




Interoffice Memorandum

AGENDA ITEM

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

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

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SUBJECT: October 12, 2021 –Discussion Item
Chapter 20, Article III, Orange County Code
Emergency and Nonemergency Medical Care and Transportation
Certificate of Public Convenience and Necessity (COPCN)

Orange County's EMS/Office of the Medical Director ("EMS") has received several applications for Certificates of Public Convenience and Necessity ("COPCN") since April 2019. COPCNs are required for a person or business to provide emergency medical care and transportation services in Orange County. The COPCN application process is described in Chapter 20, Article III of the Orange County Code. Following a public hearing on an application for a COPCN held by the Orange County Board of County Commissioners ("Board") on August 6, 2019, the Board requested that staff evaluate certain issues in the current COPCN application process.

On October 12, 2021, staff will discuss the COPCN application process. Staff will present an overview of the current process, certain issues identified in the process, and recommended modifications. The purpose of the presentation is to seek the Board's input on the items presented and to provide options for consideration for Board direction.

This item is for informational purposes only; no action is required.

Attachments

c: Byron W. Brooks, AICP, County Administrator
Jeffrey J. Newton, County Attorney
Danny Banks, Deputy County Administrator
Dylan Schott, Assistant County Attorney, County Attorney's Office
John Goodrich, Deputy Director, Health Services Department

ARTICLE III. EMERGENCY AND NONEMERGENCY MEDICAL CARE AND TRANSPORTATION¹

DIVISION 1. GENERALLY

Sec. 20-51. Definitions.

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

Advanced life support shall mean treatment of life-threatening medical emergencies through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by a qualified person, pursuant to Florida Statutes.

Advanced life support service shall mean any licensed agency providing basic and advanced emergency medical transportation or non-transport services.

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

Ambulance or emergency medical services vehicle shall mean any private or publicly owned land, air or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated for, and is used for, or intended to be used for, air, land or water response to and/or transportation of sick or injured persons who may need medical attention.

Basic life support shall mean treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), cardiac defibrillation, splinting, obstetrical assistance, bandaging, administration of oxygen, and other techniques pursuant to Florida Statutes.

Basic life support service shall mean any licensed agency providing basic emergency medical transportation or non-transport services.

Certificate shall mean the certificate of public convenience and necessity to be required under this article and applicable state law.

Citizens based emergency response programs. These programs include but are not limited to: Automatic External Defibrillator (AED) programs, Citizens Cardiopulmonary Resuscitation (CPR) programs and Community Emergency Response Team (CERT) programs.

¹Cross reference(s)—Licenses, taxation and miscellaneous business regulations, ch. 25.

State law reference(s)—Medical telecommunications and transportation, F.S. ch. 401.

County emergency medical services advisory council shall mean the advisory council created by board of county commissioners to provide strategic planning for the county emergency medical services system and to evaluate and make recommendations to the board of county commissioners and other appropriate authorities.

County emergency medical services system shall mean a system consisting of all private and governmental basic life support service or advanced life support service which employ state certified emergency medical technicians and paramedics who operate under the supervision of the county medical director and/or who have signed an interlocal agreement with the board of county commissioners; and designated first responder agencies.

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.

Department shall mean the health and family services department.

Division shall mean the county health services division in the health and family services department.

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

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

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

Emergency medical services (EMS) ALS and BLS provider shall mean any person, firm, corporation, association or local government which possesses an ALS or BLS certificate and advertises or engages in the business of providing air or ground ALS or BLS services.

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

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

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

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

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

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

- (1) Offer services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and

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- (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 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.

Interlocal agreement shall mean an agreement intended to establish clear and consistent roles and authority for participating private and public basic life support services or advanced life support services who are members of the county emergency medical services system. This agreement is 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. This agreement is not intended to be, and shall not be, construed in any way to deprive a signatory participant of any jurisdictional powers vested in said signatory participant.

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

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

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

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

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

Paramedic shall mean a person, certified by the 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 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.

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.

(Code 1965, § 12A-1; Ord. No. 81-4, § 1, 3-9-81; Ord. No. 83-34, § 1, 8-8-83; Ord. No. 92-9, § 1, 4-7-92; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 2, 5-1-01)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

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

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

- (1) *Level 1. Alternative transportation.* Providers who routinely transport persons who are confined to wheelchairs or stretchers and whose condition is such that these persons do not need, nor are likely to need, immediate medical attention during transport. This service is also known as Paratransit. A license must be obtained from the county before engaging in this level of transportation service.
- (2) *Level 2. Basic life support non-transport (BLS non-transport).* Providers whose purpose is to provide on-the-scene assistance to the patient requiring emergency medical care. These providers do not routinely transport the patient. A certificate of public convenience and necessity must be obtained before engaging in this level of service.
- (3) *Level 3. Basic life support transport (BLS transport).* Providers who render BLS medical services and who routinely transport patients and render on-the-scene assistance to patients prior to transporting. A certificate of public convenience and necessity must be obtained from the county before engaging in this level of medical care.
- (4) *Level 4. Advanced life support non-transport (ALS non-transport).* Providers with capability of rendering ALS services, although not routinely transporting those persons receiving such services. A certificate of public convenience and necessity must be obtained from the county before engaging in this level of medical service.
- (5) *Level 5. Advanced life support transport (ALS transport).* Providers who render ALS medical services and who routinely transport their patients to a medical facility. A certificate of public convenience and necessity must be obtained from the county before engaging in this level of medical care. Certified providers who respond to requests for transportation will respond with an ALS vehicle.
- (6) *Level 6. Prehospital air ambulance service.* Any publicly or privately owned service which operates rotary-winged aircraft in conjunction with the county's emergency medical services system. A certificate of public convenience and necessity must be obtained from the county before engaging in this level of medical service.
- (7) *Level 7. Interfacility transport service.* Any publicly or privately-owned service which operates an ALS or BLS transport service to provide interfacility transport to and from medical 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 medical care. These agencies shall not provide pre-hospital response unless requested by the county medical director or a licensed EMS provider or under an emergency response plan.

(Code 1965, § 12A-2; Ord. No. 81-4, § 3, 3-9-81; Ord. No. 83-34, § 3, 8-8-83; Ord. No. 92-9, § 2, 4-7-92; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 3, 5-1-01)

Sec. 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 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.

(Code 1965, § 12A-3; Ord. No. 81-4, § 12, 3-9-81; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 4, 5-1-01)

Sec. 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 board of county commissioners may bring suit to restrain, enjoin or otherwise prevent the violation of this article in the circuit court of the county.

(Code 1965, § 12A-4; Ord. No. 81-4, § 11, 3-9-81; Ord. No. 83-34, § 10, 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 5, 5-1-01)

Sec. 20-55. Creation of county emergency medical services office (EMSO).

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

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

- (b) The EMSO shall regulate and oversee the alternative transportation services.
- (c) The EMSO shall seek compliance by all members of the county emergency medical services system, their employees and contractors, with the provisions of all pertinent statutes, Florida Administrative Code provisions, ordinances, interlocal agreements and county rules and regulations dealing with the provision of emergency medical services within the county emergency medical services system.
- (d) The EMSO shall serve as the county liaison to the county emergency medical services advisory council. The head of the EMSO shall serve as an ex officio non-voting member of the county emergency medical services advisory council.
- (e) The EMSO shall perform such additional duties and/or assume such other responsibilities as may be assigned to it by the board of county commissioners or the county administrator, or the EMS advisory council.
- (f) The EMSO shall perform additional duties as may be reasonably requested by the county EMS medical director.

(Ord. No. 2001-09, § 6, 5-1-01)

Sec. 20-56. Creation of the county emergency medical services advisory council.

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

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

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

- (1) Empowerment to survey, study, evaluate and provide annual recommendations for improving all aspects of the emergency medical services system in the county and recommendations concerning the performance of the EMSO. The advisory council may provide recommendations on any such matter at any time to the county medical director and the county administrator, and shall annually deliver a written report of its activities to the board of county commissioners.
 - (2) Establishment of standing committees to provide technical analysis of operational matters concerned with the provision of emergency medical services.
 - (3) Provision of counsel to, and discussion with, any procurement committee established under county policies and procedures when such procurement committee is charged with consideration of, or recommendations concerning, emergency medical services procurement matters.
 - (4) Review the credentials of any party contemplated by the county medical director for retention as an associate medical director (or any similar capacity) for service within the county emergency medical services system.
 - (5) Establishment of standing committees concerning the provision of emergency medical services in conjunction with the county medical director and department.
 - (6) The advisory council shall have the authority to establish its own by-laws. Such by-laws may make provision for the establishment of standing committees.
- (c) The resolution creating the advisory council shall designate the EMSO as responsible for furnishing staff and necessary material support to the advisory council.

(Ord. No. 2001-09, § 7, 5-1-01; Ord. No. 2016-01, § 1, 1-26-16)

Secs. 20-57—20-70. Reserved.

DIVISION 2. EMERGENCY MEDICAL CARE AND TRANSPORTATION SERVICES²

Subdivision I. General Provisions

Sec. 20-71. Credentialing of technicians and paramedics.

- (a) *Required; purpose.* No person shall be permitted to function as an emergency medical technician (EMT) or as a paramedic within the county's emergency medical services system without first being credentialed by the county medical director or a medical director for a basic life support service or advanced life support service that has executed an interlocal agreement. The purpose of credentialing is to provide the medical director

²Editor's note(s)—Ord. No. 96-24, § 1, adopted Aug. 27, 1996, changed the title of Div. 2 from "Emergency Medical Transportation Services" to the current title.

with continuous information as to those persons who desire to operate within the county's emergency medical services system to determine if such persons have met all requirements as provided for in Chapter 401, Florida Statutes and rules and regulations of the department of health or other applicable regulatory agency.

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

(Code 1965, § 12A-3.1; Ord. No. 83-34, § 11(16), (17), 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 8, 5-1-01)

State law reference(s)—State regulation and certification of emergency medical service personnel, F.S. §§ 401.27, 401.281.

Sec. 20-72. Interlocal agreements.

Each interlocal agreement shall address the following elements and meet or exceed certain minimum criteria. These elements and criteria are as follows:

- (1) *Medical direction.* If a participant employs a medical director pursuant to Florida Statutes other than the county medical director, the participant must:
 - a. Execute an interlocal agreement in a form acceptable to the county which protects the county from any liability whatsoever arising from the use of the participant's or county medical director's practice parameters (protocols).
 - b. Provide copy of agency practice parameters to county medical director.
 - c. Provide a two-week notice of any revisions to practice parameters to the county medical director.
 - d. Provide reasonable notice of change in medical direction to the county medical director. Reasonable notice shall be a one (1) month period. Emergency notice shall be the first business day after change in medical direction.

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- e. Notify the county medical director within two (2) weeks about paramedics who have been granted autonomous practice status.
 - (2) *Quality management*: Provide the county medical director with statistical data relating to those emergency medical care elements established by the county medical director.
 - (3) *Medical communications*. Basic life support services or advanced life support services that intends to use the county communications infrastructure shall agree to follow the established communications procedures.

(Ord. No. 2001-09, § 9, 5-1-01)

Secs. 20-73—20-90. Reserved.

Subdivision II. Certificate of Public Convenience and Necessity³

Sec. 20-91. Required; exemptions.

- (a) No person shall provide emergency medical care and/or transportation in the county without having first obtained a certificate of public convenience and necessity from the county in accordance with this section. This requirement shall not apply, however, to the use of those vehicles exempted by this article or by state law.
- (b) The following are exempted from the requirement of obtaining a certificate of public convenience and necessity:
 - (1) A vehicle rendering service as an ambulance when requested to do so by the EMSO, the medical director, or another bona fide public safety agency in the event of a major catastrophe or other emergency requiring more ambulances than are available in the county;
 - (2) Any person, organization or vehicle exempted by state law.

(Code 1965, § 12A-21; Ord. No. 81-4, § 2, 3-9-81; Ord. No. 83-34, § 2, 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 10, 5-1-01)

State law reference(s)—Exemptions, F.S. § 401.33.

Sec. 20-92. Application.

- (a) *Generally*. The original application for a certificate of public convenience and necessity shall be made on forms to be provided by the EMSO, and to be made available in the EMSO. The application shall contain such information as may be required by the department and the board of county commissioners, and shall include at least the following information:
 - (1) The names, business addresses and experience of both the operator and the owner of the proposed service. If either the owner or operator are part of a corporate entity, the names and addresses of the directors, officers and controlling shareholders of any such corporations must be provided;

³State law reference(s)—County certificate of public convenience and necessity required, F.S. § 401.25(2)(d); local standards for certificates authorized, F.S. § 401.25(6).

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- (2) The level of service, as described in section 20-52, that the applicant wishes to provide;
 - (3) A statement describing, with reasonable certainty, the geographical area proposed to be served;
 - (4) A statement of facts showing the demand or need for the proposed service;
 - (5) A description of each vehicle to be used in the applicant's operations, including the make, model, mileage, all vehicle identification and registration numbers.
 - (6) Verification that all of the staffing requirements of this article and of state law will be met. Such verification may require submittal of the names, addresses, and certification of all personnel to be employed;
 - (7) The address and description of each of the locations from which the applicant will operate, and the hours of operation and staffing that is proposed for each location;
 - (8) A proposed schedule of rates, fares and charges, if any;
 - (9) An agreement by the applicant to comply with all applicable state and county laws and regulations; and
 - (10) Such other reasonable information as may be required by the department, including verification of financial responsibility.

(b) *Investigation and notices.*

- (1) Upon the filing of the application for a certificate pursuant to this subdivision, and the payment of any fee required by the board of county commissioners, the EMSO shall make an investigation into the application, including verification of proper inspection of vehicles and qualifications and number of personnel. The EMSO shall also investigate the public need for the proposed service and the geographical area involved. In making such investigations, the EMSO shall give notice to any providers, at any of the levels of service proposed, who are serving any part of the route proposed to be served by the applicant. Notice shall also be given to any city or town in or through which the applicant proposes to operate.
- (2) The notice shall contain a brief summary of the type and level of service proposed, the geographical area or route to be served, and such other pertinent facts as the EMSO determines to be relevant. Further notice shall be provided to the public by publishing the fact of such application in a newspaper of general circulation, indicating where further information on the application is available, and stating that any interested person who may be substantially affected by the proposed operation may, within thirty (30) days, file a written objection to the application, specifying the reason therefor, with the EMSO.
- (3) Within thirty (30) to sixty (60) days after all of the required notices have been mailed and published, the EMSO shall conclude its investigation and shall make a recommendation to the board of county commissioners to either grant or deny the application. Any such recommendation may contain such conditions of approval as the department feels are necessary. The board of county commissioners shall take action to grant or deny the application within thirty (30) to sixty (60) days from receiving the EMSO recommendations.

(Code 1965, § 12A-22; Ord. No. 81-4, § 4, 3-9-81; Ord. No. 83-34, § 4, 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 11, 5-1-01; Ord. No. 2016-01, § 2, 1-26-16)

Sec. 20-93. Disposition of application.

- (a) Following receipt of the EMSO 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:

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- (1) The board of county commissioners shall consider the recommendations of the EMSO, as well as any 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 determines that a public hearing is to be held on the application, the 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 issue a certificate to the applicant, authorizing the whole or any part of the operations covered by the application.
- (b) Prior to granting any certificate of public convenience and necessity, the board of county commissioners shall determine that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience or necessity, and that the applicant is financially and otherwise able to provide adequate and uninterrupted service at the times required. Proof of insurance, in amounts to be determined by the board of county commissioners, must be submitted to the county prior to any applicant receiving a certificate of public convenience and necessity, in order to protect the public for any personal injury or property damage arising out of the applicant's operations.
 - (c) The board of county commissioners shall issue a certificate of public convenience and necessity to municipalities meeting the requirements of Chapter 401, Florida Statutes, Florida Administrative Code, Chapter 64E-2, this article, and the rules and regulations of the EMSO as applied to municipalities under this article.
 - (d) Any certificate issued under this subdivision shall contain, among other things, the following:
 - (1) The name of the grantee;
 - (2) The routes or the territory over which the grantee is permitted to operate at each of the levels of service covered;
 - (3) A clause in which the grantee agrees to indemnify the county for any claims or losses arising out of its operations; and
 - (4) Such additional terms, conditions and limitations as the board of county commissioners deems necessary or proper in the public interest.

(Code 1965, § 12A-23; Ord. No. 81-4, § 5, 3-9-81; Ord. No. 83-34, § 5, 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 13, 5-1-01; Ord. No. 2016-01, § 3, 1-26-16)

Sec. 20-94. Temporary authority to provide service.

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

- (1) Grant to a certificated provider the temporary authority to service the particular area or route for such period of time as the board of county commissioners may specify, not to exceed ninety (90) days. This temporary emergency authority may be granted without notice and hearing, although the department and the board of county commissioners will develop and adopt rules governing the procedure for applications for emergency temporary authority.
- (2) Grant temporary authority for such service in conjunction with an application for permanent authority. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as

the board of county commissioners may specify, not to exceed one hundred eighty (180) days. Following the expiration of any temporary approval granted under this subsection, the board of county commissioners may extend the temporary authority for a specified period, or until such time as an application for permanent authority is approved, provided that adequate service is not otherwise available to the area, and further provided that the provider is determined to be in compliance with all applicable laws and regulations. Temporary authority under this subsection may be granted to applicants providing medical transportation within the county prior to the effective date of Ord. No. 96-24, provided that the board of county commissioners determines that the public safety and welfare will be served by such temporary approval. Any person granted temporary approval under this section must take all necessary measures to ensure that its operations are in compliance with the requirements of this article and state law.

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

(Code 1965, § 12A-24; Ord. No. 81-4, § 6, 3-9-81; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 13, 5-1-01)

Sec. 20-95. Rights and duties granted by certificate.

- (a) The certificate shall be valid for the period of time specified therein, not to exceed five (5) years. The certificate shall not become effective until at least ten (10) days following the decision of the board of county commissioners to grant the certificate. The certificate shall not be transferable, either voluntarily or by operation of law, without the prior written approval of the county.
- (b) The certificate holder shall file a verified statement of ownership with the EMSO prior to commencing its operations under the certificate, and shall immediately notify the department of any change of ownership or control.
 - (1) Hospitals desiring a certificate for interhospital transfers may contract for transport services but the contracted agency must meet all of the provisions of this article.
- (c) Acceptance of the certificate shall obligate the applicant to:
 - (1) Provide continuous and uninterrupted service to the extent, and for the area, authorized by the certificate;
 - (2) Provide service to adjacent areas or routes within the county, when requested to do so by public safety agencies, in an emergency situation or in accordance with established agreements;
 - (3) Keep posted at the principal business locations in the county a copy of the certificate, and of any rate or fee schedule;
 - (4) Keep such records as may be required by the department or the board of county commissioners, pursuant to the rules and regulations to be adopted under this article; and
 - (5) Operate in conformance with state law, this article and all rules and regulations thereunder.

(Code 1965, § 12A-25; Ord. No. 81-4, § 7, 3-9-81; Ord. No. 83-34, § 6, 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 14, 5-1-01)

Sec. 20-96. Modification and renewal of certificates.

- (a) The department and the board of county commissioners may develop rules and regulations to permit modification of certificates of public convenience and necessity during their effectiveness due to changes in circumstances. No substantial modification shall be made without adequate notice and an opportunity for all interested and substantially affected persons to be heard.
- (b) At least ninety (90) days prior to the expiration of its certificate, each provider must file an application for renewal of its certificate on forms to be provided by the EMSO. Following notice to interested and appropriate persons, and review and recommendation by the EMSO, the renewal application may be granted by the board of county commissioners. A public hearing may be required by the board of county commissioners if there is doubt as to whether adequate service is being provided by the applicant, or if the applicant wishes to change the levels of service or the area covered by the certificate.

(Code 1965, § 12A-26; Ord. No. 81-4, § 8, 3-9-81; Ord. No. 83-34, § 7, 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 15, 5-1-01; Ord. No. 2016-01, § 4, 1-26-16)

Sec. 20-97. Appeals from granting, renewal or denial of certificate.

- (a) If the board of county commissioners decides to grant or renew an application for a certificate without a public hearing, any interested or substantially affected person who has filed a prior written objection will be notified of such decision, and any such person may appeal the board's decision by filing a notice of appeal with the clerk of the board of county commissioners within ten (10) days following the board's decision, indicating the reasons therefor. Reasonable notice of the scheduling of the appeal hearing will be provided to interested and substantially affected persons. An appeal shall stay the effectiveness of a certificate until a hearing is held by the board of county commissioners and the decision on the appeal is rendered. During the pendency of the appeal, the board of county commissioners may permit the applicant to operate under the temporary authority provisions of section 20-94.
- (b) An applicant whose original or renewal application has been denied by the board of county commissioners, or whose application has been granted with conditions, without public hearing, may appeal such decision by filing a notice of appeal with the clerk of the board of county commissioners within ten (10) days of the board's decision. A hearing shall be scheduled before the board of county commissioners, with reasonable notice to be provided to interested and substantially affected persons.
- (c) If a decision has been made following a public hearing by the board of county commissioners to either approve, renew or deny any application, such decision shall be final, except for the provisions of section 20-96 relating to modification of a certificate. Any further review of the board's decision will be by writ of certiorari in the circuit court, in accordance with the Florida Appellate Rules; provided, however, that in order to appeal the granting of a certificate, a notice of intention to file a writ of certiorari must be filed with the clerk of the board of county commissioners within ten (10) days following the board's decision.
- (d) An applicant whose application for a certificate has been denied may not submit another similar application for a period of ninety (90) days following such denial.

(Code 1965, § 12A-27; Ord. No. 81-4, § 9, 3-9-81; Ord. No. 96-24, § 1, 8-27-96)

Sec. 20-98. Suspension or revocation of certificate.

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

corporation, changes in partnerships or limited partnerships, and transfers between or from individuals of any interest in the operating company, regardless of whether any such transfers are voluntary or involuntary.

- (b) The certificate will be automatically suspended if it is transferred or assigned, either voluntarily or involuntarily, without the prior written approval of the county. If the certificate holder shall at any time become insolvent, or if proceedings in bankruptcy shall be instituted by or against the certificate holder, or if a receiver of any property of the certificate holder shall be appointed in any suit, or if the certificate holder shall make an assignment for the benefit of creditors, all rights and privileges under the certificate may be immediately suspended, without notice or hearing.
- (c) The certificate may be suspended or revoked if the board of county commissioners finds that one (1) or more of the following conditions exist:
 - (1) The certificate holder has failed or refused to provide full and satisfactory service to the area covered by the certificate;
 - (2) The certificate holder has been convicted of a felony or other offense involving moral turpitude; or, in the case of the certificate held by a partnership or corporation, a person with a substantial ownership interest has been convicted of such an offense; provided that such suspension or revocation is not in violation of Section 112.011, Florida Statutes;
 - (3) The certificate was obtained by an application in which any material fact was intentionally omitted or falsely stated;
 - (4) The certificate holder has failed to correct deficiencies in the operations permitted by his certificate, including but not limited to personnel and vehicle requirements, following reasonable notice to correct such deficiencies;
 - (5) The certificate holder has allowed required insurance coverage to be cancelled, withdrawn or terminated, or the operator is determined by the board of county commissioners to be otherwise financially unable to maintain its services in compliance with all applicable laws and regulations;
 - (6) The certificate holder has failed to comply with Chapter 401, Florida Statutes, Florida Administrative Code, Chapter 64E-2, or any other applicable federal, state or local law or rule or regulation.
- (d) Prior to suspension or revocation under this subsection, the certificate holder shall be notified in writing of the alleged deficiencies or grounds for suspension or revocation, and, where appropriate, a reasonable time to correct any deficiencies shall be provided. If the conditions have not been corrected within the time provided, the certificate may be temporarily suspended by the board of county commissioners, pending a hearing to determine whether indefinite suspension or revocation of the certificate is warranted.

(Code 1965, § 12A-28; Ord. No. 81-4, § 10, 3-9-81; Ord. No. 83-34, §§ 8, 9, 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 16, 5-1-01)

Secs. 20-99—20-130. Reserved.

DIVISION 3. ALTERNATIVE TRANSPORTATION SERVICES

Sec. 20-131. Required; exceptions.

Every person owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting persons who are confined to wheelchairs or stretchers and whose medical condition is such

that these persons do not need, nor are likely to need, immediate medical attention during transport upon the streets, highways, waterways or airways of the county, shall be licensed through the EMSO as an alternative transportation service. For purposes of this division, licensure as an alternative transportation service shall be deemed to include wheelchair, stretcher car, and other Paratransit services.

(Code 1965, § 12A-31; Ord. No. 83-34, § 11(18), 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 18, 5-1-01)

Sec. 20-132. Prerequisites to granting.

Any person seeking licensure as an alternative transportation service shall:

- (1) *Application.* Submit a completed application form to the EMSO on forms supplied by the EMSO. At the time the application is presented, the applicant for such license shall have, and shall maintain throughout the application process, at least one (1) business office located in the county at which mail can be received and daily telephone communication is available with an agent of the applicant. If a license is granted, the licensee shall maintain one (1) or more business offices in the county while providing alternative transportation service.
- (2) *Fee.* Submit the appropriate fee or fees as established by the board of county commissioners.
- (3) *Condition of vehicles and equipment.* Provide documentation that vehicles and equipment are in good working order and meet requirements as specified in rules and regulations of the department.
- (4) *Radio communications.* Provide documentation describing the type and condition of the applicant's dispatching and communications equipment and system;
- (5) *Telephone communications.* Provide documentation describing the telephone communications system and equipment used in handling trip requests, cancellations and similar circumstances;
- (6) *Financial status.* Provide documentation describing the financial ability of the applicant to provide safe, comfortable services and to maintain or replace equipment required by the state, county or municipalities;
- (7) *Performance record.* Provide documentation describing the past performance and service record, if any, of the applicant;
- (8) *Insurance.* Provide proof of adequate insurance coverage for claims arising out of injury or death to persons and damage to the property of others resulting from any cause for which the owner of such business or service would be liable. The amount of insurance coverage needed shall be determined by rule of the department or by the board. No license to operate as an alternative transportation service within the county shall be issued until such time as the applicant has submitted adequate proof of insurance in the amount to be specified by rule or regulation of the department or by the board of county commissioners.
- (9) *Drivers.* Provide evidence that drivers are trained in the correct use of the special equipment required for wheelchair and stretcher transport.
- (10) *Staffing of vehicles.* Provide evidence that alternative transportation vehicles are staffed by sufficient personnel to insure safe loading and unloading of wheelchair and/or stretcher patients.
- (11) *Sanitation and maintenance.* Provide proof that sanitation and maintenance standards are met. Comply with all rules and regulations of the department, this division and any applicable federal, state or local law or rule or regulation.
- (12) *Other information.* Such other information as the department or board of county commissioners may deem necessary.

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- (13) *Vehicle permit.* Provide proof that all vehicles possess a valid vehicle permit as provided herein. To receive a valid vehicle permit, the applicant shall submit a completed application form for each vehicle for which a permit is desired. Pay the appropriate fee as provided by the board of county commissioners, and meet standards for alternative transportation vehicles as set forth by rules of the department.

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

(Code 1965, § 12A-32; Ord. No. 83-34, § 11(18), 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 19, 5-1-01)

Sec. 20-133. Issuance or denial.

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

(Code 1965, § 12A-33; Ord. No. 83-34, § 11(18), 8-8-83)

Sec. 20-134. Modification and renewal of licenses and permits.

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

(Code 1965, § 12A-34; Ord. No. 83-34, § 11(18), 8-8-83; Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 20, 5-1-01; Ord. No. 2016-01, § 5, 1-26-16)

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

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

pendency of the appeal, the board of county commissioners may permit the applicant to operate under the temporary authority provisions of section 20-136.

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

(Ord. No. 96-24, § 1, 8-27-96)

Sec. 20-136. Temporary authority to provide service.

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

- (1) Grant to a licensed provider the temporary authority to service the particular area or route for such period of time as the board of county commissioners may specify, not to exceed ninety (90) days. This temporary emergency authority may be granted without notice and hearing, although the department and the board of county commissioners will develop and adopt rules governing the procedure for applications for emergency temporary authority.
- (2) Grant temporary authority for such service in conjunction with an application for permanent authority. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the board of county commissioners may specify, not to exceed one hundred eighty (180) days. Following the expiration of any temporary approval granted under this subsection, the board of county commissioners may extend the temporary authority for a specified period, or until such time as an application for permanent authority is approved, provided that adequate service is not otherwise available to the area, and further provided that the provider is determined to be in compliance with all applicable laws and regulations. Temporary authority under this subsection may be granted to applicants providing alternative transportation within the county prior to the effective date of Ordinance No. 96-24, provided that the board of county commissioners determines that the public safety and welfare will be served by such temporary approval. Any person granted temporary approval under this section must take all necessary measures to ensure that its operations are in compliance with the requirements of this article, state law and other pertinent rules and regulations.
- (3) If necessary, the department and the board of county commissioners will develop and adopt regulations and procedures for applications for temporary authority, in order to ensure that adequate notice is provided to interested persons. The granting of temporary authority will not create a presumption that permanent authority will be granted at a later date.

(Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 21, 5-1-01)

Sec. 20-137. Suspension or revocation of license.

- (a) In the event that there is a change of ownership or any kind or nature in the persons or companies to whom the license was issued, the license may be suspended or revoked by the board of county commissioners for just cause. This subsection shall apply to changes in controlling stock ownership in any corporation, changes in partnerships or limited partnerships, and transfers between or from individuals of any interest in the operating company, regardless of whether any such transfers are voluntary or involuntary.
- (b) The license will be automatically suspended if it is transferred or assigned, either voluntarily or involuntarily, without the prior written approval of the county. If the license holder shall at any time become insolvent, or if proceedings in bankruptcy shall be instituted by or against the license holder, or if a receiver of any property of the license holder shall be appointed in any suit, or if the license holder shall make an assignment for the benefit of creditors, all rights and privileges under the license may be immediately suspended, without notice or hearing.
- (c) The license may be suspended or revoked if the board of county commissioners finds that one (1) or more of the following conditions exist:
 - (1) The license holder has failed or refused to provide full and satisfactory service to the area covered by the license;
 - (2) The license holder has been convicted of a felony or other offense involving moral turpitude; or, in the case of the license held by a partnership or corporation, a person with a substantial ownership interest has been convicted of such an offense; provided that such suspension or revocation is not in violation of Section 112.011, Florida Statutes;
 - (3) The license was obtained by an application in which any material fact was intentionally omitted or falsely stated;
 - (4) The license holder has 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;
 - (5) 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;
 - (6) The license holder has failed to comply with any applicable federal, state or local law or rule or regulation.
- (d) Prior to suspension or revocation under this subsection, the license holder shall be notified in writing of the alleged deficiencies or grounds for suspension or revocation, and, where appropriate, a reasonable time to correct any deficiencies shall be provided. If the conditions have not been corrected within the time provided, the license may be temporarily suspended by the board of county commissioners, pending a hearing to determine whether indefinite suspension or revocation of the license is warranted.

(Ord. No. 96-24, § 1, 8-27-96; Ord. No. 2001-09, § 22, 5-1-01)

Secs. 20-138—20-155. Reserved.