corporation, association, ~~or~~ local government, or other entity which that possesses ~~an~~ a current ALS or BLS license and certificate and advertises or engages in the business of providing air or ground ALS or BLS services in Orange County which may also include interfacility transport.

*Emergency medical technician (EMT)* shall mean a person certified by the state department of health or the appropriate state agency, who is authorized to perform basic life support, pursuant to the provisions of Chapter 401, Florida Statutes.

~~*EMSO shall mean the emergency medical services office in the county health services division.*~~

*First responder* shall mean an individual not certified by the state as an EMT or paramedic, who has received state-approved training to render on-scene initial care to an ill or injured person, but who does not have the primary responsibility for treating and transporting the ill or injured person.

*First responder agency* shall mean any agency which is not licensed under F.S. ch. 401, which renders, as part of its routine functions, on-scene patient care to an ill or injured person before an EMT or paramedic arrives.

*First responder memorandum of understanding (MOU)* shall mean the written instrument by which all first responder agencies enter into an MOU with the EMS licensee within whose territory the agency operates pursuant to state statutes.

*Hospital* shall mean any establishment that is licensed under Chapter 395, Florida Statutes, to:

- (1) Offer services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and
- (2) Regularly make available at least clinical laboratory services, diagnostic x-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent.

*Hospital campus* shall mean any continuous mass of land upon which commonly owned hospital buildings that are used to provide hospital services are situated and under the dominion and control of the licensed hospital facility.

*Interfacility air ambulance service* shall mean any licensed air ambulance service which provides inter-hospital, hospital to other health care facility ~~licensed under F.S. chs. 393, 395, or 400,~~ or similar transport.

*Interfacility ~~ALS or BLS ground transportation~~ transport services* shall mean a licensed ALS or BLS transport service that provides the care and transportation of a person whose condition is stabilized or who has been evaluated as a medically necessary transfer, pursuant to state statutes, between health care facilities. For the purposes of interfacility services, "health care facility" shall mean: a disability facility or other facility licensed under Chapter 393, Florida Statutes; a hospital or other facility licensed under Chapter 395, Florida Statutes; a nursing home or related facility licensed under Chapter 400, Florida Statutes; or an assisted care community or other facility licensed under Chapter 429, Florida Statutes.

*Interlocal agreement* shall mean an agreement intended to establish clear and consistent roles and authority for the provision of participating private and public basic life support services or advanced life support services by governmental entities who are members of the county emergency medical services system or providers of pre-hospital services. This agreement may be ~~is~~ one (1) of several ~~a series of concurrently executed~~ similar agreements which are to be read equally and together as governing the operation of, and terms and conditions of participation in, the integrated county emergency medical services system or the provision of pre-

hospital services. This agreement is not intended to be, and shall not be, construed in any way to deprive a signatory participant of any jurisdictional powers vested in said signatory participant.

*License* shall mean a license issued to an alternative transportation service provider pursuant to this chapter.

*Medical communications* shall mean the policies, processes and procedures governing the medical communications system established in the county in accordance with the state division of communications guidelines.

*Medical director or county medical director* shall mean a licensed physician ~~or a corporation dedicated to the provision of emergency medical services, employed under a written contract~~ by the county to supervise and accept responsibility for the medical performance of the emergency medical technicians and paramedics in the county operating within the county's emergency medical services system, except for emergency medical technicians and paramedics employed by a basic life support service or advanced life support service that contracts with its own independent medical director ~~and has executed an interlocal agreement with the board of county commissioners~~. In that case, the medical director of that agency shall supervise and accept responsibility for the emergency medical technicians and paramedics of that agency. The county medical director also shall perform such other duties and responsibilities as may be assigned by the county ~~written contract of employment~~.

The medical director provides medical control through written protocols, on-line supervision, continuing education, and quality assurance. The county medical director shall report to the department and make periodic reports to the advisory council as requested.

*Neonatal ambulance* shall mean a specialized ALS permitted vehicle which transports only neonates to a Level II or Level III neonatal intensive care unit. A neonatal intensive care unit is a specialized unit of a hospital which is designated by the state agency for health care administration.

*Operational agreement* shall mean an agreement intended to establish clear and consistent roles and authority for the provision of basic life support services or advanced life support services by private entities who are members of the county emergency medical services system or providers of pre-hospital services. This

agreement may be one (1) of several similar agreements which are to be read equally and together as governing the operation of, and terms and conditions of participation in, the integrated county emergency medical services system or the provision of pre-hospital services.

*Paramedic* shall mean a person, certified by the state department of health or the appropriate state agency who is authorized to perform basic and advanced life support, pursuant to the provisions of Chapter 401, Florida Statutes.

*Patient* shall mean any person who is in need of emergency or nonemergency medical treatment or transportation.

*Person* shall mean any living human being, corporation, partnership or other business entity.

*Pre-hospital* shall mean the out-of-hospital provision of ALS or BLS treatment and/or transport services to a patient who has an emergency medical condition.

*Response time* shall mean the interval of time between (1) the moment the EMS provider's dispatch receives a call requesting a response and (2) to the moment the EMS provider's ambulance arrives at the requested location of the pickup. Response time for prearranged transfers scheduled in advance means the interval of time between (1) such prearranged transfer scheduled pickup time and (2) the moment the EMS provider's ambulance arrives at the requested location of the pickup.

*State* shall mean the State of Florida.

*Trauma transport protocols* shall mean the protocols approved by the medical director directing the dispatch of vehicles and the assessment and transport of adult and pediatric trauma patients.

***Section 20-52. Levels of service; criteria and performance standards.***

There shall be seven (7) levels of medical care or transportation service in the county. These are as follows:

- (1) *Level 1. Alternative transportation.* Providers who routinely transport persons who are confined to wheelchairs or stretchers and whose condition is such that these persons do



not need, nor are likely to need, immediate medical attention during transport. This service is also known as Paratransit. A license must be obtained from the county before engaging in this level of transportation service.

- (2) *Level 2. Basic life support non-transport (BLS non-transport).* Providers whose purpose is to provide on-the-scene assistance to the patient requiring emergency medical care. These providers do not routinely transport the patient. A certificate of public convenience and necessity must be obtained before engaging in this level of service.
- (3) *Level 3. Basic life support transport (BLS transport).* Providers who render BLS medical services and who routinely transport patients and render on-the-scene assistance to patients prior to transporting. A certificate of public convenience and necessity must be obtained from the county before engaging in this level of medical care.
- (4) *Level 4. Advanced life support non-transport (ALS non-transport).* Providers with capability of rendering ALS services, although not routinely transporting those persons receiving such services. A certificate of public convenience and necessity must be obtained from the county before engaging in this level of medical service.
- (5) *Level 5. Advanced life support transport (ALS transport).* Providers who render ALS medical services and who routinely transport their patients to a medical facility. A certificate of public convenience and necessity must be obtained from the county before engaging in this level of medical care. Certified providers who respond to requests for transportation will respond with an ALS vehicle.
- (6) *Level 6. Prehospital air ambulance service.* Any publicly or privately owned service which operates rotary-winged aircraft in conjunction with the county's emergency medical services system. A certificate of public convenience and necessity must be obtained from the county before engaging in this level of medical service.
- (7) *Level 7. Interfacility transport service.* Any publicly or privately-owned service which operates an ALS or BLS transport service to provide interfacility transport to and from ~~medical~~ health care facilities. These services must comply with Chapter 401, Florida Statutes. A certificate of

public convenience and necessity must be obtained from the county before engaging in this level of service ~~medical care~~. These agencies shall not provide pre-hospital response unless ~~requested~~ first approved to do so by the county medical director or authorized by state and local law, rule, or regulation. ~~—or a licensed EMS provider or under an emergency response plan.~~

***Section 20-53. Rules and regulations.***

The board of county commissioners is hereby authorized to adopt by resolution such rules and regulations as are necessary or proper to implement this article, including, but not limited to, requirements and criteria for levels of service, performance standards, personnel, vehicles, record keeping, financial responsibility of certificate holder, responsibilities of the ~~EMS~~ division and the county medical director, notices and hearings, modification and renewal of certificates, and fees to be required in connection with applications and such other matters that are in the interest of the public health, safety, welfare, convenience and necessity of the citizens of the county.

***Section 20-54. Penalties.***

Violators of this article or the rules and regulations promulgated hereunder shall be penalized as provided in section 1-9 of the Orange County Code. The ~~county board of county commissioners~~ may bring suit to restrain, enjoin or otherwise prevent the violation of this article in a court of competent jurisdiction pursuant to state law ~~the circuit court of the county.~~

***Section 20-55. Creation of county emergency medical services (EMS)/office of the medical director (EMSO).***

- (a) The county emergency medical services (EMS)/office of the medical director division ~~(EMSO)~~ is created within the county health services ~~division in the health and family services~~ department. The function of the EMSO division is to provide, administrative support and oversight to the operations of the county and countywide emergency medical services systems according to policies and procedures developed by the EMS advisory council and the county.

The EMSO division will act as the county contract administrator as assigned by county administration. Further,

the ~~EMS~~ EMS ~~division~~ shall seek compliance by all parties with all such contracts and interlocal and operational agreements.

- (b) The ~~EMS~~ EMS ~~division~~ shall regulate and oversee the alternative transportation services.
- (c) The ~~EMS~~ EMS ~~division~~ shall seek compliance by all members of the countywide emergency medical services system, their employees and contractors, with the provisions of all pertinent statutes, Florida Administrative Code provisions, ordinances, interlocal and operational agreements and county rules and regulations dealing with the provision of emergency medical services within the countywide emergency medical services system.
- (d) The ~~EMS~~ EMS ~~division~~ shall serve as the county liaison to the county emergency medical services advisory council. The head of the ~~EMS~~ EMS ~~division~~ shall serve as an ex officio non-voting member of the county emergency medical services advisory council.
- (e) The division shall conduct a survey of the community's need for additional interfacility transport services at least every two (2) years with the first survey being completed no later than December 31, 2022. The division may survey the community regarding any other matters related to the countywide emergency medical services systems. The division may survey health care facilities and any other person that the division deems relevant to the countywide emergency medical services system.
- (f) The ~~EMS~~ EMS ~~division~~ shall perform such additional duties and/or assume such other responsibilities as may be assigned to it by the board of county commissioners or the county administrator, ~~or the~~ The EMS advisory council may make recommendations to the board or county administrator for additional duties or responsibilities for the division to perform.
- (g) The ~~EMS~~ EMS ~~division~~ shall perform additional duties as may be reasonably requested by the county ~~EMS~~ medical director.

***Section 20-56.                      Creation of the county emergency medical services advisory council (EMSAC).***

- (a) The board of county commissioners shall create by resolution an advisory ~~board~~ council to be known as the Orange County Emergency Medical Services Advisory Council (the advisory council or EMSAC).
- (b) The resolution creating the advisory council shall charge the advisory council with the primary functions of
- Strategic planning for the countywide emergency medical services system; and
  - Evaluating those recommendations received by the advisory council from its standing committees, among which shall be the medical control committee, the EMS system review committee, and the operations committee.

The advisory council, when evaluating recommendations from its standing committees, will provide reasoned and articulated comments indicating the reasons for the advisory council's acceptance of these recommendations. In those cases where the advisory council does not accept the recommendations it will provide specific reasons and articulated questions back to the appropriate committee for further clarification.

The resolution shall set forth the rights, duties, responsibilities and obligations of the advisory council, provided, however, that among such shall be the following:

- (1) Empowerment to survey, study, evaluate and provide annual recommendations for improving all aspects of the emergency medical services system in the county and recommendations concerning the performance of the ~~EMSO~~ division. The advisory council may provide recommendations on any such matter at any time to the county medical director and the county administrator, and shall annually deliver a written report of its activities to the board of county commissioners.
- (2) Establishment of standing committees to provide technical analysis of operational matters concerned with the provision of emergency medical services.
- (3) Provision of counsel to, and discussion with, any procurement committee established under county policies and procedures when such procurement committee is charged with consideration of, or

recommendations concerning, emergency medical services procurement matters.

- ~~(4) Review the credentials of any party contemplated by the county medical director for retention as an associate medical director (or any similar capacity) for service within the county emergency medical services system.~~
  - (5) Establishment of standing committees concerning the provision of emergency medical services in conjunction with the county medical director and department.
  - (6) The advisory council shall have the authority to establish its own by-laws. Such by-laws may make provision for the establishment of standing committees.
- (c) The resolution creating the advisory council shall designate the EMSO division as responsible for furnishing staff and necessary material support to the advisory council.

*Sections 20-57—20-70. Reserved.*

## **DIVISION 2. EMERGENCY MEDICAL CARE AND TRANSPORTATION SERVICES**

### **Subdivision I. General Provisions**

*Section 20-71. Credentialing of technicians and paramedics.*

- (a) *Required; purpose.* No person shall be permitted to function as an emergency medical technician (EMT) or as a paramedic within the county's emergency medical services system without first being credentialed by the county medical director. No person shall be permitted to function as an EMT or paramedic within the countywide EMS system without first being credentialed by the county medical director or an independent medical director for a basic life support service or advanced life support service that has executed an interlocal agreement. The purpose of credentialing is to provide the supervising medical director with continuous information as to those persons who desire to operate within the ~~county's~~ countywide emergency medical services system to determine if such persons have met all requirements as provided for in Chapter 401, Florida

Statutes and rules and regulations of the state department of health or other applicable regulatory agency.

- (b) *Criteria; credentialing.* Any person operating as an EMT or paramedic within the countywide emergency medical services system ~~of the county~~ shall meet the requirements set forth by their supervising medical director, either the county medical director or an independent medical director for a basic life support service or advanced life support service ~~that has executed an interlocal agreement for credentialing.~~ If such person has met all requirements as set forth in Chapter 401, Florida Statutes and the rules and regulations of the state agency having jurisdiction, the supervising medical director may credential such an individual to serve within the county's countywide emergency medical services system when, in the opinion of the supervising medical director, the paramedic or EMT meets the standards of performance required by the said medical director. ~~Any person operating as an EMT or paramedic employed by a basic life support service or advanced life support service that contracts with its own medical director and has executed an interlocal agreement with the board of county commissioners may be credentialed by such medical director, provided such person has met all requirements as set forth in Chapter 401, Florida Statutes and the rules and regulation of the state agency having jurisdiction.~~
- (c) *Term.* Credential shall be valid for a period of time not to exceed two (2) years. The credential holder shall agree to any conditions specified by the medical director.
- (d) *Suspension or revocation.* The county medical director shall have the authority to temporarily or permanently suspend or prohibit a paramedic or EMT from practicing under the supervision of the county medical director and within the county's emergency medical services system. An independent medical director for a BLS or ALS service may suspend or prohibit a paramedic or EMT from practicing under the supervision of said medical director, except any person operating as an EMT or paramedic employed by a basic life support service or advanced life support service that contracts with its own medical director and has executed an interlocal agreement with the board of county commissioners.

**Section 20-72.            Interlocal and operational agreements.**

- (a) All EMS providers authorized to provide pre-hospital services or whose EMTs or paramedics operate under the supervision of the county medical director shall enter into and maintain a current interlocal or operational agreement with the board of county commissioners.
- (b) Each interlocal and operational agreement shall address, at a minimum, the following elements and meet or exceed certain minimum criteria. These elements and criteria are as follows:
- (1) *Medical direction.* If a participant employs a medical director pursuant to Florida Statutes other than the county medical director, the participant must:
- a. Execute an interlocal or operational agreement in a form acceptable to the county which protects the county from any liability whatsoever arising from the use of the participant's or county medical director's practice parameters (protocols).
  - b. Provide a copy of agency practice parameters to the county medical director.
  - c. Provide a two-week notice of any revisions to practice parameters to the county medical director.
  - d. Provide reasonable notice of change in medical direction to the county medical director. Reasonable notice shall be a one (1) month period. Emergency notice shall be the first business day after change in medical direction.
  - e. Notify the county medical director within two (2) weeks about paramedics who have been granted autonomous practice status.
- (2) *Quality management:* Provide the county medical director with statistical data relating to those emergency medical care elements established by the county medical director.

- (3) *Medical communications.* Basic life support services or advanced life support services that intends to use the county communications infrastructure shall agree to follow the established communications procedures.

**Sections 20-73—20-90. Reserved.**

## **Subdivision II. Certificate of Public Convenience and Necessity**

### **Section 20-91. Legislative Intent.**

- (a) It is the board's intent to promote the health, safety, and welfare of the county, its citizens, residents, and visitors, by providing reasonable standards for certificates of public convenience and necessity for EMS providers thereby promoting the development and maintenance of safe, healthy, efficient, and service-oriented ambulance services.
- (b) It is the board's intent that governmental entities perform emergency first responder and pre-hospital services within the territorial limits or airspace of Orange County, except as provided otherwise in a contract between one or more private EMS providers and Orange County, or in a contract between a municipality (or other governmental entity) and a private EMS provider. It is also the board's intent that private EMS providers primarily perform interfacility transport services within the territorial limits or airspace of Orange County, except as provided otherwise in a contract with a governmental entity.
- (c) It is the board's intent to deem applicants for certificates qualified if said applicants possess the required licenses and permits from the state and submit timely, complete, and accurate applications in accordance with this article. The board's decision to expand the countywide EMS system by issuing an additional certificate to an applicant will depend on the public convenience and necessity at the time of the application.

### **Section 20-9192. Required; exemptions.**

- (a) ~~No person shall provide emergency medical care and/or transportation in the county without having first obtained a certificate of public convenience and necessity from the county in accordance with this section~~ Every person that



provides ALS or BLS services, including interfacility transport, within the county must obtain a certificate of public convenience and necessity from the board in accordance with this article, and all applicable licenses and permits required by the state. ~~The~~ This requirement to obtain a certificate shall not apply, however, to the use of those vehicles exempted by this article or by state law.

- (b) The following are exempted from the requirement of obtaining a certificate of public convenience and necessity:
  - (1) A vehicle rendering service as an ambulance when requested to do so by the ~~EMSO~~ division, the county medical director, or another bona fide public safety agency in the event of a major catastrophe or other emergency requiring more ambulances than are available in the county;
  - (2) Any person, organization or vehicle exempted by state law.

***Section 20-9293. Applications for certificates.***

- (a) ~~Generally.~~ All potential EMS providers (individually referred to as “applicant” throughout this division) desiring to hold a county certificate must obtain a certificate from the board pursuant to the provisions of this article and subject to such rules and regulations as may be promulgated by the county.
- (b) The original application for a certificate of public convenience and necessity ~~shall~~ must be made on forms to be provided by the ~~EMSO~~ division, and to be made available in the ~~EMSO~~ division.
- (c) The division shall accept applications for certificates each year. Applications must be submitted between January 1st and March 31st (“application period”). Failure to submit a complete and accurate application by March 31st will result in the division’s rejection of the application; the applicant will be required to submit a new application during a subsequent application period in order for an application to be processed.
- (d) The application ~~shall~~ must contain such information as may be required by the division, department and the board of

county commissioners, and ~~shall~~ must include at least the following information:

- (1) The name under which the applicant will operate the proposed service;
- (2) The names, business addresses and experience of both the operator and the owner of the proposed service. If either the owner or operator are part of a corporate entity, the names and addresses of the directors, officers and controlling shareholders of any such corporations must be provided;
- (3) The level of service, as described in section 20-52, that the applicant wishes to provide. Applicants may apply for more than one level of service at the same time, but must provide the information and application responses required of each level sought;
- (4) All applicable state licensing information including license numbers;
- (5) A statement describing, with reasonable certainty, the geographical area proposed to be served and how the applicant's proposed service will benefit the population of that geographical area;  
~~A statement of facts showing the demand or need for the proposed service;~~
- (6) A business agreement between the applicant and a health care facility or governmental entity located in Orange County, Florida for the provision of ALS or BLS services, which may include interfacility transport;
- (7) A description of each vehicle to be used in the applicant's operations, including the make, model, mileage, and all vehicle identification, permit, and registration numbers;:-
- (8) Verification that all of the staffing requirements of this article and of state law will be met. Such verification may require submittal of the names, addresses, and certification of all personnel to be employed;

- (9) The address and description of each of the locations from which the applicant will operate and the hours of operation and staffing that is proposed for each location;
- (10) A proposed schedule of rates, fares and charges, if any;
- (11) An agreement by the applicant to comply with all applicable state and county laws and regulations;~~and~~
- (12) Certificates of insurance or certificates of self-insurance in compliance with this article;
- (13) Financial information to ensure the applicant's financial ability to provide ongoing service to the area in a safe, comfortable, and reliable manner. Financial information required by the division may include, but is not limited to:
  - i. Medicare audits;
  - ii. Audited financial statements; and
  - iii. Verified lines of credit.
- (14) A description of the applicant's telephone and radio communications system including, but not limited to its assigned frequency, call numbers, and hospital communications capabilities;
- (15) Written evidence that the applicant has employed or contracted with a medical director if required by Florida law;
- (16) Proposed response times including a description of the source for such information;
- (17) The applicant's management plan including, but not limited to, provisions for maintenance, systems for handling complaints and accidents, communication systems and quality assurance programs;
- (18) A sworn statement signed by the applicant or its authorized representative stating that all the

information provided by the applicant is true and correct under the penalty of perjury;

- (19) Such other reasonable information as may be required by the ~~department~~ division; and, including verification of financial responsibility.
- (20) For new applicants, paragraphs (4), (7), (9), (12), and (15) of this subsection may be identified in the application as proposed items because such items are not requirements until such time that the applicant's certificate becomes effective. Upon the board issuing a certificate, the applicant shall provide the division with any outstanding application information prior to the certificate becoming effective.

**Section 20-94. EMS review and notice of application.**

**(b) Investigation and notices.**

- (a) Review. Upon the filing of the application for a certificate pursuant to this subdivision, and the payment of any fee required by the board of county commissioners, the ~~EMSO division~~ shall ~~make an investigation into~~ review the application for timeliness, accuracy, and completeness in accordance with this article, including verification of proper inspection of vehicles and qualifications and number of personnel. If, after reviewing the application, the division determines that the application is not accurate or complete, the division may request additional information from the applicant or require that the application be resubmitted in a timely, complete, and accurate form. The EMSO shall also investigate the public need for the proposed service and the geographical area involved. In making such investigations, the EMSO shall give notice to any providers, at any of the levels of service proposed, who are serving any part of the route proposed to be served by the applicant. Notice shall also be given to any city or town in or through which the applicant proposes to operate.
- (b) Notice. Upon the conclusion of the application period, the division shall provide reasonable notice to the chairperson of the Emergency Medical Services Advisory Committee (EMSAC) of the division's receipt of any timely, accurate, and complete applications. The division shall also provide reasonable notice of said applications to the public and

~~municipalities. The notice shall contain a brief summary of the type and level of service proposed, the geographical area or route to be served, and such other pertinent facts as the EMSO determines to be relevant. Further notice shall be provided to the public by publishing the fact of such applications in a newspaper of general circulation, indicating where further information on the application is available, and Finally, the division shall provide reasonable notice of the applications to all current certificate holders. The notices must state that any local municipality, certificate holder, or other interested person who may be substantially affected by the proposed operation may, within thirty (30) fourteen (14) days, file a written objection or recommendation to the application, specifying the reason therefor, with the EMSO division.~~

**Section 20-95. EMSAC evaluation and report.**

- (a) ~~Within ninety (90) days of the conclusion of the application period, EMSAC will hold a regular or special meeting to evaluate the countywide emergency medical services system to consider any applications to expand the system by issuing additional certificates. Within thirty (30) to sixty (60) days after all of the required notices have been mailed and published, the EMSO shall conclude its investigation and shall make a recommendation to the board of county commissioners to either grant or deny the application. Any such recommendation may contain such conditions of approval as the department feels are necessary. The board of county commissioners shall take action to grant or deny the application within thirty (30) to sixty (60) days from receiving the EMSO recommendations.~~
- (b) At the meeting, EMSAC shall evaluate the countywide emergency medical services system to determine whether expanding the system by issuing an additional certificate to an applicant is in the interest of the public convenience and necessity. EMSAC shall consider the following guidelines in making its determination:
  - (1) The number of providers currently providing services and the type and quality of service provided;
  - (2) The historical and projected requests for service within the level of service applied for, in comparison

with the current number of providers and vehicles satisfying such requests;

- (3) The benefits of the proposed service for the population of the county or the population of some geographic area of the county where the applicant will provide its proposed service;
  - (4) The results of the most recent county conducted survey of the community's needs for additional interfacility transport services and other matters related to the countywide emergency medical services systems;
  - (5) Any timely written objections or recommendations, including those from local municipalities;
  - (6) Information from the annual reports submitted by each certificate holder including, but not limited to, the amount of calls received, response times, and staffing levels;
  - (7) Information from the application including, but not limited to, the business agreement; and
  - (8) Any other information relevant to the public health, safety, welfare, convenience and necessity.
- (c) Following the meeting, EMSAC shall submit a report to the board through the division with EMSAC's recommendation on whether expanding the countywide emergency medical services system by issuing a certificate to an applicant is in the interest of the public convenience and necessity.
- (d) Notwithstanding any other provision of this section, EMSAC may delegate its duty to hold a meeting under this section to its EMS system review committee, and the EMS system review committee will make a recommendation to EMSAC in accordance with section 20-56 of this article.

***Section 20-9396. Disposition of application.***

- (a) Within sixty (60) days of the EMSAC meeting, the division shall make a recommendation to the board of county commissioners on whether to grant or deny the applicant's request to expand the countywide emergency medical

services system by issuing an additional certificate to the applicant. Any such recommendation may contain conditions of approval as deemed necessary by the division.

(b) Within ninety (90) days of receiving the division's recommendation, the board of county commissioners shall consider the applicant's request to expand the countywide emergency medical services system.

(c) Following receipt of the ~~EMSO~~ division's recommendations on the application for a certificate under this subdivision, the board of county commissioners may consider the application at any regular or special meeting provided that:

(1) The board of county commissioners shall consider the recommendations of the division, EMSO EMSAC, local municipalities, as well as any other timely written recommendations or objections that have been filed, and the board of county commissioners may call for a public hearing on the application if the circumstances warrant;

(2) If the board of county commissioners decides to hold a public hearing on an application ~~determines that a public hearing is to be held on the application,~~ then the division shall provide reasonable notice of the hearing to the applicant, local municipalities, current certificate holders, and any parties that filed a timely written recommendation or objection. ~~same parties that are to be notified in section 20-92, in addition to any persons who have filed written objections to the application, shall be entitled to reasonable notice of the hearing.~~ Notice shall also be published in a newspaper of general circulation at least ten (10) days prior to the hearing;

(3) If the board of county commissioners determines that a public hearing is not necessary under the circumstances, or following a public hearing if one is called, the board of county commissioners may grant or deny the application, in whole or in part. If the board grants the application, then the board will issue a certificate to the applicant, authorizing the whole or any part of the operations covered by the application. Any certificates issued by the board may

contain conditions or limitations as deemed necessary by the board.

(d) Prior to granting any certificate of public convenience and necessity, the board of county commissioners shall determine that the proposed service, to the extent to be authorized by the certificate, is ~~or will be required by the present or future~~ in the interest of the public convenience ~~or~~ and necessity. The board of county commissioners may consider the guidelines listed in section 20-95(b) when making its determination.

(e) Proof of insurance, in ~~amounts to be determined by the board of county commissioners~~ the following amounts, must be submitted to the county prior to any applicant receiving a certificate of public convenience and necessity, in order to protect the public for any personal injury or property damage arising out of the applicant's operations:

(1) Commercial General Liability with a limit of not less than \$1,000,000 per occurrence. Orange County to be named as an additional insured.

(2) Commercial Automobile Liability with a limit of not less than \$1,000,000 per occurrence or combined single limit.

(3) Professional Liability with a limit of not less than \$1,000,000 per incident.

Non-governmental providers must name Orange County as an additional insured. Notwithstanding the insurance requirements contained in this section, governmental entities shall provide a certificate of insurance evidencing its insurance or self-insurance within the limits of liability set forth in Section 768.28, Florida Statutes.

(f) The board of county commissioners shall issue a certificate of public convenience and necessity to municipalities meeting the requirements of Chapter 401, Florida Statutes, Florida Administrative Code, Chapter ~~64E-2-64J-1~~, this article, and the rules and regulations of the ~~EMS~~ EMS division as applied to municipalities under this article.

(g) Any certificate issued under this subdivision shall contain, among other things, the following:



- (1) The name of the grantee;
- (2) The routes or the territory over which the grantee is permitted to operate at each of the levels of service covered;
- (3) A clause in which the grantee agrees to indemnify the county for any claims or losses arising out of its operations; and
- (4) Such additional terms, conditions and limitations as the board of county commissioners deems necessary or proper in the public interest.

***Section 20-9497. Temporary authority to provide service.***

In order to provide service for which there is an immediate and urgent need in a particular area or route that is not adequately covered by certificated providers, the board of county commissioners may in its discretion:

- (1) Grant to a certificated provider the temporary authority to service the particular area or route for such period of time as the board of county commissioners may specify, not to exceed ninety (90) days. This temporary emergency authority may be granted without notice and hearing, although the department and the board of county commissioners will develop and adopt rules governing the procedure for applications for emergency temporary authority.
- (2) Grant temporary authority for such service in conjunction with an application for permanent authority. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the board of county commissioners may specify, not to exceed one hundred eighty (180) days. Following the expiration of any temporary approval granted under this subsection, the board of county commissioners may extend the temporary authority for a specified period, or until such time as an application for permanent authority is approved, provided that adequate service is not otherwise available to the area, and further provided that the provider is determined to be in compliance with all applicable laws and regulations. Temporary authority under this subsection may be granted to applicants providing medical

transportation within the county prior to the effective date of Ord. No. 96-24, provided that the board of county commissioners determines that the public safety and welfare will be served by such temporary approval. Any person granted temporary approval under this section must take all necessary measures to ensure that its operations are in compliance with the requirements of this article and state law.

- (3) If necessary, the department and the board of county commissioners will develop and adopt regulations and procedures for applications for temporary authority, in order to ensure that adequate notice is provided to interested persons. The granting of temporary authority will not create a presumption that permanent authority will be granted at a later date.

**Section 20-9895.      *Rights and duties granted by certificate.***

- (a) The certificate shall be valid for the period of time specified therein, not to exceed five (5) years. The certificate shall not become effective until at least ten (10) days following the decision of the board of county commissioners to grant the certificate and upon all of this article's requirements being met. The certificate shall not be transferable, either voluntarily or by operation of law, without the prior written approval of the county.
- (b) The certificate holder shall file a verified statement of ownership with the ~~EMS~~ EMS ~~division~~ division prior to commencing its operations under the certificate, and shall immediately notify the ~~department~~ division of any change of ownership or control.
  - (1) Hospitals desiring a certificate for interhospital transfers may contract for transport services but the contracted agency must meet all of the provisions of this article.
- (c) Acceptance of ~~the~~ a certificate shall create a continuing obligation on ~~obligate~~ the certificate holder ~~applicant~~ to:
  - (1) Provide continuous and uninterrupted service to the extent, and for the area, authorized by the certificate;

- (2) Provide service to adjacent areas or routes within the county, when requested to do so by public safety agencies, in an emergency situation or in accordance with established agreements;
- (3) Begin providing transportation services in the county within six (6) months of the certificate becoming effective, and provide the division with documentation of such. Failure to do so shall result in an automatic revocation of the certificate;
- (4) Keep posted at the principal business locations in the county a copy of the certificate, and of any rate or fee schedule;
- (5) Keep such records as may be required by the division, department or the board of county commissioners, pursuant to this article and any the rules and regulations ~~to be~~ adopted under this article; ~~and~~
- (6) Adopt, maintain, and abide by certain customer service policies and procedures for receiving, responding to, and resolving complaints. All customer complaints must be investigated and resolved in a timely manner, and reports regarding customer complaints must be provided to the county upon the county's request and automatically on an annual basis. At a minimum, each certificate holder shall provide a high level of customer service that includes:
  - i. Access to customer service representatives by email and phone during normal business hours;
  - ii. A transparent customer feedback and complaint process with quick response and resolution by the certificate holder; and
  - iii. A system to log all complaints and resolutions.
- (7) Submit annual reports to the division between December 1<sup>st</sup> and December 31<sup>st</sup> of each year that include, at a minimum, the following information for the period consisting of the previous twelve (12) months:

- i. The number and types of calls received. A call shall be deemed received upon the EMS provider's dispatch accepting the caller's request for services;
- ii. The number and types of calls responded to (e.g. routine, nonurgent, urgent, emergent, etc.);
- iii. The EMS provider's response time for ninety-percent (90%) of its calls, and the EMS provider's response time for all calls exceeding the ninetieth-percentile;
- iv. The number of ambulances or EMS vehicles in use;
- v. The number of employees, position titles, and length of employment for all of the certificate holder's staff working in Orange County;
- vi. A summary of customer service complaints and resolution information; and
- vii. Any other relevant information requested by the division in accordance with federal, state, and local laws, rules and regulations.

(8) Operate in conformance with state law, this article and all rules and regulations thereunder.

***Section 20-~~999~~6. Modification and renewal of certificates.***

(a) *Modification.* The ~~department and the~~ board of county commissioners may ~~develop rules and regulations to permit modification of~~ make minor modifications to certificates of public convenience and necessity during their effectiveness due to changes in circumstances after review and recommendation by EMSAC. Minor modifications may include, but are not limited to, updating names of businesses and other terms used in the certificate. No substantial and material modification shall be made by the board without review and recommendation from EMSAC, adequate notice and an opportunity for all interested and substantially affected persons to be heard.

(b) Renewal. At least ~~ninety (90)~~ one hundred twenty (120) days prior to the expiration of its certificate, each EMS provider seeking certificate renewal shall ~~must~~ file an application for renewal ~~of its certificate~~ on forms to be provided by the ~~EMSO~~ division. The division shall review all renewal applications for timeliness, accuracy, and completeness. Following notice to interested and appropriate persons, and review and recommendation by the EMSO, the renewal application may be granted by the board of county commissioners. A public hearing may be required by the board of county commissioners if there is doubt as to whether adequate service is being provided by the applicant, or if the applicant wishes to change the levels of service or the area covered by the certificate.

(1) If the division has not received any substantial and material complaints against the renewal applicant and if the status of the renewal applicant has not substantially and materially changed, then the division may submit the renewal application to the board with a favorable recommendation. The board may renew applications with favorable recommendations at any regular or special meeting and without a public hearing.

(2) If the division has received one or more substantial and material complaints against the renewal applicant or if the status of the renewal applicant has substantially and materially changed, then the division will forward the renewal application to EMSAC for review and recommendation.

i. EMSAC (or its EMS system review committee) shall hold a public hearing on the renewal application in a manner to ensure that the renewal applicant is afforded due process and submit a recommendation to the board of county commissioners through the division.

ii. If the renewal application receives an unfavorable recommendation, then the board of county commissioners shall hold a public hearing to consider the renewal application in a manner to ensure that the renewal applicant is afforded due process.

- (3) During the renewal process, the certificate shall remain in effect until such time as a final decision on the renewal has been rendered by the board.

*Section 20-10097. Appeals from granting, renewal or denial of certificate.*

- ~~(a) — If the board of county commissioners decides to grant or renew an application for a certificate without a public hearing, any interested or substantially affected person who has filed a prior written objection will be notified of such decision, and any such person may appeal the board's decision by filing a notice of appeal with the clerk of the board of county commissioners within ten (10) days following the board's decision, indicating the reasons therefor. Reasonable notice of the scheduling of the appeal hearing will be provided to interested and substantially affected persons. An appeal shall stay the effectiveness of a certificate until a hearing is held by the board of county commissioners and the decision on the appeal is rendered. During the pendency of the appeal, the board of county commissioners may permit the applicant to operate under the temporary authority provisions of section 20-94.~~
- ~~(b) — An applicant whose original or renewal application has been denied by the board of county commissioners, or whose application has been granted with conditions, without public hearing, may appeal such decision by filing a notice of appeal with the clerk of the board of county commissioners within ten (10) days of the board's decision. A hearing shall be scheduled before the board of county commissioners, with reasonable notice to be provided to interested and substantially affected persons.~~
- ~~(a) If a decision has been made following a public hearing by the board of county commissioners to either approve, renew or deny any application, such A board decision to grant, deny, renew, suspend, or revoke a certificate or application shall be constitute final county action, except for the provisions of section 20-9996 relating to modification of a certificate. Any further review of the board's decision will must be by writ of certiorari in the circuit court, in accordance with the Florida Appellate Rules; a court of competent jurisdiction pursuant to state law provided, however, that in order to appeal the granting of a certificate a board decision, a notice of intention to file a writ of~~

~~certiorari~~ an appeal must be filed with the clerk of the board of county commissioners within ten (10) days following the board's decision.

- (b) An applicant whose application for a certificate has been denied may not submit another ~~similar~~ application for a minimum period of ~~ninety (90) days~~ one (1) year following such denial and any such application must be submitted during an application period.

***Section 20-10198. Suspension or revocation of certificate.***

- (a) In the event that there is a change of ownership of any kind or nature in the persons or companies to whom the certificate was issued, the certificate may be suspended or revoked ~~by the board of county commissioners for just cause~~. This subsection shall apply to changes in controlling stock ownership in any corporation, changes in partnerships or limited partnerships, and transfers between or from individuals of any interest in the operating company, regardless of whether any such transfers are voluntary or involuntary.
- (b) The certificate will be automatically suspended if it is transferred or assigned, either voluntarily or involuntarily, without the prior written approval of the county. If the certificate holder shall at any time become insolvent, or if proceedings in bankruptcy shall be instituted by or against the certificate holder, or if a receiver of any property of the certificate holder shall be appointed in any suit, or if the certificate holder shall make an assignment for the benefit of creditors, all rights and privileges under the certificate may be immediately suspended, without notice or hearing.
- (c) Every certificate that is issued pursuant to this article is subject to revocation or suspension. The certificate may be suspended or revoked if the ~~board of county commissioners~~ division finds that one (1) or more of the following conditions exist:
  - (1) The certificate holder has failed or refused to provide full and satisfactory service to the area covered by the certificate;
  - (2) The certificate holder has been convicted of a felony or other offense involving moral turpitude; or, in the

case of the certificate held by a partnership or corporation, a person with a substantial ownership interest has been convicted of such an offense; provided that such suspension or revocation is not in violation of Section 112.011, Florida Statutes;

- (3) The certificate was obtained by an application in which any material fact was intentionally omitted or falsely stated;
- (4) The certificate holder has operated, provided, represented to the public, or participated in the business of providing a level of service that is outside the scope of its certificate and in violation of this article;
- (5) The certificate holder has failed to correct deficiencies in the operations permitted by his certificate, including but not limited to personnel and vehicle requirements, following reasonable notice to correct such deficiencies;
- (6) The certificate holder has allowed required insurance coverage to be cancelled, withdrawn or terminated, or the operator is determined by the board of county commissioners to be otherwise financially unable to maintain its services in compliance with all applicable laws and regulations;
- (7) The certificate holder failed to provide adequate customer service as required by this article;
- (8) The certificate holder fails to comply with a division inspection or investigation into the certificate holder's compliance with this article;
- (9) The certificate holder fails to provide a timely annual report or intentionally omits or falsely states a material fact in its annual report; or
- (10) The certificate holder has failed to comply with Chapter 401, Florida Statutes, Florida Administrative Code, Chapter ~~64J-1~~ ~~64E-2~~, or any other applicable federal, state or local law or rule or regulation.



- (d) The division shall receive and investigate complaints about the service of certificate holders or evidence of violations of this article. The division may perform reasonable inspections of any item pertinent to the requirements of this article. The division may reasonably require a certificate holder to submit information as may be necessary to determine compliance with this article.
  
- (e) Prior to suspension or revocation under this subsection, the certificate holder shall be notified in writing of the alleged deficiencies or grounds for suspension or revocation, and, where appropriate, a reasonable time to correct any deficiencies shall be provided. If the conditions have not been corrected within the time provided, the certificate may be temporarily suspended by the division. ~~board of county commissioners, pending a hearing to determine whether indefinite suspension or revocation of the certificate is warranted.~~ In suspending or revoking a certificate, the division shall send notice of the suspension or revocation to the certificate holder by certified mail and include the division's findings and information on how the certificate holder can appeal the division's decision.
  
- (f) A certificate holder may appeal a decision to suspend or revoke its certificate to a hearing officer by filing a request for appeal with the division within ten (10) days of receiving the decision including the reasons for the appeal. The timely filing of an appeal stays the division's action to suspend or revoke the certificate until the hearing officer makes a final decision. For the purposes of this section, a hearing officer shall mean a person appointed by the division to perform the duties herein who is licensed and in good standing with the state bar and has at least five years of relevant experience in Florida.
  
- (g) Upon receiving a timely request for appeal, the division will schedule a hearing in front of a designated hearing officer within a reasonable time to consider the appeal. The hearing shall be open to the public and shall be advertised in a newspaper of general circulation not less than ten (10) days prior to the date of the hearing. The hearing officer shall hear and consider evidence offered by any interested person to determine whether the division properly suspended or revoked the certificate. The hearing shall be conducted in a manner to ensure that the appellant is afforded due process.

(1) At the conclusion of the hearing, the hearing officer must issue an order stating whether the greater weight of the evidence supports a finding that a violation of this article has occurred and whether revocation or suspension is warranted. If a violation is not supported by the greater weight of the evidence, then the hearing officer must issue an order stating that no violation has been proven.

(2) Any appeal of the hearing officer's decision must be made to a court of competent jurisdiction pursuant to state law.

(h) EMS providers whose certificates have been indefinitely suspended or revoked pursuant to this section may apply for a new certificate during an application period and after a minimum of one (1) year has passed since the date of the order suspending or revoking said certificate.

*Sections 20-~~10299~~—20-130. Reserved.*

### **DIVISION 3. ALTERNATIVE TRANSPORTATION SERVICES**

*Section 20-131. Required; exceptions.*

Every person owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting persons who are confined to wheelchairs or stretchers and whose medical condition is such that these persons do not need, nor are likely to need, immediate medical attention during transport upon the streets, highways, waterways or airways of the county, shall be licensed through the ~~EMS~~ division as an alternative transportation service. For purposes of this article ~~division~~, licensure as an alternative transportation service shall be deemed to include wheelchair, stretcher car and other Paratransit services.

*Section 20-132. Prerequisites to granting.*

Any person seeking licensure as an alternative transportation service shall:

(1) *Application.* Submit a completed application form to the ~~EMS~~ division on forms supplied by the ~~EMS~~ division. At

the time the application is presented, the applicant for such license shall have, and shall maintain throughout the application process, at least one (1) business office located in the county at which mail can be received and daily telephone communication is available with an agent of the applicant. If a license is granted, the licensee shall maintain one (1) or more business offices in the county while providing alternative transportation service.

- (2) *Fee.* Submit the appropriate fee or fees as established by the board of county commissioners.
- (3) *Condition of vehicles and equipment.* Provide documentation that vehicles and equipment are in good working order and meet requirements as specified in rules and regulations of the department.
- (4) *Radio communications.* Provide documentation describing the type and condition of the applicant's dispatching and communications equipment and system;
- (5) *Telephone communications.* Provide documentation describing the telephone communications system and equipment used in handling trip requests, cancellations and similar circumstances;
- (6) *Financial status.* Provide documentation describing the financial ability of the applicant to provide safe, comfortable services and to maintain or replace equipment required by the state, county or municipalities;
- (7) *Performance record.* Provide documentation describing the past performance and service record, if any, of the applicant;
- (8) *Insurance.* Provide proof of adequate insurance coverage for claims arising out of injury or death to persons and damage to the property of others resulting from any cause for which the owner of such business or service would be liable. ~~The amount of insurance coverage needed shall be determined by rule of the department or by the board.~~ No license to operate as an alternative transportation service within the county shall be issued until such time as the applicant has submitted adequate proof of insurance in the following amounts: ~~amount to be specified by rule or regulation of the department or by the board of county commissioners.~~

- (a) Commercial General Liability with a limit of not less than \$1,000,000 per occurrence; and
- (b) Commercial Automobile Liability with a limit of not less than \$1,000,000 per occurrence or combined single limit.

Non-governmental providers must name Orange County as an additional insured. Notwithstanding the insurance requirements contained in this section, governmental entities shall provide a certificate of insurance evidencing its insurance or self-insurance within the limits of liability set forth in Section 768.28, Florida Statutes.

- (9) *Drivers.* Provide evidence that drivers are trained in the correct use of the special equipment required for wheelchair and stretcher transport.
- (10) *Staffing of vehicles.* Provide evidence that alternative transportation vehicles are staffed by sufficient personnel to insure safe loading and unloading of wheelchair and/or stretcher patients.
- (11) *Sanitation and maintenance.* Provide proof that sanitation and maintenance standards are met. Comply with all rules and regulations of the department, this division and any applicable federal, state or local law or rule or regulation.
- (12) *Other information.* Such other information as the department or board of county commissioners may deem necessary.
- (13) *Vehicle permit.* Provide proof that all vehicles possess a valid vehicle permit as provided herein. To receive a valid vehicle permit, the applicant shall submit a completed application form for each vehicle for which a permit is desired. Pay the appropriate fee as provided by the board of county commissioners, and meet standards for alternative transportation vehicles as set forth by rules of the department.

The board of county commissioners shall issue a vehicle permit to each vehicle that has been inspected by the division EMSO and complies with standards established through rules of the department. The vehicle permit is valid for a period of time not to exceed two (2) years from the date of issuance. Vehicle permits are non-transferable.

***Section 20-133. Issuance or denial.***

The board of county commissioners shall issue or deny the license for operation of a nonemergency medical transportation service within sixty (60) days of the filing of the application to any applicant complying with requirements specified herein. Such license is valid for a period of time not to exceed two (2) years from the date of issuance.

***Section 20-134. Modification and renewal of licenses and permits.***

- (a) In order to renew a license or vehicle permit for alternative transportation services and vehicles, the applicant shall:
  - (1) Submit a renewal application to the department at least ninety (90) days prior to the expiration of the license or permit on forms to be provided by the EMSO division . Following notice to interested and appropriate persons, the renewal application may be granted by the board of county commissioners. A public hearing may be required by the board of county commissioners if there is doubt as to whether adequate service is being provided by the applicant.
  - (b) The department and the board of county commissioners may develop rules and regulations to permit modification of licenses during their effectiveness due to changes in circumstances. No substantial modification shall be made without adequate notice and an opportunity for all interested and substantially affected persons to be heard.

***Section 20-135. Appeals from granting, renewal or denial of licenses.***

- (a) If the board of county commissioners decides to grant or renew an application for a license without a public hearing, any interested or substantially affected person who has filed a prior written objection will be notified of such decision, and any such person may appeal the board's decision by filing a notice of appeal with the clerk of the board of county commissioners within ten (10) days following the board's decision, indicating the reasons therefor. Reasonable notice of the scheduling of the appeal hearing will be provided to interested and substantially affected persons. An appeal shall

stay the effectiveness of a license until a hearing is held by the board of county commissioners and the decision on the appeal is rendered. During the pendency of the appeal, the board of county commissioners may permit the applicant to operate under the temporary authority provisions of section 20-136.

- (b) An applicant whose original or renewal application has been denied by the board of county commissioners, or whose application has been granted with conditions, without public hearing, may appeal such decision by filing a notice of appeal with the clerk of the board of county commissioners within ten (10) days of the board's decision. A hearing shall be scheduled before the board of county commissioners, with reasonable notice to be provided to interested and substantially affected persons.
- (c) If a decision has been made following a public hearing by the board of county commissioners to either approve, renew or deny any application, such decision shall be final, except for the provisions of section ~~20-134~~ ~~20-135~~ relating to modification of a license certificate. Any further review of the board's decision will be by a court of competent jurisdiction pursuant to state law ~~writ of certiorari in the circuit court, in accordance with the Florida Appellate Rules;~~ provided, however, that in order to appeal the granting of a license, a notice of intention to file an appeal ~~a writ of certiorari~~ must be filed with the clerk of the board of county commissioners within ten (10) days following the board's decision.
- (d) An applicant whose application for a license has been denied may not submit another similar application for a period of ninety (90) days following such denial.

***Section 20-136. Temporary authority to provide service.***

In order to provide service for which there is an immediate and urgent need in a particular area or route that is not adequately covered by licensed providers, the board of county commissioners may in its discretion:

- (1) Grant to a licensed provider the temporary authority to service the particular area or route for such period of time as the board of county commissioners may specify, not to exceed ninety (90) days. This temporary emergency

authority may be granted without notice and hearing, although the department and the board of county commissioners will develop and adopt rules governing the procedure for applications for emergency temporary authority.

- (2) Grant temporary authority for such service in conjunction with an application for permanent authority. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the board of county commissioners may specify, not to exceed one hundred eighty (180) days. Following the expiration of any temporary approval granted under this subsection, the board of county commissioners may extend the temporary authority for a specified period, or until such time as an application for permanent authority is approved, provided that adequate service is not otherwise available to the area, and further provided that the provider is determined to be in compliance with all applicable laws and regulations. Temporary authority under this subsection may be granted to applicants providing alternative transportation within the county prior to the effective date of Ordinance No. 96-24, provided that the board of county commissioners determines that the public safety and welfare will be served by such temporary approval. Any person granted temporary approval under this section must take all necessary measures to ensure that its operations are in compliance with the requirements of this article, state law and other pertinent rules and regulations.
- (3) If necessary, the department and the board of county commissioners will develop and adopt regulations and procedures for applications for temporary authority, in order to ensure that adequate notice is provided to interested persons. The granting of temporary authority will not create a presumption that permanent authority will be granted at a later date.

***Section 20-137. Suspension or revocation of license.***

- (a) In the event that there is a change of ownership or any kind or nature in the persons or companies to whom the license was issued, the license may be suspended or revoked ~~by the board of county commissioners for just cause.~~ This subsection shall apply to changes in controlling stock ownership in any corporation, changes in partnerships or limited partnerships, and transfers between or from

individuals of any interest in the operating company, regardless of whether any such transfers are voluntary or involuntary.

- (b) The license will be automatically suspended if it is transferred or assigned, either voluntarily or involuntarily, without the prior written approval of the county. If the license holder shall at any time become insolvent, or if proceedings in bankruptcy shall be instituted by or against the license holder, or if a receiver of any property of the license holder shall be appointed in any suit, or if the license holder shall make an assignment for the benefit of creditors, all rights and privileges under the license may be immediately suspended, without notice or hearing.
  
- (c) Every license that is issued pursuant to this article is subject to revocation or suspension. The license may be suspended or revoked if the ~~division~~ ~~board of county commissioners~~ finds that one (1) or more of the following conditions exist:
  - (1) The license holder has failed or refused to provide full and satisfactory service to the area covered by the license;
  
  - (2) The license holder has been convicted of a felony or other offense involving moral turpitude; or, in the case of the license held by a partnership or corporation, a person with a substantial ownership interest has been convicted of such an offense; provided that such suspension or revocation is not in violation of Section 112.011, Florida Statutes;
  
  - (3) The license was obtained by an application in which any material fact was intentionally omitted or falsely stated;
  
  - (4) The license holder has operated, provided, represented to the public, or participated in the business of providing a level of service that is outside the scope of its license and in violation of this article;
  
  - (5) The license holder has failed to correct deficiencies in the operations permitted by his license, including but not limited to personnel and vehicle requirements, following reasonable notice to correct such deficiencies;



- (6) The license holder has allowed required insurance coverage to be canceled, withdrawn or terminated, or the operator is determined by the board of county commissioners to be otherwise financially unable to maintain its services in compliance with all applicable laws and regulations;
  - (7) The license holder fails to comply with a division inspection or investigation into the license holder's compliance with this article;
  - (8) The license holder has failed to comply with any applicable federal, state or local law or rule or regulation.
- (d) The division shall receive and investigate complaints about the service of license holders or evidence of violations of this article. The division may perform reasonable inspections of any item pertinent to the requirements of this article. The division may reasonably require a license holder to submit information as may be necessary to determine compliance with this article.
- (e) Prior to suspension or revocation under this subsection, the license holder shall be notified in writing of the alleged deficiencies or grounds for suspension or revocation, and, where appropriate, a reasonable time to correct any deficiencies shall be provided. If the conditions have not been corrected within the time provided, the license may be temporarily suspended by the division. board of county commissioners, pending a hearing to determine whether indefinite suspension or revocation of the license is warranted. In suspending or revoking a license, the division shall send notice of the suspension or revocation to the license holder by certified mail and include the division's findings and information on how the license holder can appeal the division's decision.
- (i) A license holder may appeal a decision to suspend or revoke its license to a hearing officer by filing a request for appeal with the division within ten (10) days of receiving the decision including the reasons for the appeal. The timely filing of an appeal stays the division's action to suspend or revoke the license until the hearing officer makes a final decision. For the purposes of this section, a hearing officer

shall mean a person appointed by the division to perform the duties herein who is licensed and in good standing with the state bar and has at least five years of relevant experience in Florida.

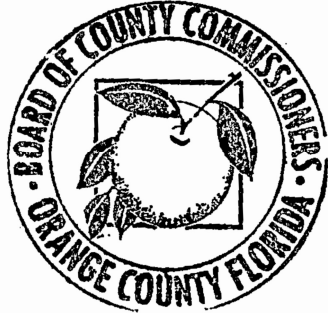
- (j) Upon receiving a timely request for appeal, the division will schedule a hearing in front of a designated hearing officer within a reasonable time to consider the appeal. The hearing shall be open to the public and shall be advertised in a newspaper of general circulation not less than ten (10) days prior to the date of the hearing. The hearing officer shall hear and consider evidence offered by any interested person to determine whether the division properly suspended or revoked the license. The hearing shall be conducted in a manner to ensure that the appellant is afforded due process.
  - (1) At the conclusion of the hearing, the hearing officer must issue an order stating whether the greater weight of the evidence supports a finding that a violation of this article has occurred and whether revocation or suspension is warranted. If a violation is not supported by the greater weight of the evidence, then the hearing officer must issue an order stating that no violation has been proven.
  - (2) Any appeal of the hearing officer's decision must be made to a court of competent jurisdiction pursuant to state law.
- (f) License holders whose licenses have been indefinitely suspended or revoked pursuant to this section may submit an application for new license after a minimum of one (1) year has passed since the suspension or revocation of said license.

*Sections 20-138—20-155. Reserved.*

**Section 2. *Repeal of Laws in Conflict.*** All local laws, resolutions, and ordinances in conflict with any provision of this Ordinance are hereby repealed to the extent of such conflict.

**Section 3. *Filing of Ordinance and Effective Date.*** This Ordinance shall take effect pursuant to general law.

ADOPTED THIS 24th DAY OF May, 2022 .



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: Jerry L. Demings  
for Jerry L. Demings  
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: Katelin Smith  
Deputy Clerk