

ORDINANCE NO. 2022-_____

2 **AN ORDINANCE PERTAINING TO EMERGENCY AND**
4 **NONEMERGENCY MEDICAL CARE AND**
6 **TRANSPORTATION IN ORANGE COUNTY, FLORIDA;**
8 **AMENDING CHAPTER 20, ARTICLE III OF THE ORANGE**
10 **COUNTY CODE OF ORDINANCES; PROVIDING FOR**
12 **CERTIFICATES OF PUBLIC CONVENIENCE AND**
14 **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.

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

20 **WHEREAS**, Section 401.25(1), Florida Statutes, requires providers of prehospital or
22 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

24 **WHEREAS**, Section 401.25(2)(d), Florida Statutes, requires applicants for licensure for
26 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

28 **WHEREAS**, Section 401.25(6)(a), Florida Statutes, authorizes the governing body of each
30 county to adopt ordinances that provide reasonable standards for COPCNs for BLS or ALS
32 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

34 **WHEREAS**, Orange County, Florida (the “County”) has established rules and regulations
36 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

38 **WHEREAS**, the Board of County Commissioners of Orange County, Florida (“Board” or
40 “BCC”) desires to process emergency and nonemergency medical transportation service
42 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.

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

46 *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
48 deletions being shown by strike-throughs:

50 **CHAPTER 20. HEALTH AND HUMAN SERVICES**

52 * * *

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

56 **DIVISION 1. GENERALLY**

58 *Section 20-51. Definitions.*

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

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

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

80 *Alternative transportation service or Paratransit* shall mean
any privately or publicly owned service employing a land, air or
82 water vehicle that is designed, constructed, reconstructed,
maintained, equipped or operated for, and is used for, or intended to
84 be used for air, land or water transportation of persons who are
confined to wheelchairs or stretchers and whose condition is such
86 that these persons do not need, nor are likely to need, immediate

88 medical attention during transport. ~~This service is also known as~~
89 ~~Paratransit.~~

90 *Ambulance or emergency medical services vehicle* shall
91 mean any privately or publicly owned land, air or water vehicle that
92 is permitted by the state in accordance with Chapter 401, Florida
93 Statutes, and designed, constructed, reconstructed, maintained,
94 equipped, or operated for, and is used for, or intended to be used for,
95 air, land or water response and/or transportation of sick or injured
96 persons ~~who may need~~ requiring or likely to require medical
97 attention during transport.

98
99 *Basic life support (BLS)* shall mean treatment of medical
100 emergencies by a qualified person through the use of techniques
101 such as patient assessment, cardiopulmonary resuscitation (CPR),
102 automated cardiac defibrillation, splinting, obstetrical assistance,
103 bandaging, administration of oxygen, and other techniques ~~pursuant~~
104 ~~to Florida Statutes~~ described in the EMT-Basic National Standard
105 Curriculum or the National EMS Education Standards of the United
106 States Department of Transportation. BLS also includes other
107 techniques that have been approved and are performed under
108 conditions as approved by the state.

109
110 *Basic life support service* shall mean any ~~licensed agency~~
111 ~~providing~~ emergency medical transportation or nontransport
112 services that uses basic life support techniques, pursuant to state
113 laws, rules, and regulations, and local laws, rules, and regulations.

114
115 *Board* shall mean the Board of County Commissioners of
116 Orange County, Florida.

117
118 *Business agreement* shall mean a written instrument with
119 terms for the provision of ALS or BLS services which may include
120 interfacility transport.

121
122 *Certificate or COPCN* shall mean ~~the a~~ certificate of public
123 convenience and necessity ~~to be required under~~ issued pursuant to
124 this article and applicable state law.

125
126 *Citizens based emergency response programs:* ~~These~~
127 ~~programs shall~~ include ~~but are not limited to:~~ Automatic External
128 Defibrillator (AED) programs, Citizens Cardiopulmonary
129 Resuscitation (CPR) programs, ~~and~~ Community Emergency
130 Response Team (CERT) programs, and other programs approved by
131 the division and allowed by state law.

County means Orange County, Florida.

134

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.

142

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.

152

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 which may include BLS or ALS services with EMTs and paramedics who operate under the supervision of an independent medical director that is not the county medical director.

160

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 county emergency medical services system.

166

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

168

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.

172

174

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

176

178 immediate medical attention could reasonably be expected to result
180 in any of the following:

- 182 (1) Serious jeopardy to patient health, including a pregnant
184 woman or fetus-;
- 186 (2) Serious impairment to bodily functions-; or
- (3) Serious dysfunction of any bodily organ or part.

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

194 *Emergency medical services (EMS) ALS and BLS provider*
196 shall mean any person, firm, corporation, association, ~~or~~ local
government, or other entity which that possesses ~~an~~ a current ALS
198 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.

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

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

208 *First responder* shall mean an individual not certified by the
210 state as an EMT or paramedic, who has received state-approved
212 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.

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

220 *First responder memorandum of understanding (MOU)*
222 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.

224
226
228
230
232
234
236
238
240
242
244
246
248
250
252
254
256
258
260
262
264
266
268

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~~ the care and transportation by ambulance of a patient whose condition is stabilized between health care facilities or between a health care facility and a patient's residence. 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

270 members of the county emergency medical services system or
271 providers of pre-hospital services. This agreement may be ~~is~~ one (1)
272 of a series of concurrently executed similar agreements which are to
273 be read equally and together as governing the operation of, and
274 terms and conditions of participation in, the integrated county
275 emergency medical services system or the provision of pre-hospital
276 services. This agreement is not intended to be, and shall not be,
277 construed in any way to deprive a signatory participant of any
278 jurisdictional powers vested in said signatory participant.

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

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

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

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

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

316
318
320
322
324
326
328
330
332
334
336
338
340
342
344
346
348
350
352
354
356
358
360

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 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.

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.

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

- 364
- 366 (1) *Level 1. Alternative transportation.* Providers who routinely
368 transport persons who are confined to wheelchairs or
stretchers and whose condition is such that these persons do
370 not need, nor are likely to need, immediate medical attention
during transport. This service is also known as Paratransit.
372 A license must be obtained from the county before engaging
in this level of transportation service.
- 374 (2) *Level 2. Basic life support non-transport (BLS non-*
transport). Providers whose purpose is to provide on-the-
376 scene assistance to the patient requiring emergency medical
care. These providers do not routinely transport the patient.
378 A certificate of public convenience and necessity must be
obtained before engaging in this level of service.
- 380 (3) *Level 3. Basic life support transport (BLS transport).*
382 Providers who render BLS medical services and who
routinely transport patients and render on-the-scene
384 assistance to patients prior to transporting. A certificate of
public convenience and necessity must be obtained from the
386 county before engaging in this level of medical care.
- 388 (4) *Level 4. Advanced life support non-transport (ALS non-*
transport). Providers with capability of rendering ALS
390 services, although not routinely transporting those persons
receiving such services. A certificate of public convenience
392 and necessity must be obtained from the county before
engaging in this level of medical service.
- 394 (5) *Level 5. Advanced life support transport (ALS transport).*
396 Providers who render ALS medical services and who
routinely transport their patients to a medical facility. A
398 certificate of public convenience and necessity must be
obtained from the county before engaging in this level of
400 medical care. Certified providers who respond to requests
for transportation will respond with an ALS vehicle.
- 402 (6) *Level 6. Prehospital air ambulance service.* Any publicly or
404 privately owned service which operates rotary-winged
aircraft in conjunction with the county's emergency medical
406 services system. A certificate of public convenience and
necessity must be obtained from the county before engaging
in this level of medical service.

408
410
412
414
416
418
420
422
424
426
428
430
432
434
436
438
440
442
444
446
448
450
452

(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 or 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 ~~EMSO~~ 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 ~~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 ~~(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

454 operations of the county and countywide emergency medical
456 services systems according to policies and procedures
developed by the EMS advisory council and the county.

458 The EMSO division will act as the county contract
administrator as assigned by county administration. Further,
460 the EMSO division shall seek compliance by all parties with
all such contracts and interlocal and operational agreements.

462 (b) The EMSO division shall regulate and oversee the
464 alternative transportation services.

466 (c) The EMSO division shall seek compliance by all members
of the countywide emergency medical services system, their
468 employees and contractors, with the provisions of all
pertinent statutes, Florida Administrative Code provisions,
470 ordinances, interlocal and operational agreements and
county rules and regulations dealing with the provision of
472 emergency medical services within the countywide
emergency medical services system.

474 (d) The EMSO division shall serve as the county liaison to the
476 county emergency medical services advisory council. The
head of the EMSO division shall serve as an ex officio non-
478 voting member of the county emergency medical services
advisory council.

480 (e) The division shall conduct a survey of the community's need
482 for additional interfacility transport services at least every
three (3) years with the first survey being completed no later
484 than December 31, 2022. The division may survey the
486 community regarding other matters related to the county and
countywide emergency medical services systems.

488 (f) The EMSO division shall perform such additional duties
and/or assume such other responsibilities as may be assigned
490 to it by the board of county commissioners or the county
administrator, ~~or the~~ The EMS advisory council may make
492 recommendations to the board or county administrator for
additional duties or responsibilities for the division to
494 perform.

496 (g) The EMSO division shall perform additional duties as may
be reasonably requested by the county ~~EMS~~ medical
498 director.

546 (3) Provision of counsel to, and discussion with, any
548 procurement committee established under county
550 policies and procedures when such procurement
committee is charged with consideration of, or
recommendations concerning, emergency medical
services procurement matters.

552 ~~(4) Review the credentials of any party contemplated by the~~
554 ~~county medical director for retention as an associate~~
556 ~~medical director (or any similar capacity) for service~~
~~within the county emergency medical services system.~~

558 (5) Establishment of standing committees concerning the
560 provision of emergency medical services in conjunction
with the county medical director and department.

562 (6) The advisory council shall have the authority to establish
564 its own by-laws. Such by-laws may make provision for
the establishment of standing committees.

566 (c) The resolution creating the advisory council shall designate
568 the ~~EMSO~~ division as responsible for furnishing staff and
necessary material support to the advisory council.

570 *Sections 20-57—20-70. Reserved.*

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

574 **Subdivision I. General Provisions**

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

580 (a) *Required; purpose.* No person shall be permitted to function
582 as an emergency medical technician (EMT) or as a
584 paramedic within the county's emergency medical services
586 system without first being credentialed by the county
588 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~~
590 ~~executed an interlocal agreement.~~ The purpose of
credentialing is to provide the medical director with
continuous information as to those persons who desire to

592 operate within the ~~county's~~ countywide emergency medical
593 services system to determine if such persons have met all
594 requirements as provided for in Chapter 401, Florida
595 Statutes and rules and regulations of the state department of
596 health or other applicable regulatory agency.

597 (b) *Criteria; credentialing.* Any person operating as an EMT or
598 paramedic within the countywide emergency medical
599 services system ~~of the county~~ shall meet the requirements set
600 forth by the county medical director or an independent
601 medical director for a basic life support service or advanced
602 life support service, as applicable that has executed an
603 ~~interlocal agreement for credentialing.~~ If such person has
604 met all requirements as set forth in Chapter 401, Florida
605 Statutes and the rules and regulations of the state agency
606 having jurisdiction, the county medical director or an
607 independent medical director may credential such an
608 individual to serve within the county's or countywide
609 emergency medical services system when, in the opinion of
610 the applicable medical director, the paramedic or EMT
611 meets the standards of performance required by the said
612 ~~medical director. Any person operating as an EMT or~~
613 ~~paramedic employed by a basic life support service or~~
614 ~~advanced life support service that contracts with its own~~
615 ~~medical director and has executed an interlocal agreement~~
616 ~~with the board of county commissioners may be credentialed~~
617 ~~by such medical director, provided such person has met all~~
618 ~~requirements as set forth in Chapter 401, Florida Statutes and~~
619 ~~the rules and regulation of the state agency having~~
620 ~~jurisdiction.~~

621 (c) *Term.* Credential shall be valid for a period of time not to
622 exceed two (2) years. The credential holder shall agree to
623 any conditions specified by the medical director.

624 (d) *Suspension or revocation.* The county medical director shall
625 have the authority to temporarily or permanently suspend or
626 prohibit a paramedic or EMT from practicing under the
627 supervision of the county medical director and within the
628 county's emergency medical services system. An
629 independent medical director for a BLS or ALS service may
630 suspend or prohibit a paramedic or EMT from practicing
631 under the supervision of said medical director., ~~except any~~
632 ~~person operating as an EMT or paramedic employed by a~~
633 ~~basic life support service or advanced life support service~~
634 ~~that contracts with its own medical director and has executed~~
635

638 ~~an interlocal agreement with the board of county~~
639 ~~commissioners.~~

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

642 (a) All EMS providers authorized to provide pre-hospital
643 services or whose EMTs or paramedics will operate under
644 the supervision of the county medical director shall enter
645 into and maintain a current interlocal or operational
646 agreement with the board of county commissioners.

648 (b) Each interlocal and operational agreement shall address the
649 following elements and meet or exceed certain minimum
650 criteria. These elements and criteria are as follows:

652 (1) *Medical direction.* If a participant employs a medical
653 director pursuant to Florida Statutes other than the
654 county medical director, the participant must:

656 a. Execute an interlocal or operational
657 agreement in a form acceptable to the county
658 which protects the county from any liability
659 whatsoever arising from the use of the
660 participant's or county medical director's
661 practice parameters (protocols).

662 b. Provide copy of agency practice parameters
663 to county medical director.

666 c. Provide a two-week notice of any revisions to
667 practice parameters to the county medical
668 director.

670 d. Provide reasonable notice of change in
671 medical direction to the county medical
672 director. Reasonable notice shall be a one (1)
673 month period. Emergency notice shall be the
674 first business day after change in medical
675 direction.

676 e. Notify the county medical director within
677 two (2) weeks about paramedics who have
678 been granted autonomous practice status.

680 (2) *Quality management:* Provide the county medical
681 director with statistical data relating to those
682

684 emergency medical care elements established by the
685 county medical director.

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

692 ***Sections 20-73—20-90. Reserved.***

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

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

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

724 **Section 20-91.2. Required; exemptions.**

728 (a) ~~No person shall provide emergency medical care and/or~~
730 ~~transportation in the county without having first obtained a~~
732 ~~certificate of public convenience and necessity from the~~
734 ~~county in accordance with this section~~ Every person that
736 provides ALS or BLS services, including interfacility
738 transport, within the county must obtain a certificate of
740 public convenience and necessity from the board in
742 accordance with this article, and all pertinent licenses and
744 permits issued by the state pursuant to Chapter 401, Florida
746 Statutes. ~~The~~ This requirement to obtain a certificate shall
748 not apply, however, to the use of those vehicles exempted by
750 this article or by state law.

742 (b) The following are exempted from the requirement of
744 obtaining a certificate of public convenience and necessity:

744 (1) A vehicle rendering service as an ambulance when
746 requested to do so by the ~~EMSO~~ division, the
748 medical director, or another bona fide public safety
750 agency in the event of a major catastrophe or other
752 emergency requiring more ambulances than are
754 available in the county;

752 (2) Any person, organization or vehicle exempted by
754 state law.

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

756 (a) ~~Generally.~~ All potential EMS providers (individually
758 referred to as “applicant” throughout this division) desiring
760 to hold a county certificate must obtain a certificate from the
762 board pursuant to the provisions of this article and subject to
764 such rules and regulations as may be promulgated by the
766 county.

764 (b) The original application for a certificate of public
766 convenience and necessity ~~shall~~ must be made on forms to
768 be provided by the ~~EMSO~~ division, and to be made available
770 in the ~~EMSO~~ division.

768 (c) The division shall accept applications for certificates each
770 year. Applications must be submitted between January 1st
772 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

774 subsequent application period in order for an application to
776 be processed.

776 (d) The application ~~shall~~ must contain such information as may
778 be required by the division, department and the board of
780 county commissioners, and ~~shall~~ must include at least the
following information:

782 (1) The name under which the applicant will operate the
784 proposed service;

786 (2) The names, business addresses and experience of
788 both the operator and the owner of the proposed
790 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;

792 (3) The level of service, as described in section 20-52,
794 that the applicant wishes to provide. Applicants may
796 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;

798 (4) All applicable state licensing information including
800 license numbers;

802 (5) A statement describing, with reasonable certainty,
804 the geographical area proposed to be served and how
the applicant's proposed service will benefit the
population of that geographical area;

806 ~~A statement of facts showing the demand or need for~~
808 ~~the proposed service;~~

810 (6) A business agreement between the applicant and a
health care facility located in Orange County, Florida
812 for the provision of ALS or BLS services, which may
include interfacility transport;

814 (7) A description of each vehicle to be used in the
816 applicant's operations, including the make, model,
mileage, and all vehicle identification, permit, and
818 registration numbers;

- 820 (8) Verification that all of the staffing requirements of
822 this article and of state law will be met. Such
824 verification may require submittal of the names,
826 addresses, and certification of all personnel to be
828 employed;
- 830 (9) The address and description of each of the locations
832 from which the applicant will operate and the hours
834 of operation and staffing that is proposed for each
836 location;
- 838 (10) A proposed schedule of rates, fares and charges, if
840 any;
- 842 (11) An agreement by the applicant to comply with all
844 applicable state and county laws and regulations;~~and~~
- 846 (12) Certificates of insurance or certificates of self-
848 insurance in compliance with this article;
- 850 (13) Financial information to ensure the applicant's
852 financial ability to provide ongoing service to the
854 area in a safe, comfortable, and reliable manner.
856 Financial information required by the division may
858 include, but is not limited to:
- 860 i. Medicare audits;
 - 862 ii. Audited financial statements; and
 - 864 iii. Verified lines of credit.
- 866 (14) A description of the applicant's telephone and radio
868 communications system including, but not limited to
870 its assigned frequency, call numbers, and hospital
872 communications capabilities;
- 874 (15) Written evidence that the applicant has employed or
876 contracted with a medical director if required by
878 Florida law;
- 880 (16) Proposed response times including a description of
882 the source for such information;
- 884 (17) The applicant's management plan including, but not
886 limited to, provisions for maintenance, systems for

866 handling complaints and accidents, communication
867 systems and quality assurance programs;

868 (18) A sworn statement signed by the applicant or its
869 authorized representative stating that all the
870 information provided by the applicant is true and
871 correct under the penalty of perjury;

872 (19) Such other reasonable information as may be
873 required by the ~~department~~ division; and, including
874 verification of financial responsibility.

875 (20) For new applicants that have not yet been licensed by
876 the state, paragraphs (4), (7), (9), (12), and (15) of
877 this subsection may be identified in the application
878 as proposed items because such items are not
879 requirements until such time that the applicant's
880 certificate becomes effective. Upon the board issuing
881 a certificate, the applicant shall provide the division
882 with any outstanding application information prior to
883 the certificate becoming effective.

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

885 ~~(e)~~ *Investigation and notices.*

886 (a) Review. Upon the filing of the application for a certificate
887 pursuant to this subdivision, and the payment of any fee
888 required by the board of county commissioners, the ~~EMSO~~
889 division shall make an investigation into review the
890 application for timeliness, accuracy, and completeness in
891 accordance with this article, including verification of proper
892 inspection of vehicles and qualifications and number of
893 personnel. If, after reviewing the application, the division
894 determines that the application is not accurate or complete,
895 the division may request additional information from the
896 applicant or require that the application be resubmitted in a
897 timely, complete, and accurate form. The EMSO shall also
898 investigate the public need for the proposed service and the
899 geographical area involved. In making such investigations,
900 the EMSO shall give notice to any providers, at any of the
901 levels of service proposed, who are serving any part of the
902 route proposed to be served by the applicant. Notice shall
903 also be given to any city or town in or through which the
904 applicant proposes to operate.

912 (b) Notice. Upon the conclusion of the application period, the
913 division shall provide reasonable notice to the chairperson of
914 the Emergency Medical Services Advisory Committee
915 (EMSAC) of the division's receipt of any timely, accurate,
916 and complete applications. The division shall also provide
917 reasonable notice of said applications to the public and
918 municipalities. The notice shall contain a brief summary of
919 the type and level of service proposed, the geographical area
920 or route to be served, and such other pertinent facts as the
921 EMSOS determines to be relevant. Further notice shall be
922 provided to the public by publishing the fact of such
923 applications in a newspaper of general circulation, indicating
924 where further information on the application is available,;
925 and Finally, the division shall provide reasonable notice of
926 the applications to all current certificate holders. The notices
927 must state that any local municipality, certificate
928 holder, or other interested person who may be substantially
929 affected by the proposed operation may, within thirty (30)
930 fourteen (14) days, file a written objection or
931 recommendation to the application, specifying the reason
932 therefor, with the EMSO division.

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

934 (a) Within ninety (90) days of the conclusion of the application
935 period, EMSAC will hold a regular or special meeting to
936 evaluate the countywide emergency medical services system
937 and to consider any applications to expand the system by
938 issuing additional certificates. Within thirty (30) to sixty (60)
939 days after all of the required notices have been mailed and
940 published, the EMSO shall conclude its investigation and
941 shall make a recommendation to the board of county
942 commissioners to either grant or deny the application. Any
943 such recommendation may contain such conditions of
944 approval as the department feels are necessary. The board of
945 county commissioners shall take action to grant or deny the
946 application within thirty (30) to sixty (60) days from
947 receiving the EMSO recommendations.

948 (b) At the meeting, EMSAC shall evaluate the countywide
949 emergency medical services system to determine whether
950 expanding the system by issuing an additional certificate to
951 an applicant is in the interest of the public convenience and
952 necessity. EMSAC shall consider the following guidelines
953 in making its determination:

- 958 (1) The number of providers currently providing
services and the type and quality of service provided;
- 960 (2) The historical and projected requests for service
within the level of service applied for, in comparison
962 with the current number of providers and vehicles
satisfying such requests;
- 964 (3) The benefits of the proposed service for the
population of the county or the population of some
966 geographic area of the county where the applicant
will provide its proposed service;
- 970 (4) The results of the most recent county conducted
survey of the community's needs for additional
972 interfacility transport services and other matters
related to the county and countywide emergency
974 medical services systems;
- 976 (5) Any timely written objections or recommendations,
including those from local municipalities;
- 978 (6) Information from the annual reports submitted by
each certificate holder including, but not limited to,
980 the amount of calls received, response times, and
staffing levels;
- 982 (7) Information from the application including, but not
limited to, the business agreement with a health care
984 facility; and
- 986 (8) Any other information relevant to the public health,
safety, welfare, convenience and necessity.
- 988 (c) Following the meeting, EMSAC shall submit a report to the
board through the division with EMSAC's recommendation
992 on whether expanding the countywide emergency medical
services system by issuing a certificate to an applicant is in
994 the interest of the public convenience and necessity.
- 996 (d) Notwithstanding any other provision of this section,
EMSAC may delegate its duty to hold a meeting under this
998 section to its EMS system review committee, and the EMS
system review committee will make a recommendation to
1000 EMSAC in accordance with section 20-56 of this article.
- 1002

Section 20-9396. Disposition of application.

1004
1006
1008
1010
1012
1014
1016
1018
1020
1022
1024
1026
1028
1030
1032
1034
1036
1038
1040
1042
1044
1046
1048

- (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 ~~determines that a public hearing is to be held on the application, then~~ the division shall provide reasonable notice of the hearing to any applicant(s), local municipalities, current certificate holders, the public, 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

1050 or deny the application, in whole or in part. If the
1052 board grants the application, then the board will issue
1054 a certificate to the applicant, authorizing the whole
1056 or any part of the operations covered by the
1058 application. Any certificates issued by the board may
1060 contain conditions or limitations as deemed
1062 necessary by the board.

1064 (d) Prior to granting any certificate of public convenience and
1066 necessity, the board of county commissioners shall
1068 determine that the proposed service, to the extent to be
1070 authorized by the certificate, is ~~or will be required by the~~
1072 ~~present or future~~ in the interest of the public convenience or
1074 and necessity. The board of county commissioners may
1076 consider the guidelines listed in section 20-95(b) when
1078 making its determination.

1080 (e) Proof of insurance, in ~~amounts to be determined by the board~~
1082 ~~of county commissioners~~ the following amounts, must be
1084 submitted to the county prior to any applicant receiving a
1086 certificate of public convenience and necessity, in order to
1088 protect the public for any personal injury or property damage
1090 arising out of the applicant's operations:

1092 (1) Commercial General Liability with a limit of not less
1094 than \$1,000,000 per occurrence. Orange County to
1096 be named as an additional insured.

1098 (2) Commercial Automobile Liability with a limit of not
1100 less than \$1,000,000 per occurrence or combined
1102 single limit.

1104 (3) Professional Liability with a limit of not less than
1106 \$1,000,000 per incident.

1108 Non-governmental providers must name Orange County as
1110 an additional insured.

1112 (f) The board of county commissioners shall issue a certificate
1114 of public convenience and necessity to municipalities
1116 meeting the requirements of Chapter 401, Florida Statutes,
1118 Florida Administrative Code, Chapter ~~64E-2-64J-1~~, this
1120 article, and the rules and regulations of the EMS0 division
1122 as applied to municipalities under this article.

- 1094 (g) Any certificate issued under this subdivision shall contain,
1096 among other things, the following:
- 1098 (1) The name of the grantee;
 - 1100 (2) The routes or the territory over which the grantee is
1102 permitted to operate at each of the levels of service
covered;
 - 1104 (3) A clause in which the grantee agrees to indemnify the
1106 county for any claims or losses arising out of its
operations; and
 - 1108 (4) Such additional terms, conditions and limitations as
the board of county commissioners deems necessary
or proper in the public interest.

1110 ***Section 20-9497. Temporary authority to provide service.***

1112 In order to provide service for which there is an immediate
1114 and urgent need in a particular area or route that is not adequately
covered by certificated providers, the board of county
1116 commissioners may in its discretion:

- 1118 (1) Grant to a certificated provider the temporary authority to
1120 service the particular area or route for such period of time as
the board of county commissioners may specify, not to
1122 exceed ninety (90) days. This temporary emergency
authority may be granted without notice and hearing,
1124 although the department and the board of county
commissioners will develop and adopt rules governing the
1126 procedure for applications for emergency temporary
authority.
- 1128 (2) Grant temporary authority for such service in conjunction
with an application for permanent authority. Such temporary
1130 authority, unless suspended or revoked for good cause, shall
be valid for such time as the board of county commissioners
1132 may specify, not to exceed one hundred eighty (180) days.
Following the expiration of any temporary approval granted
1134 under this subsection, the board of county commissioners
may extend the temporary authority for a specified period,
1136 or until such time as an application for permanent authority
is approved, provided that adequate service is not otherwise
1138 available to the area, and further provided that the provider
is determined to be in compliance with all applicable laws

1140 and regulations. Temporary authority under this subsection
1142 may be granted to applicants providing medical
1144 transportation within the county prior to the effective date of
1146 Ord. No. 96-24, provided that the board of county
1148 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.

1150 (3) If necessary, the department and the board of county
1152 commissioners will develop and adopt regulations and
1154 procedures for applications for temporary authority, in order
1156 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.

1158 ***Section 20-9895. Rights and duties granted by certificate.***

1160 (a) The certificate shall be valid for the period of time specified
1162 therein, not to exceed five (5) years. The certificate shall not
1164 become effective until at least ten (10) days following the
1166 decision of the board of county commissioners to grant the
certificate and upon all of this article's requirements being
1168 met. The certificate shall not be transferable, either
voluntarily or by operation of law, without the prior written
approval of the county.

1170 (b) The certificate holder shall file a verified statement of
1172 ownership with the EMSO division prior to commencing its
1174 operations under the certificate, and shall immediately notify
the ~~department~~ division of any change of ownership or
control.

1176 (1) Hospitals desiring a certificate for interhospital
1178 transfers may contract for transport services but the
contracted agency must meet all of the provisions of
this article.

1180 (c) Acceptance of the certificate shall obligate the applicant to:
1182 (1) Provide continuous and uninterrupted service to the
1184 extent, and for the area, authorized by the certificate;

- 1186 (2) Provide service to adjacent areas or routes within the
1188 county, when requested to do so by public safety
1190 agencies, in an emergency situation or in accordance
1192 with established agreements;
- 1194 (3) Begin providing transportation services in the county
1196 within six (6) months of the certificate becoming
1198 effective, and provide the division with
1200 documentation of such. Failure to do so shall result
1202 in an automatic revocation of the certificate;
- 1204 (4) Keep posted at the principal business locations in the
1206 county a copy of the certificate, and of any rate or fee
1208 schedule;
- 1210 (5) Keep such records as may be required by the
1212 division, department or the board of county
1214 commissioners, pursuant to this article and any the
1216 rules and regulations to be adopted under this article;
1218 and
- 1220 (6) Adopt, maintain, and abide by certain customer
1222 service policies and procedures for receiving,
1224 responding to, and resolving complaints. All
1226 customer complaints must be investigated and
1228 resolved in a timely manner, and reports regarding
1230 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:
- 1232 i. Access to customer service representatives by
1234 email and phone during normal business hours;
 - 1236 ii. A transparent customer feedback and complaint
1238 process with quick response and resolution by the
1240 certificate holder; and
 - 1242 iii. A system to log all complaints and resolutions.
- 1244 (7) Submit annual reports to the division between
1246 December 1st and December 31st of each year that
1248 include, at a minimum, the following information for
1250 the period consisting of the previous twelve (12)
months:

- 1232
- 1234
- 1236
- 1238
- 1240
- 1242
- 1244
- 1246
- 1248
- 1250
- 1252
- 1254
- 1256
- 1258
- 1260
- 1262
- 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.

- 1264
- 1266
- 1268
- 1270
- 1272
- 1274
- 1276
- (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. No substantial 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

1278 ~~seeking certificate renewal shall must file an application for~~
1280 ~~renewal of its certificate on forms to be provided by the~~
1282 ~~EMS0 division. The division shall review all renewal~~
1284 ~~applications for timeliness, accuracy, and completion.~~
1286 ~~Following notice to interested and appropriate persons, and~~
1288 ~~review and recommendation by the EMS0, the renewal~~
1290 ~~application may be granted by the board of county~~
1292 ~~commissioners A public hearing may be required by the~~
1294 ~~board of county commissioners if there is doubt as to~~
1296 ~~whether adequate service is being provided by the applicant,~~
1298 ~~or if the applicant wishes to change the levels of service or~~
1300 ~~the area covered by the certificate.~~

1292 (1) If the division has not received any substantial and
1294 material complaints against the renewal applicant, as
1296 determined by the division, then the division may
1298 submit the renewal application to the board with a
1300 favorable recommendation. The board may renew
1302 applications with favorable recommendations at any
1304 regular or special meeting and without a public
1306 hearing.

1300 (2) If the division has received one or more substantial
1302 and material complaints against the renewal
1304 applicant within the past certificate period, then the
1306 division will forward the renewal application to
1308 EMSAC for review and recommendation. EMSAC
1310 (or its EMS system review committee) shall hold a
1312 public hearing on the renewal application and submit
1314 a recommendation to the board of county
1316 commissioners through the division. If the renewal
1318 application receives an unfavorable
1320 recommendation, then the board of county
1322 commissioners shall hold a public hearing to
consider the renewal application.

1314 (3) During the renewal process, the certificate shall
1316 remain in effect until such time as a final decision on
1318 the renewal has been rendered by the Board.

1318 ***Section 20-10097. Appeals from granting, renewal or denial of***
1320 ***certificate.***

1320 (a) ~~If the board of county commissioners decides to grant or~~
1322 ~~renew an application for a certificate without a public~~
~~hearing, any interested or substantially affected person who~~

1324 ~~has filed a prior written objection will be notified of such~~
1326 ~~decision, and any such person may appeal the board's~~
1328 ~~decision by filing a notice of appeal with the clerk of the~~
1330 ~~board of county commissioners within ten (10) days~~
1332 ~~following the board's decision, indicating the reasons~~
1334 ~~therefor. Reasonable notice of the scheduling of the appeal~~
1336 ~~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.~~

1338 ~~(b) — An applicant whose original or renewal application has been~~
1340 ~~denied by the board of county commissioners, or whose~~
1342 ~~application has been granted with conditions, without public~~
1344 ~~hearing, may appeal such decision by filing a notice of~~
1346 ~~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.~~

1348 ~~(a) If a decision has been made following a public hearing by~~
1350 ~~the board of county commissioners to either approve, renew~~
1352 ~~or deny any application, such A board decision to grant,~~
1354 ~~deny, renew, suspend, or revoke a certificate or application~~
1356 ~~shall be constitute final county action, except for the~~
1358 ~~provisions of section 20-9996 relating to modification of a~~
1360 ~~certificate. Any further review of the board's decision will~~
1362 ~~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.~~

1364 ~~(b) An applicant whose application for a certificate has been~~
1366 ~~denied may not submit another similar application for a~~
1368 ~~minimum period of ~~ninety (90) days~~ one (1) year following~~
~~such denial and any such application must be submitted~~
~~during an application period.~~

1370 ***Section 20-10198. Suspension or revocation of certificate.***

1372 (a) In the event that there is a change of ownership of any kind
1374 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
1376 subsection shall apply to changes in controlling stock
ownership in any corporation, changes in partnerships or
1378 limited partnerships, and transfers between or from
individuals of any interest in the operating company,
1380 regardless of whether any such transfers are voluntary or
involuntary.

1382 (b) The certificate will be automatically suspended if it is
1384 transferred or assigned, either voluntarily or involuntarily,
without the prior written approval of the county. If the
1386 certificate holder shall at any time become insolvent, or if
proceedings in bankruptcy shall be instituted by or against
1388 the certificate holder, or if a receiver of any property of the
certificate holder shall be appointed in any suit, or if the
1390 certificate holder shall make an assignment for the benefit of
creditors, all rights and privileges under the certificate may
1392 be immediately suspended, without notice or hearing.

1394 (c) Every certificate that is issued pursuant to this article is
1396 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
1398 conditions exist:

1400 (1) The certificate holder has failed or refused to provide
1402 full and satisfactory service to the area covered by
the certificate;

1404 (2) The certificate holder has been convicted of a felony
or other offense involving moral turpitude; or, in the
1406 case of the certificate held by a partnership or
corporation, a person with a substantial ownership
1408 interest has been convicted of such an offense;
provided that such suspension or revocation is not in
1410 violation of Section 112.011, Florida Statutes;

1412 (3) The certificate was obtained by an application in
1414 which any material fact was intentionally omitted or
falsely stated;

- 1416 (4) The certificate holder has operated, provided,
1418 represented to the public, or participated in the
business of providing a level of service that is outside
1420 the scope of its certificate and in violation of this
article;
- 1422 (5) The certificate holder has failed to correct
1424 deficiencies in the operations permitted by his
1426 certificate, including but not limited to personnel and
vehicle requirements, following reasonable notice to
correct such deficiencies;
- 1428 (6) The certificate holder has allowed required insurance
1430 coverage to be cancelled, withdrawn or terminated,
1432 or the operator is determined by the board of county
1434 commissioners to be otherwise financially unable to
maintain its services in compliance with all
applicable laws and regulations;
- 1436 (7) The certificate holder failed to provide adequate
customer service as required by this article;
- 1438 (8) The certificate holder fails to comply with a division
inspection or investigation into the certificate
1440 holder's compliance with this article;
- 1442 (9) The certificate holder fails to provide a timely annual
report or intentionally omits or falsely states a
1444 material fact in its annual report; or
- 1446 (10) The certificate holder has failed to comply with
1448 Chapter 401, Florida Statutes, Florida
1450 Administrative Code, Chapter ~~64J-1~~ 64E-2, or any
other applicable federal, state or local law or rule or
regulation.
- 1452 (d) The division shall receive and investigate complaints about
the service of certificate holders or evidence of violations of
1454 this article. The division may perform reasonable inspections
of any item pertinent to the requirements of this article. The
1456 division may reasonably require a certificate holder to
submit information as may be necessary to determine
1458 compliance with this article.
- 1460 (e) Prior to suspension or revocation under this subsection, the
certificate holder shall be notified in writing of the alleged

1462 deficiencies or grounds for suspension or revocation, and,
1464 where appropriate, a reasonable time to correct any
1466 deficiencies shall be provided. If the conditions have not
1468 been corrected within the time provided, the certificate may
1470 be temporarily suspended by the division. board of county
1472 commissioners, pending a hearing to determine whether
1474 indefinite suspension or revocation of the certificate is
1476 warranted. In suspending or revoking a certificate, the
1478 division shall send notice of the suspension or revocation to
1480 the certificate holder by certified mail and include the
1482 division's findings and information on how the certificate
1484 holder can appeal the division's decision.

1474 (f) A certificate holder may appeal a decision to suspend or
1476 revoke its certificate to a hearing officer by filing a request
1478 for appeal with the division within ten (10) days of receiving
1480 the decision including the reasons for the appeal. The timely
1482 filing of an appeal stays the division's action to suspend or
1484 revoke the certificate until the hearing officer makes a final
1486 decision. For the purposes of this section, a hearing officer
1488 shall mean a person appointed by the division to perform the
1490 duties herein who is licensed and in good standing with the
1492 state bar and has at least five years of relevant experience in
1494 Florida.

1486 (g) Upon receiving a timely request for appeal, the division will
1488 schedule a hearing in front of a designated hearing officer
1490 within a reasonable time to consider the appeal. The hearing
1492 shall be open to the public and shall be advertised in a
1494 newspaper of general circulation not less than ten (10) days
1496 prior to the date of the hearing. The hearing officer shall hear
1498 and consider evidence offered by any interested person to
1500 determine whether the division properly suspended or
1502 revoked the certificate. The hearing shall be conducted in a
1504 manner to ensure that the appellant is afforded due process.

1498 (1) At the conclusion of the hearing, the hearing officer
1500 must issue an order stating whether the greater
1502 weight of the evidence supports a finding that a
1504 violation of this article has occurred and whether
1506 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.

1508 (2) Any appeal of the hearing officer’s decision must be
 made to a court of competent jurisdiction pursuant to
 state law.

1510
1512 (h) EMS providers whose certificates have been indefinitely
 suspended or revoked pursuant to this section may apply for
1514 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.

1516
Sections 20-~~10299~~—20-130. Reserved.

1518
1520 **DIVISION 3. ALTERNATIVE TRANSPORTATION**
 SERVICES

1522 ***Section 20-131. Required; exceptions.***

1524 Every person owning or acting as agent for the owner of any
1526 business or service which furnishes, operates, conducts, maintains,
 advertises, engages in, proposes to engage in, or professes to engage
1528 in the business or service of transporting persons who are confined
 to wheelchairs or stretchers and whose medical condition is such
1530 that these persons do not need, nor are likely to need, immediate
 medical attention during transport upon the streets, highways,
1532 waterways or airways of the county, shall be licensed through the
 ~~EMS~~ division as an alternative transportation service. For
1534 purposes of this article ~~division~~, licensure as an alternative
 transportation service shall be deemed to include wheelchair,
 stretcher car and other Paratransit services.

1536 ***Section 20-132. Prerequisites to granting.***

1538 Any person seeking licensure as an alternative transportation
1540 service shall:

1542 (1) *Application.* Submit a completed application form to the
1544 ~~EMS~~ division on forms supplied by the ~~EMS~~ division. At
 the time the application is presented, the applicant for such
1546 license shall have, and shall maintain throughout the
 application process, at least one (1) business office located
1548 in the county at which mail can be received and daily
 telephone communication is available with an agent of the
1550 applicant. If a license is granted, the licensee shall maintain
 one (1) or more business offices in the county while
1552 providing alternative transportation service.

- 1554 (2) *Fee.* Submit the appropriate fee or fees as established by the
board of county commissioners.
- 1556 (3) *Condition of vehicles and equipment.* Provide
1558 documentation that vehicles and equipment are in good
working order and meet requirements as specified in rules
1560 and regulations of the department.
- 1562 (4) *Radio communications.* Provide documentation describing
the type and condition of the applicant's dispatching and
1564 communications equipment and system;
- 1566 (5) *Telephone communications.* Provide documentation
describing the telephone communications system and
1568 equipment used in handling trip requests, cancellations and
similar circumstances;
- 1570 (6) *Financial status.* Provide documentation describing the
1572 financial ability of the applicant to provide safe, comfortable
services and to maintain or replace equipment required by
1574 the state, county or municipalities;
- 1576 (7) *Performance record.* Provide documentation describing the
past performance and service record, if any, of the applicant;
- 1578 (8) *Insurance.* Provide proof of adequate insurance coverage for
1580 claims arising out of injury or death to persons and damage
to the property of others resulting from any cause for which
1582 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
1584 as an alternative transportation service within the county
shall be issued until such time as the applicant has submitted
1586 adequate proof of insurance in the following amounts:
1588 ~~amount to be specified by rule or regulation of the
department or by the board of county commissioners.~~
- 1590 (a) Commercial General Liability with a limit of not less
1592 than \$1,000,000 per occurrence; and
- 1594 (b) Commercial Automobile Liability with a limit of not
less than \$1,000,000 per occurrence or combined
1596 single limit.
- 1598 Non-governmental providers must name Orange County as
an additional insured.

- 1600 (9) *Drivers.* Provide evidence that drivers are trained in the
1602 correct use of the special equipment required for wheelchair
and stretcher transport.
- 1604 (10) *Staffing of vehicles.* Provide evidence that alternative
1606 transportation vehicles are staffed by sufficient personnel to
insure safe loading and unloading of wheelchair and/or
1608 stretcher patients.
- 1610 (11) *Sanitation and maintenance.* Provide proof that sanitation
1612 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.
- 1614 (12) *Other information.* Such other information as the department
1616 or board of county commissioners may deem necessary.
- 1618 (13) *Vehicle permit.* Provide proof that all vehicles possess a
1620 valid vehicle permit as provided herein. To receive a valid
vehicle permit, the applicant shall submit a completed
1622 application form for each vehicle for which a permit is
desired. Pay the appropriate fee as provided by the board of
1624 county commissioners, and meet standards for alternative
transportation vehicles as set forth by rules of the
department.

1626 The board of county commissioners shall issue a vehicle
1628 permit to each vehicle that has been inspected by the EMSO
and complies with standards established through rules of the
department. The vehicle permit is valid for a period of time
1630 not to exceed two (2) years from the date of issuance.
Vehicle permits are non-transferable.

1632 ***Section 20-133. Issuance or denial.***

1634 The board of county commissioners shall issue or deny the
1636 license for operation of a nonemergency medical transportation
service within sixty (60) days of the filing of the application to any
1638 applicant complying with requirements specified herein. Such
license is valid for a period of time not to exceed two (2) years from
1640 the date of issuance.

1642 ***Section 20-134. Modification and renewal of licenses and***
1644 ***permits.***

1646 (a) In order to renew a license or vehicle permit for alternative
transportation services and vehicles, the applicant shall:

1648 (1) Submit a renewal application to the department at
1650 least ninety (90) days prior to the expiration of the
1652 license or permit on forms to be provided by the
1654 ~~EMSO~~ division . Following notice to interested and
1656 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.

1658 (b) The department and the board of county commissioners may
1660 develop rules and regulations to permit modification of
1662 licenses during their effectiveness due to changes in
1664 circumstances. No substantial modification shall be made
without adequate notice and an opportunity for all interested
and substantially affected persons to be heard.

1666 ***Section 20-135. Appeals from granting, renewal or denial of
licenses.***

1668 (a) If the board of county commissioners decides to grant or
1670 renew an application for a license without a public hearing,
1672 any interested or substantially affected person who has filed
1674 a prior written objection will be notified of such decision,
1676 and any such person may appeal the board's decision by
1678 filing a notice of appeal with the clerk of the board of county
1680 commissioners within ten (10) days following the board's
1682 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.

1684 (b) An applicant whose original or renewal application has been
1686 denied by the board of county commissioners, or whose
1688 application has been granted with conditions, without public
1690 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

1692 be scheduled before the board of county commissioners,
with reasonable notice to be provided to interested and
1694 substantially affected persons.

1696 (c) If a decision has been made following a public hearing by
the board of county commissioners to either approve, renew
1698 or deny any application, such decision shall be final, except
for the provisions of section 20-135 relating to modification
1700 of a certificate. Any further review of the board's decision
will be by a court of competent jurisdiction pursuant to state
1702 law writ of certiorari in the circuit court, in accordance with
the Florida Appellate Rules; provided, however, that in order
1704 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
1706 of the board of county commissioners within ten (10) days
following the board's decision.

1708 (d) An applicant whose application for a license has been denied
may not submit another similar application for a period of
1710 ninety (90) days following such denial.

1712 ***Section 20-136. Temporary authority to provide service.***

1714 In order to provide service for which there is an immediate
and urgent need in a particular area or route that is not adequately
1716 covered by licensed providers, the board of county commissioners
may in its discretion:

1718 (1) Grant to a licensed provider the temporary authority to
1720 service the particular area or route for such period of time as
the board of county commissioners may specify, not to
1722 exceed ninety (90) days. This temporary emergency
authority may be granted without notice and hearing,
1724 although the department and the board of county
commissioners will develop and adopt rules governing the
1726 procedure for applications for emergency temporary
authority.

1728 (2) Grant temporary authority for such service in conjunction
1730 with an application for permanent authority. Such temporary
authority, unless suspended or revoked for good cause, shall
1732 be valid for such time as the board of county commissioners
may specify, not to exceed one hundred eighty (180) days.
1734 Following the expiration of any temporary approval granted
under this subsection, the board of county commissioners
1736 may extend the temporary authority for a specified period,

1738 or until such time as an application for permanent authority
1739 is approved, provided that adequate service is not otherwise
1740 available to the area, and further provided that the provider
1741 is determined to be in compliance with all applicable laws
1742 and regulations. Temporary authority under this subsection
1743 may be granted to applicants providing alternative
1744 transportation within the county prior to the effective date of
1745 Ordinance No. 96-24, provided that the board of county
1746 commissioners determines that the public safety and welfare
1747 will be served by such temporary approval. Any person
1748 granted temporary approval under this section must take all
1749 necessary measures to ensure that its operations are in
1750 compliance with the requirements of this article, state law
1751 and other pertinent rules and regulations.

1752 (3) If necessary, the department and the board of county
1753 commissioners will develop and adopt regulations and
1754 procedures for applications for temporary authority, in order
1755 to ensure that adequate notice is provided to interested
1756 persons. The granting of temporary authority will not create
1757 a presumption that permanent authority will be granted at a
1758 later date.

1760 ***Section 20-137. Suspension or revocation of license.***

1762 (a) In the event that there is a change of ownership or any kind
1763 or nature in the persons or companies to whom the license
1764 was issued, the license may be suspended or revoked ~~by the~~
1765 ~~board of county commissioners for just cause.~~ This
1766 subsection shall apply to changes in controlling stock
1767 ownership in any corporation, changes in partnerships or
1768 limited partnerships, and transfers between or from
1769 individuals of any interest in the operating company,
1770 regardless of whether any such transfers are voluntary or
1771 involuntary.

1772 (b) The license will be automatically suspended if it is
1773 transferred or assigned, either voluntarily or involuntarily,
1774 without the prior written approval of the county. If the
1775 license holder shall at any time become insolvent, or if
1776 proceedings in bankruptcy shall be instituted by or against
1777 the license holder, or if a receiver of any property of the
1778 license holder shall be appointed in any suit, or if the license
1779 holder shall make an assignment for the benefit of creditors,
1780 all rights and privileges under the license may be
1781 immediately suspended, without notice or hearing.

- 1784 (c) Every license that is issued pursuant to this article is subject
1786 to revocation or suspension. The license may be suspended
1788 or revoked if the ~~division board of county commissioners~~
1790 finds that one (1) or more of the following conditions exist:
- 1792 (1) The license holder has failed or refused to provide
1794 full and satisfactory service to the area covered by
1796 the license;
- 1798 (2) The license holder has been convicted of a felony or
1800 other offense involving moral turpitude; or, in the
1802 case of the license held by a partnership or
1804 corporation, a person with a substantial ownership
1806 interest has been convicted of such an offense;
1808 provided that such suspension or revocation is not in
1810 violation of Section 112.011, Florida Statutes;
- 1812 (3) The license was obtained by an application in which
1814 any material fact was intentionally omitted or falsely
1816 stated;
- 1818 (4) The license holder has operated, provided,
1820 represented to the public, or participated in the
1822 business of providing a level of service that is outside
1824 the scope of its license and in violation of this article;
- 1826 (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;

- 1828 (8) The license holder has failed to comply with any
applicable federal, state or local law or rule or
1830 regulation.
- 1832 (d) The division shall receive and investigate complaints about
1834 the service of license holders or evidence of violations of this
1836 article. The division may perform reasonable inspections of
1838 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.
- 1840 (e) Prior to suspension or revocation under this subsection, the
1842 license holder shall be notified in writing of the alleged
1844 deficiencies or grounds for suspension or revocation, and,
1846 where appropriate, a reasonable time to correct any
1848 deficiencies shall be provided. If the conditions have not
1850 been corrected within the time provided, the license may be
1852 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.
- 1854 (i) A license holder may appeal a decision to suspend or revoke
1856 its license to a hearing officer by filing a request for appeal
1858 with the division within ten (10) days of receiving the
1860 decision including the reasons for the appeal. The timely
1862 filing of an appeal stays the division's action to suspend or
1864 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.
- 1866 (j) Upon receiving a timely request for appeal, the division will
1868 schedule a hearing in front of a designated hearing officer
1870 within a reasonable time to consider the appeal. The hearing
1872 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

1874 determine whether the division properly suspended or
1875 revoked the license. The hearing shall be conducted in a
1876 manner to ensure that the appellant is afforded due process.

1877 (1) At the conclusion of the hearing, the hearing officer
1878 must issue an order stating whether the greater
1879 weight of the evidence supports a finding that a
1880 violation of this article has occurred and whether
1881 revocation or suspension is warranted. If a violation
1882 is not supported by the greater weight of the
1883 evidence, then the hearing officer must issue an order
1884 stating that no violation has been proven.

1885 (2) Any appeal of the hearing officer’s decision must be
1886 made to a court of competent jurisdiction pursuant to
1887 state law.

1890 (f) License holders whose licenses have been indefinitely
1891 suspended or revoked pursuant to this section may submit an
1892 application for new license after a minimum of one (1) year
1893 has passed since the suspension or revocation of said license.

1894 ***Sections 20-138—20-155. Reserved.***

1895 ***Section 2. Repeal of Laws in Conflict.*** All local laws, resolutions, and ordinances in
1896
1897 conflict with any provision of this Ordinance are hereby repealed to the extent of such conflict.

1898 ***Section 3. Filing of Ordinance and Effective Date.*** This Ordinance shall take effect
1899 pursuant to general law.

1900 ADOPTED THIS ____ DAY OF _____, 20__.

1901
1902
1903 ORANGE COUNTY, FLORIDA
1904 By: Board of County Commissioners
1905
1906 By: _____
1907 Jerry L. Demings
1908 Orange County Mayor

1909 ATTEST: Phil Diamond, CPA, County Comptroller
1910
1911 As Clerk of the Board of County Commissioners
1912

1914 By: _____
Deputy Clerk