



## Interoffice Memorandum


## Public Hearing

July 3, 2019

JUL 9 19 10:25AM

TO: Katie Smith, Deputy Clerk of the  
Board of County Commissioners,  
Comptroller Clerks Office

THRU: Cheryl Gillespie, Supervisor  
Agenda Development Office

FROM: Yolanda G. Martinez, EdPh.D, PhD., Director  
Health Services Department 

CONTACT: **Christian C. Zuver, MD, Medical Director**  
**Office of the Medical Director/EMS Division**  
**407-839-7606 or christian.zuver@ocfl.net**

RE: **Request for Public Hearing on August 6, 2019 @ 2:00 p.m.,**  
for a Certificate of Public Convenience and Necessity Application  
to provide interfacility Advanced Life Support transport services

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Applicant: Affordable Transport Inc.

Type of Hearing: Certificate of Public Convenience and Necessity  
Application to provide Advanced Life Support transport  
services

Location: All Districts

Estimated time  
required for  
public hearing: Two minutes

Hearing controversial: Yes

Advertising requirement: Publish once in the legal notices section of a local  
newspaper of general circulation.

Advertising timeframe: At least 10 days prior to the public hearing.

**Advertising Language:** A request by Affordable Transport, Inc. for a Certificate of Public Convenience and Necessity, to provide interfacility Advanced Life Support transport services, pursuant to Orange County Code, Chapter 20, Article III, Emergency and Nonemergency Medical Care and Transportation.

**Hearing required by Fla. Statute # or code:** Hearing authorized by Sections 20-93(a)(1), Orange County Code.

**Spanish Contact Person:** Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la Oficina de los Abogados del Condado, Roberta Alfonso, at 407-836-7320.

The following materials will be submitted as backup for this public hearing request:

1. Application for COPCN filed by Affordable Transport, Inc. ("ATI") dated April 23, 2019.
2. EMS Medical Director Certificate of Public Convenience and Necessity (COPCN) for Affordable Transport Inc.
3. Objection to ATI's Application for COPCN filed by Lifefleet Southeast, Inc., d/b/a American Medical Response ("AMR") dated May 16, 2019.
4. Objection to ATI's Application for COPCN filed by Falck Southeast II Corp., d/b/a American Ambulance ("American Ambulance") dated May 21, 2019.

***SPECIAL INSTRUCTIONS TO CLERK:***

If approved and upon execution, please contact Crystal Beatty Ford for pick up at 407-836-9392.

CCZ/sb

**Attachments**

c: Byron W. Brooks, AICP, County Administrator  
Jeffrey J. Newton, County Attorney  
Danny Banks, Deputy County Administrator

**ORANGE COUNTY  
NOTICE OF PUBLIC HEARING**

The Orange County Board of County Commissioners will conduct a public hearing on **Tuesday, August 6, 2019 at 2:00 p.m.**, or as soon thereafter as possible, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida, regarding the following matter:

**A REQUEST BY AFFORDABLE TRANSPORT, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE INTERFACILITY ADVANCED LIFE SUPPORT TRANSPORT SERVICES, PURSUANT TO ORANGE COUNTY CODE, CHAPTER 20, ARTICLE III, EMERGENCY AND NONEMERGENCY MEDICAL CARE AND TRANSPORTATION**

**IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CONTACT THE ORANGE COUNTY ATTORNEY'S OFFICE, 407-836-7320, at 201 South Rosalind Avenue, Third Floor, Orlando, Florida, between 8:00 a.m. and 5:00 p.m., Monday through Friday. Email: Dylan.Schott@ocfl.net.**

**PARA MÁS INFORMACION, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO UNA AUDENCIA PUBLICA EN CONSIDERACIÓN POR UN LEY, FAVOR COMUNICARSE CON LA OFICINA DE ABOGADOS DEL CONDADO ORANGE, 407-836-7320.**

**If you wish to appeal any decision made by the Board of County Commissioners at this hearing you will need a record of the proceedings. You should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.**

**If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Americanos con Incapacidades de 1990, por favor llame al 407-836-3111.**

Phil Diamond, County Comptroller  
As Clerk of the Board of County Commissioners  
Orange County, Florida

Publish: **{date}**; the Orlando Sentinel {Legal Classified or Public Record}  
Certify:

{initials/proofer's initials/second proofer's initials} [lower case]

c: All Board Members' Offices [email]

Christian C. Zuver, M.D., Medical Director, Office of the Medical Director/EMS Division

County Attorney's Office, BCC [Anna Caban email]

Dylan Schott, Assistant County Attorney, County Attorney's Office, BCC [email]

Cheryl Gillespie, Agenda Development, BCC [email]

Mike Seif, Orange TV, BCC [email]

Deputy Clerk [email]



**APPLICATION FOR CERTIFICATE OF CONVENIENCE AND  
NECESSITY FOR AMBULANCE AND FIRE/RESCUE SERVICES**

APPLICATION DATE: April 23, 2019

PROPOSED DATE OPERATIONS WILL BEGIN: April 23, 2019 (using temp COPCN)

**SECTION I: GENERAL INFORMATION**

1. NAME OF SERVICE: Affordable Transport Inc
2. BUSINESS ADDRESS (INCLUDE COUNTY):  
  
3706 DMG Dr, Lakeland FL 33811 (Polk County)
3. CONTACT INFORMATION: Business Phone 863-698-9764  
  
Mobile Phone 404-229-8845  
  
Email Rjensen@affordabletransport.net
4. OWNERSHIP TYPE: ☐PRIVATE CORPORATION ☐GOVERNMENT AGENCY ☐OTHER  
  
a. If other, please describe: \_\_\_\_\_
5. LEVEL OF SERVICE: ☐ALS TRANSPORT ☒ALS TRANSPORT (INTERFACILITY)  
☐BLS TRANSPORT ☐BLS TRANSPORT (INTERFACILITY) ☐ALS NON-TRANSPORT  
☐BLS NON-TRANSPORT ☐ALS AIR TRANSPORT
6. CORPORATE OFFICERS AND DIRECTORS:
7. 

<u>NAME</u>	<u>ADDRESS</u>	<u>POSITION</u>
Richard F Jensen Jr	116 14 <sup>th</sup> Ave NE, St Petersburg, FL 33701	President
8. DESCRIBE THE PROPOSED GEOGRAPHIC AREA OR AREAS TO BE COVERED BY YOUR SERVICE:

Orange County Four Corners area to central Orlando Hospitals – principally to provide ALS and BLS services as outlined under the Business Services agreement between Affordable Transport and Heart of Florida Hospitals’ freestanding ER located at 17430 Bali Blvd. Winter Garden, FL 34787

**9. STATEMENT OF FACTS SHOWING THE DEMAND OR NEED FOR THE PROPOSED SERVICE:**

**Business Agreement Attached**

**10. STATEMENT SHOWING HOW YOU PLAN TO FILL THE NEED FROM QUESTION 9  
(NUMBER AND TYPE OF UNITS, STATION LOCATION, ETC):**

ATI shall provide a fully staffed ALS ambulance dedicated to the services and patient needs of the HOF. Unless in use, the ambulance shall be located at the HOF Free Standing Emergency Department. If or when this ambulance is in use, ATI shall send a back-up ALS unit, which upon arrival at the HOF Free Standing Emergency Department shall be subject to the same On Time Performance Standards as the dedicated unit.

**11. NUMBER OF VEHICLES IN OPERATION: 8 ALS, 1 ALS/Bariatric, 16 BLS**

**12. EMPLOYEE ROSTER (please attach extra sheets as needed):**

**NAME**

**CURRENT CPR CARD (Y/N)**

**Attached**

**All employees listed on the attached Roster have current CPR cards**

**SECTION II: REQUISITES TO OBTAINING LICENSE**

**1. RATE CHART PROVIDED TO EMS OFFICE:**

☒ **YES, DATE: 04/23/2019 (see page 15 of the attached ATI/HOF Agreement)** ☐ **NO**

**2. REFERENCES/LETTERS OF SUPPORT SUBMITTED TO EMS OFFICE (Attachment I):**

- ☒ **Business or work references for 5 years, including one letter of reference Completed and Attached**
- ☒ **Five personal references, including one letter of reference Completed and Attached**
- ☒ **Five credit references, including one letter of reference Completed and Attached**

3. BUSINESS AGREEMENT LETTER PROVIDED TO EMS OFFICE (INTERFACILITY ONLY, Attachment V):

☒ YES, DATE: 04/23/19 - ATI/HOF agreement attached ☐ NO

4. ATTESTATION THAT PARAMEDICS ARE STATE CERTIFIED PROVIDED TO EMS OFFICE (ALS ONLY, Attachment IV):

☒ YES, DATE: Attached 4/23/19 ☐ NO

5. EQUIPMENT LIST PROVIDED TO EMS OFFICE (ALS ONLY, Attachment IV):

☒ YES, DATE: Attached 4/23/19 ☐ NO

6. FINANCIAL STATEMENT SUBMITTED TO EMS OFFICE:

☒ YES, DATE: Attached 4/23/19 ☐ NO

*Example: Current letter from bank verifying business account status (no account numbers please).*

7. PROOF OF INSURANCE SUBMITTED TO EMS OFFICE:

☒ YES, DATE: Attached 4/23/19 ☐ NO

## **ATTACHMENT I: REFERENCES**

1. List previous business experiences or work history for last five years. Submission of at least one letter of reference from list below is required.

ATI has been a provider of ALS and BLS transportation Services since 2013 in Polk County and subsequently in Highlands (2015), Osceola (2017) and Hardee (2018) Counties. We have assisted Polk County and Highlands County EMS with 911 back-up services and Emergency/Disaster services as requested.

✓ See attached letter of reference from Raf Vittone, Deputy Chief of Medical Services, Polk County

2. List five personal or business references. Submission of at least one letter of reference from list below is required. See attached reference letter from Brian Govoni

NAME	ADDRESS	PHONE
✓ Stephanie Grosso	12485 28th Street N, St Petersburg, Fl 3371	813-334-8137
✓ Brian Govoni	6039 Cypress Gardens Blvd, Winter Haven, Fl 33884	863-551-1300
✓ Virginia Wetherell	Oak Hill Plantation, Us Hwy 27, Lamont, Fl 32336	850-509-9880
✓ Joey Chambers	520 4 <sup>th</sup> St. N. #101, St Petersburg, Fl 33701	727-896-2167
✓ Ann Kerben	116 14 <sup>th</sup> Ave NE, St Petersburg Fl 33701	407-739-2564

3. List five credit references. Submission of at least one letter of reference from list below is required. See attached reference letters from Brian Martinez, Freedom Bk and Jeff Lampasso/Kathleen Cannon, BBT Bk

NAME	ADDRESS	PHONE
✓ Brian Martinez Freedom Bank	1200 4 <sup>th</sup> St N, St Petersburg, Fl 33701	863-412-2195
✓ Jeff Lampasso/Kathleen Cannon BBT Bank	28050 US Hwy 19 N, Clearwater, Fl 33761	727-647-4136
Jason Meyer Zoll Systems	11802 Ridge Parkway, Ste 400, Broomfield, Co 80021	727-992-0393
✓ Maurice McLeish McLeish Auto Repair	3025 Dranefield Rd, Lakeland 33811	863-640-1196
✓ Paul Douglas ATT	12150 Research Parkway, Orlando, Fl 32826	407-242-0003

**4. Please supply a current financial statement.**

**See Attached from BBT and Freedom Banks**



## **ATTACHMENT II: COMMUNICATION CAPABILITIES**

1. LIST THE ADDRESS AND DESCRIPTIONS OF EACH OF THE LOCATIONS YOU WILL OPERATE FROM, AND THE HOURS OF OPERATION AND STAFFING AT EACH PROPOSED LOCATION:

Heart of Florida Hospitals' freestanding ER located at 17430 Bali Blvd.  
Winter Garden, FL 34787 – Hours of operation and staffing shall be 24/7.

2. LIST ALL HOSPITALS TO WHICH YOU WILL NORMALLY TRANSPORT PATIENTS:  
Arnold Palmer, Winnie Palmer, Orlando Regional, Orlando Health, Nemours, Florida Hospitals (Adventist), Dr Philips,

3. COMMUNICATIONS EQUIPMENT: ☒ TELEPHONE ☒ TWO-WAY RADIO ☐ OTHER

a. Number of vehicles equipped with two-way radios: All

b. Frequency(s): Statewide 800 MHz Med 9 Channel

c. Call numbers: Unit/Vehicle ID

d. Number of vehicles equipped with mobile phones: All

4. APPROXIMATE DATE FCC RADIO LICENSE WILL BE EFFECTIVE (ATTACH IF CURRENT):

800 MHz Med 9 Channel

5. LIST ALL HOSPITALS, SUPERVISING PHYSICIANS, AND OTHER EMERGENCY AGENCIES (POLICE, FIRE, ETC) THAT YOU WILL HAVE DIRECT RADIO CONTACT WITH:

Orange County 911/Orange County Dispatch Center (407) 703-1757.

HOSPITAL	TELEPHONE	MED CHANNEL/TG ASSIGNMENT
Arnold Palmer Hospital 92 West Miller St Orlando, FL 32806	Main: (407) 649-9111 E.D. (321) 841-5437	MED-12, 107.2 TG: APH
Winnie Palmer Hospital 83 West Miller St Orlando, FL 32806	Main: (321) 843-1800 E.D. (407) 649-6806	TBD TG: WINNIE

Nemours Childrens Hospital 13535 Nemours Pkwy, Orlando, FL 32827	Main: (407) 567-4000 E.D.: (407) 567-4245	MED – 6 156.7 TG: NEMOURS
Orlando Health 52 W. Underwood St Winter Park, Fl 32792	Main: (321) 841-5161 E.D. (321) 841-5210	TBD TG: TBD
Orlando Regional Med Ctr 1414 Kuhl Ave. Orlando, FL 32806	Main: (321) 841-5111 E.D.: (321) 296-1150	MED-72, 173.8 TG: ORMC
DR P Philips Hospital 9400 Turkey Lake Rd, Orlando, Fl 32819	Main: (407) 351-8500 E.D.: (321) 842-8547	MED-32, 186.2 TG: DPH
Florida Hospital (Winter Gdn) 2000 Flower Grove Blvd, Winter Garden, FL 34787	Main: (407) 614-0528 E.D.: (407) 614-0505	MED-42, 156.7 TG: FL-WGRD
Florida Hospital (East Orl) 7727 Lake Underhill Rd, Orlando, FL 32822	Main: (407) 303-8110 E.D.: (407) 303-8667	MED-42, 141.3 TG: FL-EST

## **ATTACHMENT III (ALS ONLY): ADVANCED LIFE SUPPORT CERTIFICATION AND LICENSURE REQUIREMENTS**

1. IF LICENSED AMBULANCE SERVICE IN THE STATE OF FLORIDA, PROVIDE CURRENT ALS NUMBER: 1001
2. PROVIDE THE NAME, ADDRESS, PHONE NUMBER AND FLORIDA MEDICAL LICENSE NUMBER OF YOUR MEDICAL DIRECTOR:

Alexander MBakwen MD, Fl Med License # ME92808, 863-687-9333, 1629 Lakeland Hills Blvd, Lakeland Fl 33805

3. DESCRIBE THE STAFFING PATTERNS TO ASSURE COMPLIANCE WITH EMTS, DRIVERS, AND PARAMEDICS:

12 and 24 hour shifts

4. PROVIDE A STATEMENT SIGNED BY THE ALS PROVIDER AND IT'S MEDICAL DIRECTOR ATTESTING TO THE FACT THAT ALL UTILIZED PARAMEDICS ARE CERTIFIED AND AUTHORIZED TO PERFORM ADVANCED LIFE SUPPORT IN THE STATE OF FLORIDA

Attached

5. PROVIDE A LIST OF ALL EQUIPMENT AND DRUGS CARRIED IN ADDITION TO THE MINIMUM EQUIPMENT SPECIFIED IN FLORIDA ADMINISTRATIVE CODE 64J-1.003  
Full List Attached

**ATTACHMENT IV (INTERFACILITY ONLY): BUSINESS AGREEMENT – Provide a written business agreement between the applicant and participating facilities**

Attached

**ATTACHMENT V: VEHICLE ROSTER – Provide a roster including make, model, mileage, and all vehicle identification and registration numbers**

Attached

**ATTACHMENT VI: PROOF OF INSURANCE – Provide a copy of vehicle liability insurance**

Attached

**ATTACHMENT VII: RATE CHART – A proposed schedule of rates, fares, and charges (if applicable)**

Attached

**APPLICATION FOR CERTIFICATE OF CONVENIENCE AND  
NECESSITY FOR AMBULANCE AND FIRE RESCUE:**

I, the undersigned representative of the service named in this application, do hereby attest the information provided in this application is truthful and honest to the best of my knowledge, and that my service meets all of the requirements for operation of ambulance or fire rescue service in Orange County and the State of Florida. I acknowledge that as provided in Orange County Code of Ordinances Chapter 20, Division 2, Section 20-91, licenses obtained by an application in which any material fact was intentionally omitted or falsely stated are subject to revocation.

Richard Jensen

SIGNATURE OF APPLICANT OR REPRESENTATIVE

4/23/19

DATE

NOTARY SEAL



Rachel N Collins

NOTARY SIGNATURE

**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS  
EMS OFFICE OF THE MEDICAL DIRECTOR  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

WHEREAS, the AFFORDABLE TRANSPORT INC has requested authorization to provide  
Advanced Life Support services to the citizens of Orange County and

WHEREAS, there has been a demonstrated need to provide these essential services to the citizens of Orange County; and,

WHEREAS, the above named service affirms that it will maintain compliance with requirements of the State and  
County Laws, Ordinances and Rules and Regulations.

THEREFORE, the Board of County Commissioners of Orange County hereby issues a Certificate of Public  
Convenience and Necessity to this ALS Transport service.  
(ALS/ALS transport or ALS non-transport)

Date Issued: September 1, 2019

Date of Expiration: September 1, 2021

Limitations: Interfacility Transport Only

\_\_\_\_\_  
(Mayor, Board of County Commissioners)



# Mills Paskert Divers

ATTORNEYS AT LAW

TAMPA • ATLANTA

100 North Tampa Street  
Suite 3700  
Tampa, Florida 33602

Telephone: 813-229-3500  
Facsimile: 813-229-3502  
[www.mpdlegal.com](http://www.mpdlegal.com)

May 16, 2019

**Via FedEx and Electronic Mail**

Dr. Christian C. Zuver  
Christian.Zuver@ocfl.net  
Emergency Medical Services Office  
2002-A East Michigan Street  
Orlando, Florida 32806

Re: Objection to Application of Affordable Transport, Inc. for COPCN  
MPD File No. 119153

Dear Dr. Zuver,

Our firm represents Lifefleet Southeast, Inc., d/b/a American Medical Response (“AMR”) as an existing holder of a Certificate of Public Convenience and Necessity (“COPCN”) to operate Advanced Life Support (“ALS”) and Basic Life Support (“BLS”) services in Orange County. Pursuant to Section 20-92(b)(2) of the Orange County Code of Ordinances, AMR hereby files this objection (the “Objection”) to the Application of Affordable Transport, Inc. (the “Applicant”) for a COPCN to operate ALS/BLS service within Orange County. This Objection is timely under Section 20-92(b)(2) because it has been served within 30 days of the County’s notice to AMR of the Application.

**Applicable Standards and Grounds for Objection**

In reviewing an application for a COPCN, Section 20-92(b)(1) of the Code requires the Emergency Medical Services Office (the “EMSO”) to “investigate the public need for the proposed service”. Further, in reviewing the EMSO’s recommendation on the application, Section 20-93(b) of the Code requires “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 public convenience or necessity . . .” In fact, Section 20-92(a)(4) requires a “statement of facts showing the demand or need for the proposed service” in the application. In other words, the Orange County Code requires that the Applicant demonstrate that there is a need for additional service in the County and that the existing service is not adequate to meet the public need in the service category.

Florida law also requires that applicants seeking a certificate of public convenience and necessity for transportation services carry the burden of proving that existing service is inadequate. *See: Surf Coast Tours, Inc. v. Florida Public Service Commission*, 385 So. 2d 1353, 1355 (Fla. 1980) (recognizing that an evaluation of “the adequacy of existing services” must be measured by evaluating existing service providers’ performance and applicant has the burden of proving substandard performance); *Stewart Bonded Warehouse, Inc. v. Bevis*, 294 So. 2d 315 (Fla. 1974) (holding that an applicant shall not receive a certificate of public convenience and necessity if it fails demonstrate that existing service is inadequate). *See also: Great Southern Trucking Co. v. Mack*, 54 So. 2d 153, 156 (Fla. 1951) in which the Court acknowledged that:

Statutes in this connection (public transportation) generally contemplate and frequently expressly require that additional new service from a different source shall not be permitted to supersede or vitally impair the present transportation service, where that is or may become adequate to the public needs. Existing investment should be conserved, and present service protected, where adequate and satisfactory, in the interest of justice and public welfare.

In Orange County there is simply no **public** need for additional ALS/BLS service and the Applicant has not demonstrated a factual basis for such need as required by Florida law and the Orange County Code. Rather, the Application demonstrates that the COPCN is required to finalize a **private** business transaction between the Heart of Florida Hospital (“HOF”) and the Applicant.

Specifically, the Applicant states that it will service only one location within Orange County: HOF’s emergency room located at 17430 Bali Blvd, Winter Garden, Florida. The Application provides no “statement of facts showing the demand or need for the proposed service” as required by the Code and Section 9 of the Application. Instead, the Applicant references an attached Business Services Agreement (the “Agreement”) with HOF as its statement of facts demonstrating “need.”

However, the Agreement does not show there is any inadequacy (i.e. public need) as to the existing service in the County. To the contrary, Section 4.1 of the Agreement at p. 13 recognizes that HOF may call other providers to transport patients and that HOF is “under no obligation to use only ATI”. Additionally, the Agreement provides that the Applicant’s “dedicated ALS Ambulance shall be visually co-branded with HOF through use of an approved wrap on the Ambulance.” In other words, the Applicant would be an in-house carrier for HOF and would essentially function as a mobile advertisement for that company. Plainly, the Application demonstrates that the COPCN is required for a private business purpose rather than to fulfill a public need for ALS/BLS service that could not otherwise be provided by existing certificate holders and the Application must fail as a result.



Dr. Christian C. Zuver

May 16, 2019

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Moreover, Section 10 of the Application states that Applicant proposes to service the HOF emergency room with only one ambulance. Simply put, servicing a **single facility with a single ambulance** does not demonstrate a public necessity for issuance of a COPCN in Orange County. Currently, there are two ALS COPCN holders (including AMR) along with Orange County Fire Rescue and the Applicant has not shown that the existing providers are not adequately serving the market. In fact, AMR has serviced the Heart of Florida Facility and has more than enough capacity to provide the service the Applicant proposes to that facility. AMR would be able to further demonstrate in any future public hearing that it (along with the other existing provider) has excess capacity to serve the ALS/BLS market in Orange County, especially a single facility requiring a single ambulance. In short, AMR has a record of exemplary service in Orange County, and in other counties throughout Florida, and there is no proven need for an additional service provider.

In addition to the inadequate demonstration of need for additional service, the Application is defective because it does not identify a business location within Orange County. Therefore, the Applicant cannot possibly comply with the requirement of Code Section 20-95 (c)(3) that a COPCN holder “[k]eep posted at the **principal business locations in the county** a copy of the certificate, and of any rate or fee schedule.” (emphasis added) Thus, unlike AMR which has an operations base in Orange County, the Applicant doesn’t intend to have any presence in Orange County to service the general public. Rather, it seeks the COPCN to serve one business with a single ambulance that is covered in that business’s trade dress. Such an arrangement does not meet the standards of the Orange County Code or Florida law for public need and issuance of a COPCN.

For all of the foregoing reasons, American Medical Response, as an existing provider of ALS/BLS service in Orange County, respectfully requests that the Application of Affordable Transport, Inc. be denied.

Should you have any questions, please do not hesitate to contact me at (813) 229-3500.

Best regards,

MILLS PASKERT DIVERS



Jordan Miller

SJM/jd

cc: Crystal Beatty (via email)

Mills Paskert Divers

100 North Tampa Street ♦ Suite 3700 ♦ Tampa, Florida 33602

407-843-8880

CHARLIE.GRAY@GRAY-ROBINSON.COM

May 21, 2019

Dr. Christian Zuver  
Emergency Medical Services Office  
2002-A East Michigan Street  
Orlando, Florida 32806

Re: Falck Southeast II Corp, d/b/a American Ambulance's Opposition to Affordable  
Transport, Inc.'s Application for Certificate of Convenience and Necessity for  
Ambulance and Fire/Rescue Services

Dear Dr. Zuver:

Please be advised that we represent Falck Southeast II Corp, d/b/a American Ambulance ("American Ambulance"), one of two current providers of emergency medical transportation under Orange County's Certificate of Public Convenience and Necessity (COPCN) program pursuant to County Code Chapter 20, Article III. American Ambulance is aware of an application made to Orange County Emergency Medical Services Office for an ALS Inter-facility COPCN requested by Affordable Transport, Inc. (ATI). American Ambulance has reviewed said application and opposes the application for the reasons stated herein.

Orange County Code Section 20-92, requires ten (10) items for inclusion in an application for COPCN. Those requirements include standard information such as the name of the applicant and its experience in the proposed service and the rates to be charged. Section 20-92 also requests essential and critical information such as the geographical area to be served and the demand or need for the service. This last requirement is paramount to Orange County's public safety – meeting the needs of the public. Specifically, subsection (4) requires "A statement of facts showing the demand or need for the proposed service." Section 20-92 further provides in subsection (b)(1) that the EMSO "shall investigate the public need for the proposed service." (Emphasis added).

American Ambulance respectfully submits that the application submitted by ATI does not meet the required public need. Section 9 of the application requests a "STATEMENT OF FACTS SHOWING THE DEMAND OR NEED FOR THE PROPOSED SERVICE." (Emphasis in the original). In response to that request, ATI referenced an attached document, which was an agreement between Haines City HMA, LLC dba Heart of Florida and ATI. The agreement does not contain any information that provides any statement of fact demonstrating a need or demand for another provider to be issued a COPCN in Orange County. Further, that is the only information provided to support the public need or demand.

May 21, 2019

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American Ambulance is unaware of any complaints of the existing providers currently serving Orange County or any demand for additional providers. As well, American Ambulance can attest that Haines City HMA, LLC dba Heart of Florida has not requested its services.

As such, we respectfully request the EMSO reject ATI's application, as there is no need established for an additional provider of emergency transport services as required in section 20-92 of Orange County's code.

Thank you for your consideration and please do not hesitate to contact us should you wish to better understand our concerns with ATI's application.

Sincerely,



J. Charles Gray

JCG/cb

# 13589070 v1