

I. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____ 0	_____ 0	_____ 0	_____ 0	_____ 0

II. FISCAL IMPACT ANALYSIS

Account Exp No: Fund _____ Department _____ Unit _____ Object _____
Fund _____ Department _____ Unit _____ Object _____

Recommended Sources of Funds/Summary of Fiscal Impact:
Fund:
Unit:

Departmental Fiscal Review: _____

III. REVIEW COMMENTS

B. Fiscal and/or Contract Dev. and Control Comments:

OFMB
12/6/2010
12/21/10
12/31/10
1/3/10
2/3/10
2/4/10

Contract Administration
12/7/10

Sufficiency:

Assistant County Attorney
2/8/10

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

(Continued from Page 1)

Background and Policy Issues:

County Fire Rescue was currently limited to providing patient transportation only to those patients needing advanced life support services. In 2005, the Board discussed increasing that service to all patients, including those who needed basic life support services or first aid. The Board directed Fire Rescue staff to work with both the private providers and with the firefighter's union representatives to develop a plan of transition. In 2008, a pilot program was initiated in a portion of Palm Beach County Fire Rescue's service area to evaluate the feasibility to transport basic life support patients in the pre hospital setting. The proposed ordinance revisions would facilitate additional pilot programs including Palm Beach County Fire Rescue BLS transportation in the rest of Palm Beach County Fire Rescue's service area. Private Providers will still provide the services as a secondary provider for Advanced Life Support emergency transport, which will allow them to provide daily back up during the pilot program and be available for response in the event of storms, evacuations and disasters. It will also allow for emergency and non-emergency ALS/BLS inter-facility transfers.

ATTACHMENT 1

EXECUTIVE SUMMARY

The following represents a summary of all the other proposed ordinance changes.

- 1) The definition of Municipal and County Fire Rescue Pilot Program Services (such as the expansion of county-wide BLS Transport) has been added in order to facilitate the initiation of additional services for Municipal and County Fire Rescue and assure the continuity of services within the County.
- 2) Permit means the adhesive decal issued by the County to an ALS transportation service, ALS service, ALS service with BLS transfer units or air ambulance service, and which must be affixed to an ALS unit, ALS vehicle, BLS transfer unit or air ambulance authorized by the Administrator to operate in the County without obtaining said permit.
- 3) Transfer means the transportation of a patient by an ALS/BLS unit or air ambulance as a result of a request for response to inter-facility emergency and non-emergency transportation. Basic Life Support units may only be utilized for non-emergency inter-facility transfers.
- 4) Inter-facility transfer means the transportation of a patient by an ALS unit or air ambulance for emergency transfers and BLS transfer unit for non-emergency transfers licensed under Florida Statutes, ch. 401, between two (2) facilities licensed under Florida Statutes, ch. 395, ch. 400, or ch. 429.
- 5) Private ambulance providers providing inter-facility patient transfer services must apply for a Secondary Provider Advanced Life Support transport with Basic Life Support transfer services within a geographically defined zone. Basic Life Support transfer units may only be utilized for non-emergency inter-facility transfers.
- 6) Basic Life Support transfer unit means any land vehicle that is designed, constructed, reconstructed, maintained, equipped or operated and is used for or intended to be used on land for BLS non-emergency inter-facility transfers.
- 7) Basic Life Support vehicle means any vehicle which is staffed and equipped to provide Basic Life Support treatment, but not used for transport.
- 8) The agencies determined by the Board as most qualified to serve all or a portion of the zone or area shall be identified as "primary" or "secondary" providers. Most qualified may include service providers in good standing who have previously provided such service.

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, (ORD. NO. 06-040) ENTITLED PALM BEACH COUNTY EMERGENCY MEDICAL SERVICES ORDINANCE OF 2010; PROVIDING FOR TITLE; PROVIDING FOR AUTHORITY AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR TERRITORIAL APPLICABILITY; PROVIDING FOR CERTIFICATE AND ENDORSEMENTS REQUIRED; PROVIDING FOR PROCEDURES FOR REQUESTING CERTIFICATE; PROVIDING FOR INVESTIGATION AND REVIEW OF APPLICATION; PROVIDING REQUIREMENT FOR BOARD APPROVAL IN GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; PROVIDING FOR TERM AND ASSIGNABILITY OF CERTIFICATES; PROVIDING FOR RIGHTS AND DUTIES GRANTED BY CERTIFICATE; PROVIDING FOR PROVISION OF PATIENT OUTCOME DATA; PROVIDING FOR VEHICLE PERMITS; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR GENERAL PROHIBITION; PROVIDING FOR DEFICIENCIES; PROVIDING FOR COMPLAINT PROCEDURES; PROVIDING FOR CERTIFICATION REVOCATION, MODIFICATION, SUSPENSION; PROVIDING EMERGENCY POWERS; PROVIDING EXCLUSION FROM CERTIFICATE OR PERMIT REQUIREMENT; PROVIDING FOR ENFORCEMENT; PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY; PROVIDING INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING ENFORCEMENT; PROVIDING PENALTY; PROVIDING CAPTIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, adopted the Palm Beach County Emergency Medical Services Ordinance, Chapter 13, Article II, (Ordinance No. 96-16); and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, repealed Palm Beach County Ordinance No. 96-16 and replaced it with Ordinance No. 2001-025; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, repealed Palm Beach County Ordinance No. 2001-025 and replaced it with Ordinance No. 2006-040; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, desires to amend Palm Beach County Ordinance No. 2006-040; and

WHEREAS, Chapter 401, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to provide and maintain for the citizens of said County standards which ensure their health, welfare and well being; and

WHEREAS, the Board of County Commissioners of Palm Beach County recognizes that the public health and safety of the residents and visitors of the County will best be served by enacting emergency medical services legislation; and

1 WHEREAS, in order to effectively promote the health, safety, and welfare of the
2 residents and visitors of Palm Beach County in need of emergency medical services, it is
3 necessary to establish reasonable standards for issuing Certificates of Public Convenience
4 and Necessity for Advanced Life Support, Advanced Life Support Transportation, and
5 Air Ambulance Services.

6 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
7 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

8 **Section 1. SHORT TITLE.**

9 This Ordinance shall be titled "Palm Beach County Emergency Medical Services
10 Ordinance of 2010."

11 **Section 2. AUTHORITY AND PURPOSE.**

12 This Ordinance is promulgated pursuant to Chapter 401, Florida Statutes. The
13 purpose of this Ordinance is to promote the health, safety, and welfare of the residents of
14 the County in need of emergency medical services by establishing standards for issuing
15 certificates of public convenience and necessity for advanced life support transportation
16 services, advanced life support services, and air ambulance services, and by providing
17 for the adoption of rules and regulations governing the zones, areas, and operation of
18 services as described herein.

19 **Section 3. DEFINITIONS.**

20 A. *Administrator* means the county administrator or his designee.

21 B. *Advanced life support* or *ALS* means treatment of life-threatening medical
22 emergencies through the use of techniques such as endotracheal intubation, the
23 administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac
24 defibrillation by a person qualified in accordance with Chapter 401, Florida Statutes.

25 C. *Advanced life support rescue* means the extrication and recovery of persons and
26 the use of advanced life support treatment that do not involve fire fighting as a regular
27 duty.
28

29 D. *Advanced life support service* means any person, firm, corporation, association, or
30 governmental entity owning or acting as an agent for the owner of any business or service
31 which furnishes, operates, conducts, maintains, advertises, engages in, proposes to
32 engage in, or professes to engage in the business or service of providing advanced life
33 support.
34

35 E. *Advanced life support (ALS) transportation service* means any person, firm,
36 corporation, association, or governmental entity owning or acting as an agent for the
37 owner of any business or service which furnishes, operates, conducts, maintains,
38 advertises, engages in, proposes to engage in, or professes to engage in the business or
39 service of responding to medical or emergency medical calls with ALS units and which
40 is endorsed by the county to routinely transport patients.
41
42

- 1 F. *Advanced life support unit* or *ALS transfer unit* means any land or water vehicle
2 that is designed, constructed, reconstructed, maintained, equipped or operated and is used
3 for or intended to be used for water or land ALS transportation of sick or injured persons
4 requiring or likely to require medical attention or emergency medical attention.
5
- 6 G. *Advanced life support vehicle* or *vehicle* means any vehicle which is staffed and
7 equipped to provide advanced life support treatment, but not used for transport.
8
- 9 H. *Air ambulance* means any aircraft used for, or intended to be used for, air
10 transportation of sick or injured persons requiring or likely to require medical attention
11 during transport.
12
- 13 I. *Air ambulance service* means any person, firm, corporation, association, or
14 governmental entity owning or acting as an agent for the owner of any business or service
15 which furnishes, operates, conducts, maintains, advertises, engages in, proposes to
16 engage in, or professes to engage in the business or service of responding to medical or
17 emergency medical calls with air ambulances.
18
- 19 J. *Area* means a geographical Ordinance of the county that is clearly defined by
20 distinct borders and/or municipal boundaries within which a primary provider will
21 provide services.
22
- 23 K. *Basic life support* or *BLS* means treatment of medical emergencies by a qualified
24 person through the use of techniques such as patient assessment, cardiopulmonary
25 resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of
26 oxygen, application of medical antishock trousers, administration of a subcutaneous
27 injection using a premeasured auto injector of epinephrine to a person suffering an
28 anaphylactic reaction, and other techniques described in the Emergency Medical
29 Technician Basic Training Course Curriculum of the United States Department of
30 Transportation.
31
- 32 L. *Basic life support service* means any emergency medical service which uses BLS
33 techniques.
34
- 35 M. *Basic life support transfer unit* means any land vehicle that is designed,
36 constructed, reconstructed, maintained, equipped or operated and is used for or intended
37 to be used for on land for BLS non-emergency inter-facility transfers.
38
- 39 N. *Basic life support vehicle* means any vehicle which is staffed and equipped to
40 provide Basic Life Support treatment, but not used for transport.
41
- 42 O. *Board* means the Board of County Commissioners of Palm Beach County,
43 Florida.
44
- 45 P. *Certificate holder* means any person, firm, corporation, association, or
46 governmental entity owning or acting as an agent for the owner of any business or service
47 which has been issued a certificate of public convenience and necessity by the county.
48
- 49 Q. *Certificate of public convenience and necessity* or *certificate* or *COPCN* or *EMS*
50 *certificate* means a certificate with endorsements issued by the Board of County
51 Commissioners of the county, deeming it to be in the public convenience and necessity
52 for the named advanced life support transportation service, advanced life support service,
53 or air ambulance service to operate within the confines of the county, as authorized in
54 Florida Statutes, §401.25.
55
- 56 R. *County* means the incorporated and unincorporated areas of Palm Beach County,
57 Florida.
58
- 59 S. *Emergency medical call* means any request for the immediate and prompt
60 dispatch of an ALS unit, vehicle or air ambulance or vehicle for the purpose of providing
61 immediate medical assistance or transportation of a sick, injured or otherwise
62 incapacitated patient.

1 T. *Emergency medical services* means the activities or services to prevent or treat a
2 sudden critical illness or injury and to provide emergency medical care and/or pre-
3 hospital emergency medical transportation to sick, injured, or otherwise incapacitated
4 persons in this state.

5
6 U. *Emergency medical services council* or *EMS Council* means the agency appointed
7 by the Board of County Commissioners to advise and provide comment on matters
8 relating to emergency medical services within the county.

9
10 V. *En route time* shall be measured as the time beginning when a request for
11 emergency assistance is received at a certificate holder's public safety answering point
12 (PSAP) or dispatch center and ends when an advanced life support unit or advanced life
13 support vehicle, or air ambulance of a certificate holder reports beginning its response to
14 the reported address of the emergency. All en route times are to be measured in
15 increments of minutes and seconds.

16
17 W. *Endorsement* means the type(s) of service a certificate holder is authorized to
18 provide and the respective area(s) or zone(s) in which it may provide said service, as
19 shown on an EMS certificate issued by the Board.

20
21 X. *Evacuation* means the withdrawal and transport of ill or incapacitated persons
22 who reside in threatened areas and require transportation, to or from a Board-established
23 shelter, utilizing ALS units or BLS transfer units, when required by the Board due to a
24 local state of emergency.

25
26 Y. *Extraordinary Circumstances* means special conditions or events such that, in the
27 discretion of the Board of County Commissioners, considerations of public interest,
28 safety or welfare warrant waiving the normal requirements for extension of a certificate
29 to assure the continuity of service in the County.

30
31 Z. *Inter-facility transfer* means the transportation of a patient by an ALS unit or air
32 ambulance for emergency and non-emergency transfers and by a BLS transfer unit for
33 non-emergency transfers licensed under Florida Statutes, ch. 401, between two (2)
34 facilities licensed under Florida Statutes, ch. 395, ch. 400, or ch. 429, pursuant to this
35 part.

36
37 AA. *MedCom* means the Palm Beach County Medical Communications Center.

38
39 BB. *Medical call* means any request for medical assistance or transportation which
40 does not require the immediate or prompt dispatch of an ALS unit, vehicle, or air
41 ambulance, or any situation which does not require the immediate or prompt provision of
42 medical assistance or transportation.

43
44 CC. *Medical control* means direct physician supervision through two-way voice
45 communication or through established written standing orders.

46
47 DD. *Medical director* means a Florida-licensed physician who shall become an active
48 member of the Palm Beach County EMS Council's medical director's standing
49 subcommittee and is employed or contracted to provide medical supervision for the daily
50 operations and training pursuant to Florida Statutes, ch. 401, or advanced life support
51 transportation services, advanced life support services, or air ambulance services, as
52 defined in ch. 64J-1 (F.A.C.).

53
54 EE. *Medical director's standing subcommittee* means a perennial subcommittee of the
55 EMS Council comprised of medical directors of ALS transportation services, ALS
56 services, or air ambulance services.

57
58 FF. *Municipal and County Fire Rescue Pilot Program Services* means special
59 conditions or events such that, in the discretion of the Board of County Commissioners,
60 considerations of public interest, safety or welfare warrant the extension and/or
61 modification of endorsement of a Certificate of Public Convenience and Necessity

(COPCN) in order to facilitate the initiation of pilot programs for Municipal and County Fire-Rescue and assure the continuity of services within the County.

GG. *Patient* means any person who requires, or may require, medical assistance and/or transportation.

HH. *Permit* means the adhesive decal issued by the county to an ALS transportation service, ALS service, ALS service with BLS transfer units or air ambulance service, and which must be affixed to an ALS unit, ALS vehicle, BLS transfer unit or air ambulance authorized by the Administrator to operate in the county. No ALS unit or vehicle, BLS unit or vehicle or air ambulance shall operate in the county without obtaining said permit.

II. *Primary provider* means the agency designated by the Board to provide advanced life support emergency medical services and/or transport within the area or zone stated upon their COPCN.

JJ. *Response time* shall be measured as the time beginning when a request for emergency assistance is received at a certificate holder's public safety answering point (PSAP) or dispatch center and ends when an advanced life support unit or vehicle or air ambulance of a certificate holder arrives at the reported address of the emergency. All response times are to be measured in increments of minutes and seconds.

KK. *Secondary provider* means the agency designated by the Board to provide secondary Advanced Life Support transport and Basic Life Support transfer services within a geographically defined zone. Basic Life Support transfer units may only be utilized for non-emergency inter-facility transfers.

LL. *Secondary provider zone or zone* means the geographical division of the county that is defined in the rules and regulations within which a secondary provider will provide advanced life support service.

MM. *Special secondary service provider* means the agency designated by the Board to provide special secondary advanced life support or basic life support services within those gated communities which request to have such services at costs borne by the requesting gated communities.

NN. *Subscription service program* means an agreement between a certificate holder providing advanced life support (ALS) transportation service in the county and a homeowners' association, condominium association, country club, community association (collectively referred to as "community") or any other person or entity which agreement provides for the provision of various ambulance or ambulance transportation services by the certificate holder for the community, or other person or entity, for a specified premium or price paid by the community, or other person or entity. In an agreement with a community the funds to pay the premium to the certificate holder are generated by assessments paid by the residents to the mandatory homeowners' or condominium association governing the community. The subscription service program shall be authorized by the issuance of a certificate of authority by the state department of insurance. The certificate holder must meet all licensing and other requirements of the department of insurance.

OO. *Transfer* means the transportation of a patient by an ALS unit or air ambulance as a result of a request for response to a medical call. ALS/BLS unit or air ambulance as a result of a request for response to inter-facility emergency and non-emergency transportation. Basic Life Support units may only be utilized for non-emergency inter-facility transfers.

Section 4. TERRITORIAL APPLICABILITY

This article applies in both the incorporated and unincorporated areas of the county.

1 **Section 5. CERTIFICATE AND ENDORSEMENTS REQUIRED**

2 (a) The county shall issue certificates of public convenience and necessity titled
3 "EMS certificates." Every person, firm, corporation, association, or governmental entity
4 owning or acting as an agent for the owner of any business or service, wishing to respond
5 to emergency and medical calls, which furnishes, operates, conducts, maintains,
6 advertises, engages in, proposes to engage in, or professes to engage in the business or
7 service of providing primary provider or secondary provider advanced life support
8 transportation, primary provider advanced life support, special secondary service
9 provider, inter-facility transfer, or air ambulance services, must obtain an EMS
10 certificate. Due to the standards established by this Ordinance, Advanced Life Support
11 EMS Certificates with a BLS inter-facility non-emergency transfer endorsement will be
12 issued.
13

14 (b) EMS agencies which intend to be an ALS primary provider but not provide
15 routine transport of patients must apply for, and obtain, an ALS service endorsement to
16 their respective certificate of public convenience and necessity.
17

18 (c) EMS agencies which intend to be an ALS primary provider and provide routine
19 transport of patients must apply for, and obtain, an ALS transport service endorsement to
20 their respective certificate of public convenience and necessity.
21

22 (d) EMS agencies which intend to be a secondary provider and provide secondary
23 ALS response and provide routine transport of patients must apply for, and obtain, a
24 secondary provider ALS transport endorsement to their respective certificate of public
25 convenience and necessity and must notify the primary providers within the zone of the
26 intent to apply.
27

28 (e) Only non-governmental EMS agencies may provide interfacility transfer services,
29 with the exception of air ambulance transfers. Governmental agencies shall not provide
30 interfacility transfer services unless, based on an emergency call as defined in section 13-
31 17 and originating from the county's emergency 9-1-1 telephone system, the patient's
32 condition requires a response from the nearest available EMS agency, or when air
33 ambulance transfer is required. Emergency or interfacility transports shall meet the same
34 response time requirements as an emergency medical call.
35

36 (f) Only those agencies which possess a county certificate of public convenience and
37 necessity may provide ALS transportation, BLS non-emergency interfacility transfers,
38 air ambulance services, and/or respond to emergency or medical calls in the county,
39 except as otherwise provided in Florida Statutes, § 401.33.
40

41 (g) Governmental entities having a public mandate to provide emergency medical
42 services within their jurisdiction may be granted a certificate by the Board and may serve
43 said jurisdiction as the primary provider. Any governmental entity requesting a certificate
44 of public convenience and necessity must comply with all the requirements set forth in
45 this Ordinance including, but not limited to, section 13-20. The endorsement(s) on the
46 certificate shall reflect the service which is authorized by the Board.
47

48 (h) Agencies which intend to provide special secondary service must apply for, and
49 obtain, a special secondary service provider - nontransport only (name of community)
50 endorsement to their respective certificate of public convenience and necessity.
51

52 (i) In order to provide services under a subscription service program, the ALS
53 transportation service must hold both a certificate of public convenience and necessity
54 EMS certificate and a certificate of authority issued by the state department of insurance.
55
56

57 **Section 6. PROCEDURES FOR REQUESTING CERTIFICATE**

58
59 (a) Each applicant requesting a certificate of public convenience and necessity shall
60 submit a copy of a completed application as required by Chapter 401, Florida Statutes,
61 and any rules promulgated pursuant thereto. This application must also include:

1 (1) Such other forms and information that the Administrator may require for
2 full and complete disclosure of information for consideration by the Board of County
3 Commissioners including, but not limited to, information as to zones, areas, rate
4 schedules, subscription service program, financial information as referenced in section
5 13-21 of this Ordinance, current financial statement prepared by an independent
6 accounting firm or, in the case of a governmental unit, the funds budgeted for this
7 service; and
8

9 (2) The specific service endorsement sought and area or zone in which the
10 applicant intends to provide the service; and
11

12 (3) A nonrefundable application fee as established by the Board of County
13 Commissioners, by resolution.
14

15 (b) Public notice shall be given by the Administrator no earlier than one hundred
16 twenty (120) days and no later than ninety (90) days prior to the expiration date of all
17 certificates of public convenience and necessity. This notice shall state that the county
18 will be accepting applications for certificates for all districts and areas of operation within
19 the county.
20

21 (c) Applications shall be submitted to the Administrator or his designee no earlier
22 than ninety (90) days and no later than forty-five (45) days prior to the expiration date of
23 the certificate of public convenience and necessity.
24

25 (d) Applications for certificates shall be accepted only during the time specified in the
26 public notice, however, applications for special secondary service provider certificates
27 from security companies shall be accepted at any time after the requirements of this
28 section and the following requirements have been met:
29

30 (1) The affected community submits a letter of request for this type service,
31 prepared and signed by an authorized representative of said community.
32

33 (2) A memorandum of understanding is executed between the applicant and
34 the primary certificate of public convenience and necessity holder.
35

36 (3) The applicant verifies adoption and use of the uniform countywide ALS
37 protocols.
38

39 (4) Common medical direction is assured through the applicant's medical
40 director actively participating in the Palm Beach County Medical Directors Association.
41

42 (5) Two-way communications is provided between the primary and special
43 secondary service provider, through a means specified by the primary provider. In
44 addition, the special secondary service provider must maintain a direct means of
45 retransmitting all requests for emergency assistance to the primary provider. Said means
46 shall be as specified by the primary provider. The cost of such communication system
47 shall be the sole responsibility of the interim secondary service provider.
48

49 (6) Incident documentation shall be consistent with the primary provider and
50 shall be made available to the primary provider, upon request.
51

52 (7) The applicant verifies compliance with Florida Statutes, Chapter 401, and
53 Florida Administrative Code Chapter 64-J with respect to equipment required for ALS
54 non-transport vehicles.
55

56 **Section 7. INVESTIGATION AND REVIEW OF APPLICATION.**
57

58 (a) Upon receipt of an application, the Administrator shall review the application,
59 conduct an investigation, and obtain verification that the applicant meets the requirements
60 of all applicable federal, state and local laws. The investigation shall include
61 consideration of:
62

- (1) The need for the proposed service in the requested area or zone;
 - (2) The financial information of the applicant to ensure continued service to the area or zone which shall include copies of the applicant's past two (2) Medicare audits, if any, and copies of the past three (3) years of consolidated financial statements or audited financial statements of the company and its parent company or holding company, if any. For purposes of this Ordinance a parent company or holding company shall mean any person, corporation or company holding, owning or in control of more than ten (10) percent stock or financial interest of another person, corporation or company;
 - (3) The proposed rate structure as it relates to those currently charged in the county;
 - (4) The applicant's assurance that it has met or can meet all federal, state and local requirements; however, said requirements must be met prior to the issuance of a certificate;
 - (5) The professional and personal integrity of the applicant;
 - (6) The applicant's past performance in this area or zone, as well as in other jurisdictions, zones, or areas which demonstrate at the time of application that the applicant's personnel have a minimum of three (3) years experience providing emergency ALS service and a minimum of three (3) years experience in ALS rescue;
 - (7) Other information deemed relevant by the Administrator;
 - (8) Disclosure of any information regarding litigation or investigation, current pending or past final;
 - (9) The past three (3) years of federal, state, and/or local agency vehicle and staff inspections.
- (b) The Administrator shall forward all investigative reports to the county Emergency Medical Services Council for its review. A copy of the Administrator's report shall, concurrently, be forwarded to the applicant. After said review, the EMS Council shall provide the Board with its recommendations as to primary and secondary providers. Prior to the review of the applications by the EMS Council, the Administrator may request the Board to set a date for a public hearing, as described in section 13-22, to consider the applications and the EMS Council's recommendations.
- (c) The applicant shall cooperate with the Administrator in producing or causing to be produced any information appropriate to the investigation and report. Failure to provide any information requested by the Administrator may result in rejection of the application.
- (d) The Administrator's report concerning the application shall be forwarded to the Board for the public hearing.

Section 8. REQUIREMENT FOR BOARD APPROVAL IN GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

- (a) The Board shall schedule public hearings to consider all applications for certificates. The Administrator shall notify all applicants and current certificate holder's of the date, time, and place of the public hearing at least ten (10) days prior to said hearing. All applicants shall appear before the Board at the public hearing on the same day.
- (b) At the hearing, the Board shall receive the report of the Administrator, report of the EMS advisory council, testimony from the applicant(s) or any other interested party, and any other relevant information. For all certificates, the Board will consider the public's convenience and the necessity for the service in the zone or area requested. The

Board will consider whether the applicant has the ability to provide the necessary service based upon the criteria set forth in this Ordinance and Florida Statutes, ch. 401. The Board shall also consider the recommendations of any municipality or municipalities applying for a certificate or affected by the issuance of a certificate. For special secondary provider certificates only, the Board shall consider the request by an authorized representative of the community.

(c) At said public hearing, after consideration of the aforementioned information, the Board shall determine, based upon the criteria and guidelines of this Ordinance and Florida Statutes, ch. 401, which agencies shall serve all or a portion of the zone or area requested. The agencies determined by the Board as most qualified to serve all or a portion of the zone or area shall be identified as "primary" or "secondary" providers. Most qualified may include service providers in good standing who have previously provided such service.

(d) The Board shall then authorize the issuance of the certificate with such conditions, restrictions and/or endorsements as are in the public's interest or deny the application setting forth the reasons for the denial.

(1) The Board of County Commissioners may limit or define the extent to which a "primary" or "secondary" provider may provide service within the zone or area.

(2) All certificate holders shall respond to another certificate holder's area or zone if requested by MedCom, unless it will remove all coverage from its assigned area or zone.

(e) Notwithstanding the procedures and substantive requirements for the issuance of a certificate, the Board may grant, at its discretion, and at any time, a temporary certificate of public convenience and necessity for a period not to exceed six (6) months in order to safeguard and protect the public health, safety and welfare. This temporary certificate may be renewed.

Section 9. TERM AND ASSIGNABILITY OF CERTIFICATES.

(a) Certificates of public convenience and necessity granted by the Board pursuant to this Ordinance shall be valid for six (6) calendar years. All certificates shall be personal to the applicant and may, with the approval of the Board of County Commissioners at a public hearing, be assigned or transferred, contingent upon the completion of requirements set forth in this Ordinance including, but not limited to, section 13-21. All EMS certificate holders within the County shall be provided with notice, at least ten (10) days prior, of any public hearing regarding the assignment or transfer of a certificate.

Exception: A certificate issued to a special secondary service provider shall expire upon notification by the affected community and may not be transferred or otherwise reassigned.

(b) Upon a finding of extraordinary circumstances, the Board may grant an extension of an existing COPCN for a period of up to four (4) years. The Board may also approve an extension and/or modification of endorsement of an existing COPCN based upon the Board's determination that such is warranted in order to facilitate Municipal and County Fire-Rescue Pilot Program Services as described in this Ordinance. Municipal and County Fire-Rescue Pilot Program Services shall not be construed to authorize a transfer of powers or functions of County government.

(c) The Board shall have full discretion to approve or deny, with or without cause, any assignment, subcontract, or proposed assignment by the certificate holder. Any assignment or subcontract of the certificate made by the certificate holder without the express written consent of the Board shall be null and void and shall be grounds for the EMS Council to recommend that the certificate be revoked and the County shall be free to award the certificate to another qualified applicant. Notwithstanding anything to the contrary, acquisition of a nongovernmental certificate holder's company within six (6)

1 months of issuance of the certificate, shall not be grounds for assignment of the
2 certificate.
3

4 **Section 10. RIGHTS AND DUTIES GRANTED BY CERTIFICATE.**
5

6 (a) Acceptance of a primary provider certificate with an ALS endorsement shall
7 obligate the applicant to:
8

9 (1) Provide advanced life support to the entire geographical area or zone as
10 stated on the certificate of public convenience and necessity;
11

12 (2) Respond to all emergency medical calls;
13

14 (3) When requested by MedCom, respond to another certificate holder's area
15 or zone when the certificate holder for that area or zone is unable to respond, unless it
16 will remove all coverage from its assigned area or zone;
17

18 (4) Abide by all requirements of this Ordinance and rules and regulations
19 adopted by the Board and all applicable federal, state and local laws;
20

21 (5) Provide access to the applicant's business, ALS vehicles and units and air
22 ambulances for inspection by the Administrator pursuant to sections 13-26, 13-30 and 13-
23 31 of this Ordinance;
24

25 (6) Post, at the place of business, a copy of the fee schedule required under
26 this Ordinance;
27

28 (7) Submit to the Administrator any changes or any requested changes in the
29 fee schedule at least sixty (60) days prior to the effective date of such change, and all
30 documentation which justifies the fee change;
31

32 (8) Notify the Administrator at least ninety (90) days prior to the termination
33 or reduction of any service;
34

35 (9) Not transport patients unless the agency also carries an ALS transport
36 endorsement;
37

38 (10) Perform only those services specifically authorized by its certificate
39 endorsement(s), and abide by all restrictions, limitations, and exclusions as identified on
40 the certificate;
41

42 (11) Provide the Administrator with copies of updated, current records and/or
43 data which pertain to certificate application, personnel certification, and vehicle data,
44 within thirty (30) days of any change to said records; and
45

46 (12) Adopt the minimum standard pre-hospital treatment/transport protocols
47 approved and adopted by the County EMS Council. However, a certificate holder may
48 implement protocols which exceed the minimum standards adopted by the EMS Council.
49

50 (b) Acceptance of a primary provider certificate with an ALS transport endorsement
51 shall obligate the applicant to:
52

53 (1) Provide ALS response and transportation service to the entire zone or
54 geographical area as stated on the certificate of public convenience and necessity;
55

56 (2) Respond to another certificate holder's zone or area, when requested to do
57 so by MedCom for emergency medical calls when the certificate holder for that zone or
58 area is unable to respond, unless it will remove all coverage from its assigned area or
59 zone;
60

61 (3) Respond to all emergency medical calls unless all ALS units, vehicles, or
62 air ambulances are in service on other emergency medical or medical calls;

1 (4) Abide by all requirements of this Ordinance and rules and regulations
2 adopted by the Board and all applicable federal, state and local laws;
3

4 (5) Provide access to the applicant's business, ALS units, and air ambulances
5 for inspection by the Administrator pursuant to sections 13-26, 13-30 and 13-31 of this
6 Ordinance;
7

8 (6) Post at the place of business a copy of the fee schedule required under this
9 Ordinance;
10

11 (7) Submit to the Administrator any changes or any requested changes in the
12 fee schedule at least sixty (60) days prior to the effective date of the change and all
13 documentation which justifies the fee change;
14

15 (8) Provide emergency medical service and patient transport at no cost to the
16 patient when requested by the Administrator or his designee because an emergency
17 evacuation of persons from an area or zone is required by a declaration of a local state of
18 emergency by the Board;
19

20 (9) Notify the Administrator at least ninety (90) days prior to termination or
21 reduction of any service;
22

23 (10) Perform only those services specifically authorized by its certificate
24 endorsement(s), and abide by all restrictions, limitations, and exclusions as identified on
25 the certificate;
26

27 (11) Provide the Administrator with copies of updated, current records and/or
28 data which pertain to certificate application, personnel certification, and vehicle data,
29 within thirty (30) days of any change of said records; and
30

31 (12) Adopt the minimum standard pre-hospital treatment/transport protocols
32 approved and adopted by the County EMS Council. However, a certificate holder may
33 implement protocols which exceed the minimum standards adopted by the EMS Council.
34

35 (c) Acceptance of a secondary provider certificate with an ALS transport
36 endorsement and BLS transfer endorsement utilized only for non-emergency inter-facility
37 transfers shall obligate the applicant to:
38

39 (1) Provide ALS transportation service to the entire zone or geographical area
40 as stated on the certificate of public convenience and necessity and BLS transfer service
41 for non-emergency inter-facility transfers;
42

43 (2) Respond to another certificate holder's zone or area, when requested to do
44 so by MedCom, for emergency medical calls when the certificate holder for that zone or
45 area is unable to respond, unless it will remove all coverage from its assigned area or
46 zone;
47

48 (3) Respond to all emergency medical calls unless all ALS units or air
49 ambulances are in service or are on other emergency medical or medical calls;
50

51 (4) Abide by all requirements of this Ordinance and rules and regulations
52 adopted by the Board and all applicable federal, state and local laws;
53

54 (5) Provide access to the applicant's business and ALS units, BLS transfer
55 units utilized for non-emergency inter-facility transfers, or air ambulances for inspection
56 by the Administrator pursuant to sections 13-26, 13-30 and 13-31 of this Ordinance;
57

58 (6) Post at the place of business a copy of the fee schedule required under this
59 Ordinance;
60

1 (7) Submit to the Administrator any changes or any requested changes in the
2 fee schedule at least sixty (60) days prior to the effective date of the change and all
3 documentation which justifies the fee change;

4
5 (8) Provide emergency medical service and patient transport at no cost to the
6 patient when requested by the Administrator or his designee because an emergency
7 evacuation of persons from an area or zone is required by a declaration of a local state of
8 emergency by the Board;

9
10 (9) Notify the Administrator at least ninety (90) days prior to termination or
11 reduction of any service;

12
13 (10) Perform only those services specifically authorized by its certificate
14 endorsement(s), and abide by all restrictions, limitations, and exclusions as identified on
15 the certificate;

16
17 (11) Provide the Administrator with copies of updated, current records and/or
18 data which pertain to certificate application, personnel certification, and vehicle data,
19 within thirty (30) days of any change of said records.
20

21 **Section 11. PROVISION OF PATIENT OUTCOME DATA.**
22

23 Hospitals shall, upon request of an EMS provider agency, provide outcome data
24 to the EMS provider agency on individual patients that were transported to said hospital
25 by that agency for the purpose of statistical analysis by the agency's quality assurance and
26 management/improvement program. The outcome data shall consist of admission and/or
27 discharge diagnoses on any and all patients transported to said hospital by the requesting
28 EMS provider agency. An EMS provider agency may not request outcome data on any
29 patients other than those which were treated initially and/or transported by said EMS
30 provider agency. All such requests for outcome data shall be used exclusively by the
31 individual EMS provider agency's quality management/improvement program, and as
32 such, are confidential and protected from discovery as specified by Florida Statutes §§
33 395.401, 401.265, and 401.425.
34

35 **Section 12 VEHICLE PERMITS.**
36

37 (a) Certificate holders shall be subject to random and routine inspections of their ALS
38 units, ALS vehicles, BLS transfer units, and air ambulances. ALS vehicles, ALS units,
39 BLS transfer units, and air ambulances found acceptable by the Administrator shall be
40 issued a permit, in the form of an adhesive decal, which shall be affixed to the ALS
41 vehicles, ALS units, BLS transfer units and air ambulances. Permits shall be valid for one
42 (1) year from date of issue.
43

44 (b) A fee, as established by resolution of the Board of County Commissioners, shall
45 be required for each permit issued.
46

47 (c) If, during an inspection, the Administrator ascertains that an ALS vehicle, ALS
48 unit, BLS transfer unit or air ambulance, or its equipment does not comply with the
49 standards as set forth in Florida Statutes, ch. 401, or this Ordinance, the Administrator
50 may suspend or revoke its respective permit until the certificate holder can establish that
51 the ALS vehicle, ALS unit, BLS transfer unit or air ambulance is once again in
52 compliance. The Administrator shall allow the certificate holder a maximum of thirty
53 (30) days to comply and shall report all permit suspensions or revocations and pertinent
54 information to the Emergency Medical Services Council.
55

56 (d) ALS vehicles, ALS units, BLS transfer units or air ambulances with suspended
57 permits which are not brought into compliance within the time specified by the
58 Administrator, shall have its permit revoked. It shall be a violation of this Ordinance for
59 an ALS vehicle, ALS unit, BLS transfer unit or air ambulance with a suspended or
60 revoked permit to operate within the County.
61

(e) A certificate holder which has had a permit revoked must apply to the Administrator for a new permit and shall pay the required fee.

(f) A certificate holder may appeal the revocation of permit by appearing before the EMS Council at one of its regularly scheduled meetings. A certificate holder seeking to appeal a permit revocation shall make said request in writing to the EMS Council through the Administrator, the Administrator shall then advise the certificate holder of the date and time the appeal may be heard.

(g) The EMS Council shall hear the appeal and vote to either uphold or rescind the revocation. All decisions of the EMS Council shall be final.

Section 13 RULES AND REGULATIONS.

The Administrator, in consultation with the EMS Council, is hereby authorized to prepare such rules and regulations necessary to carry out the purpose of this Ordinance, and shall present these rules and regulations for consideration to the Board of County Commissioners at a public hearing.

The Board may adopt and subsequently amend rules and regulations adopted hereunder at a public hearing, provided notice of the proposed change has been presented to the EMS Council and to the certificate holder for review no later than thirty (30) days prior to consideration by the Board.

Section 14. GENERAL PROHIBITION.

It shall be a violation of this Ordinance, and shall be reported to the Emergency Medical Services Council, for any person, business entity or governmental agency to:

(1) Obstruct, bar or otherwise interfere with an inspection conducted under the purview of this Ordinance and/or the rules and regulations adopted hereunder;

(2) Make an omission of a material fact or a false statement in any application or other document filed with the Administrator;

(3) By telephone or otherwise, cause to be placed or place a false emergency medical call;

(4) Violate or fail to observe any requirement of this Ordinance, or any rule, regulation or order under the provision of this Ordinance;

(5) Represent herself, himself, or itself as an advanced life support transportation service, an advanced life support service, air ambulance service, or engage in the business of conducting an advanced life support transportation service, advanced life support service, inter-facility transfer, air ambulance service, and/or respond to medical calls in the County without first obtaining an appropriate certificate of public convenience and necessity from the Board as provided herein and the necessary state licenses, except as otherwise provided pursuant to Florida Statutes, ch. 401.33.

(6) Operate an ALS unit, vehicle, BLS transfer unit or air ambulance that does not meet the requirements of this Ordinance; or

(7) Obstruct, bar, or otherwise interfere with patient care.

Violations of this Ordinance shall be punishable or as provided herein or as provided in accordance with Florida Statutes, ch. 125.69. Each day of continuing violation shall be considered a separate offense.

Section 15. DEFICIENCIES.

(a) Whenever the Administrator determines, by inspection or otherwise, that a certificate holder is not in compliance with requirements under this Ordinance or its rules

1 and regulations, Florida Statutes, ch. 401, Rule 64J(F.A.C.) or any other applicable law,
2 the Administrator shall order the certificate holder to correct such deficiency.

3
4 (b) Every such correction order, whether verbal or written, shall include a statement
5 of the deficiencies found, the period prescribed within which a deficiency must be
6 corrected, and the provision of the law relied upon. The affected certificate holder may
7 file a written request with the Administrator for reconsideration of the order or any
8 portion thereof, within five (5) calendar days of the receipt of such order. Failure of the
9 Administrator to respond to the certificate holder's written request for reconsideration
10 within seven (7) calendar days of receipt shall void the correction order. All information
11 shall be forwarded to the Emergency Medical Services Council.
12

13 **Section 16. COMPLAINT PROCEDURE.**

14 (a) All complaints filed against a certificate holder shall be reviewed. The certificate
15 holder who is the subject of said complaint shall be immediately notified of same. The
16 Administrator may designate a committee to conduct this review. The findings of said
17 committee will be submitted to the Administrator. If this review substantially verifies that
18 a violation of this Ordinance and/or rules and regulations adopted hereunder, or any
19 applicable law has occurred, the Administrator may conduct an investigation. The
20 Administrator shall be provided access to the certificate holder's business records for
21 inspection to assist in said investigation. Upon completion of the investigation, the
22 Administrator may present his/her recommendation to the EMS Council for their review
23 and recommendation prior to submission to the Board of County Commissioners.
24

25 (b) If the Administrator or Emergency Medical Services Council finds through an
26 investigation that revocation, suspension, or modification of a certificate is warranted, the
27 Administrator shall notify the certificate holder by certified mail, and the Board of
28 County Commissioners in writing, of such investigative findings. This notice shall state
29 the reasons for any finding and establish a public hearing date. The public hearing shall
30 be held by the Board of County Commissioners for the purpose of considering the
31 Administrator's investigation and recommendation. The Administrator shall forward the
32 public hearing results to the state EMS office.
33

34 **Section 17. CERTIFICATION REVOCATION, MODIFICATION, SUSPENSION.**

35
36 (a) Every certificate issued pursuant to this Ordinance is subject to revocation,
37 modification, suspension or fines where it is found that:
38

39 (1) The certificate holder has failed or neglected to adhere to this Ordinance
40 or the rules and regulations promulgated by the Board, Florida Statutes, ch. 401, and any
41 other applicable law, or has failed to abide by the conditions and restrictions stated on the
42 certificate; or
43

44 (2) The application submitted to secure a certificate of public convenience and
45 necessity from the Board of County Commissioners contains a false representation or
46 omitted material facts; or
47

48 (3) The certificate holder, or its agent, has demanded money or other
49 compensation in excess of that established in its schedule of fees filed with the Board
50 pursuant to this Ordinance; or
51

52 (4) The certificate holder has failed to comply with a correction order issued
53 under section 13-29 of this Ordinance; or
54

55 (5) The certificate holder has been adjudicated guilty of a felony, unless the
56 certificate holder's civil rights have been restored; or
57

58 (6) The certificate holder has been found guilty, by a court of competent
59 jurisdiction, of any criminal offense involving moral turpitude; or
60

1 (7) The certificate holder has committed malpractice or negligence in the
2 operation of its service; or

3
4 (8) The certificate holder has had their/its state license revoked or suspended.
5

6 (b) The EMS Council shall review and make recommendation to the Board of County
7 Commissioners regarding certificates subject to revocation, modification, or suspension.
8 The Board of County Commissioners may either accept or reject the recommendation of
9 the EMS Council.
10

11 (c) Notwithstanding the procedures and substantive requirements for the issuance of a
12 certificate, the Board reserves the right, without a public hearing, to designate a current
13 certificate holder to complete the term of another certificate holder whose certificate has
14 been revoked or otherwise terminated.
15

16 **Section 18. EMERGENCY POWERS.**
17

18 If a situation exists which poses a serious or imminent threat to the health, safety,
19 welfare, or public need and convenience, the Administrator shall have such temporary
20 emergency powers as are necessary to remedy the situation,
21

22 **Section 19. EXCLUSION FROM CERTIFICATE OR PERMIT REQUIREMENT.**
23

24 Certificates or permits shall not be required for:
25

26 (1) The transport of a patient or passenger pursuant to the Good Samaritan Act,
27 Florida Statutes, ch. 768.13;
28

29 (2) ALS and/or BLS units or air ambulances based outside the County which pick up
30 a patient outside the County and transport them into the County, or which pick up a
31 patient inside the County and transport them out of the County;
32

33 (3) All ALS vehicles which serve primarily as administrative vehicles;
34

35 (4) Those ALS and/or BLS units and services that are exempt pursuant to Florida
36 Statutes, § 401.33;
37

38 (5) ALS or BLS units providing mutual or automatic aid to a zone or area when the
39 zone or area's permitted ALS units are unable to respond, or when the patient's condition
40 necessitates immediate transportation as identified in the minimum standard pre-hospital
41 treatment protocols as approved and adopted by the county EMS Council, or as
42 confirmed by Medical Control; or
43

44 (6) ALS or BLS units or air ambulances from another county which respond when
45 requested through an officially executed mutual aid agreement.
46

47 **Section 20. ENFORCEMENT; PENALTIES.**
48

49 (a) *Enforcement.*
50

51 (1) This Ordinance shall be enforced by personnel authorized by the
52 Administrator, and law enforcement officers within their respective jurisdictions.
53

54 (2) Any violation of this Ordinance is a civil infraction.
55

56 (3) Any certificate holder who has committed an act in violation of this
57 Ordinance shall receive a citation from the Administrator's authorized personnel or any
58 law enforcement officer who has reasonable cause to believe that the certificate holder
59 has committed a civil infraction in violation of this Ordinance.
60

61 (4) The county court shall have jurisdiction over all violations of this
62 Ordinance.

1
2 (5) The county clerk shall:

3
4 a. Accept designated fines and issue receipts therefore.

5
6 b. Provide a uniform citation form serially numbered for notifying
7 alleged violators to appear and answer to charges of violation of this Ordinance. Such
8 citation forms shall be issued to and receipted by the Administrator.
9

10 (6) Violation of any provision of this Ordinance shall be punishable by a fine
11 not to exceed five hundred dollars (\$500.00).
12

13 (7) Any certificate holder issued a citation shall be deemed to be charged with
14 a civil violation and shall comply with the directives on the citation.
15

16 (8) Payment shall be made, either by mail or in person, to the violations
17 bureau within the time specified on the citation. If a certificate holder follows this
18 procedure, he or she shall be deemed to have admitted the infraction and to have waived
19 his or her right to a hearing on the issue of commission of the infraction.
20

21 (9) All fines collected as a result of said citations (except those fines collected
22 as a result of citations issued by municipal law enforcement officers, which shall be
23 remitted by the clerk of the court directly to the municipality issuing the citation) shall be
24 paid into the county treasury and deposited into an account designated for use by the
25 Administrator.
26

27 (10) Any certificate holder who fails to make payment within the specified
28 period shall be deemed to have waived his or her right to pay the civil penalty as set forth
29 in the citation.
30

31 (11) Any certificate holder who elects to appear before the court to contest the
32 citation shall be deemed to have waived his or her right to pay the civil penalty. The
33 court, after a hearing, shall make a determination as to whether a violation has occurred
34 and may impose a civil penalty not to exceed five hundred dollars (\$500.00) plus court
35 costs.
36

37 (12) If a certificate holder fails to pay the civil penalty, or fails to appear in
38 court to contest the citation, he or she shall be deemed to have waived his or her right to
39 contest the citation, and in such case, a default judgment may be entered and the judge
40 shall impose a fine at that time. An order to show cause may be issued. If the fine is paid,
41 the case shall be dismissed. If the fine is not paid, judgment may be entered up to the
42 maximum civil penalty.
43

44 (13) Any certificate holder cited for an infraction under this Ordinance shall
45 sign and accept the citation indicating a promise to pay the fine or appear in court. Any
46 certificate holder who willfully refuses to sign and accept a citation issued by an officer
47 shall be guilty of a misdemeanor of the second degree, punishable as provided by Florida
48 Statute § 775.082 or 775.083, as may be amended.
49

50 (14) The certificate holder may require mandatory court appearances for
51 violations resulting in the issuance of a third or subsequent citation to a certificate holder.
52 The citation shall clearly inform the certificate holder of the mandatory court appearance.
53 The Administrator shall maintain records to prove the number of citations issued to the
54 certificate holder. Certificate holders required to appear in court do not have the option of
55 paying the fine instead of appearing in court.
56

57 (15) It is the purpose of this Ordinance to provide additional cumulative
58 remedies. Each violation of this Ordinance and/or the rules and regulations adopted
59 hereunder, and each day in which a continuing violation of this Ordinance exists, shall
60 constitute a separate offense. Multiple offenses may result in a review as identified in
61 section 13-31 of this Ordinance.
62

1 (16) Emergency requests. For every advanced life support emergency request
2 to which the certificate holder's response time exceeds eight (8) minutes if serving as a
3 primary ALS provider or ten (10) minutes if serving as a secondary provider, the
4 certificate holder shall be fined one hundred dollars (\$100.00) for each response.
5

6 (17) Unscheduled inter-facility non-emergency transfer requests and scheduled
7 inter-facility transfers and transports.
8

9 (18) The Administrator or the court, as the case may be, in its discretion, may
10 excuse a violation of this Ordinance upon a showing of good cause by the certificate
11 holder.
12

13 (19) With the exception of an appeal by a certificate holder from the
14 enforcement provisions herein, a violation of this Ordinance shall create no inference or
15 presumption in any other legal or administrative proceeding.
16

17 (20) Requests for transport of emergency medical patients in which the
18 certificate holder's response time exceeds eight (8) minutes, the certificate holder shall be
19 fined fifty dollars (\$50.00) for each late response.
20

21 (21) Requests for transport of an urgent nature, but which are not of an
22 emergency medical classification and have not been prescheduled more than twenty-four
23 (24) hours in advance of the requested pickup to which the certificate holder's advanced
24 life support unit responds later than thirty (30) minutes after the scheduled time of
25 pickup, the certificate holder shall be fined fifty dollars (\$50.00) for each response.
26

27 (22) For every routine scheduled transport, made twenty-four (24) or more
28 hours in advance of the requested pickup to which the certificate holder's responds later
29 than fifteen (15) minutes after the scheduled time of pickup, the certificate holder shall be
30 fined fifty dollars (\$50.00) for each response.
31

32 (23) The certificate holder shall be fined one hundred dollars (\$100.00) in the
33 event that the response time report required to be supplied by the certificate holder
34 pursuant to the rules and regulations adopted hereunder is incomplete, illegible,
35 inaccurate, altered, falsified or is not submitted as required.
36

37 *Exception:* The provisions of this subsection do not apply to governmental entities.
38

39 (b) *Penalties.* Notwithstanding any other provisions herein, a violation of any
40 provision of this Ordinance or the rules and regulations adopted hereunder shall be
41 prosecuted in the same manner as a misdemeanor pursuant to Florida Statutes, ch.
42 125.69, and, upon conviction, the violator shall be subject to a fine not to exceed five
43 hundred dollars (\$500.00) and/or imprisonment in the County jail for not more than sixty
44 (60) days, or both such fine and imprisonment. Each day that a violation continues shall
45 be considered a separate offense.

46 **Section 21. REPEAL OF LAWS IN CONFLICT.**

47 All local laws and Ordinances in conflict with any provisions of this Ordinance
48 are hereby repealed to the extent of such conflict.

49 **Section 22. SAVINGS CLAUSE.**

50 Notwithstanding anything to the contrary, all provisions of Palm Beach County
51 Code Section 13-16 through 13-34, codifying Palm Beach County Ordinance No. 2001-
52 25, as amended, are specifically preserved and remain in full force and effect for the
53 limited purpose of enforcing any alleged violations of said Code which occurred prior to
54 its repeal or amendment.

1 **Section 23. SEVERABILITY.**

2 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is
3 for any reason held by a Court of competent jurisdiction to be unconstitutional,
4 inoperative, or void, such holding shall not affect the remainder of this Ordinance.

5 **Section 24. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

6
7 The provisions of this Ordinance shall become and be made a part of the Palm
8 Beach County Code. The sections of this Ordinance may be renumbered or relettered to
9 accomplish such, and the word Aordinance@ may be changed to Asection,@ Aarticle,@ or
10 other appropriate word.

11 **Section 25. ENFORCEMENT**

12 This Ordinance is enforceable by all means provided by law. Additionally, the
13 County may choose to enforce this Ordinance by seeking injunctive relief in the Circuit
14 Court of Palm Beach County.

15 **Section 26. PENALTY.**

16 Any violation of any portion of this Ordinance shall be punishable as provided by
17 law.

18 **Section 27. CAPTIONS.**

19 The captions, section headings, and section designations used in this Ordinance
20 are for convenience only and shall have no effect on the interpretation of the provisions
21 of this Ordinance.

22 **Section 28. EFFECTIVE DATE.**

23 The provisions of this Ordinance shall become effective upon filing with the
24 Department of State.
25

26 APPROVED and ADOPTED by the Board of County Commissioners of Palm
27 Beach County, Florida, on this the _____ day of _____, 2010.

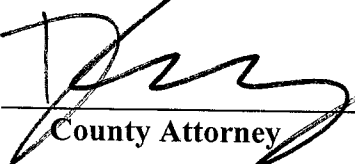
28
29 **ATTEST** **PALM BEACH COUNTY, FLORIDA,**
30 **SHARON R. BOCK,** **BY ITS BOARD OF COUNTY**
31 **CLERK & COMPTROLLER** **COMMISSIONERS**

32
33
34 By: _____
35 Deputy Clerk

34 By: _____
35 Chair

36
37
38 **APPROVED AS TO FORM AND**
39 **LEGAL SUFFICIENCY**

38 **APPROVED AS TO TERMS**
39 **AND CONDITIONS**

40
41
42 By: 
43 County Attorney

40
41
42 By: 
43 Department Director

44
45 **EFFECTIVE DATE:** Filed with the Department of State on the ____ day of
46 _____, 2010.

PALM BEACH COUNTY ORDINANCE
NO. 2010-_____

**RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC SAFETY
EMERGENCY MEDICAL SERVICES SECTION**

PURPOSE

These, rules and regulations are issued as authorized by Section 13-27, Palm Beach County Code of Ordinances, as amended by Ordinance No. 2010-_____, for the purpose of improving the quality of pre-hospital emergency medical care to the residents and visitors of the County. Further, it is the purpose of these rules and regulations to promote the policy of the County to reduce the morbidity and mortality of trauma, to maintain a level of care and service in which quality and accessibility are paramount, and to speed the healing of persons who are sick or otherwise in need of pre-hospital emergency medical services.

1 **SECTION I: GENERAL**

2 **A. APPLICATIONS**

3 1. An "Application for EMS Certificate Form" (PBC Form 0988) shall be
4 completed by the applicant. This form shall accompany every application for Certificate
5 of Public Convenience and Necessity and be submitted to the Division of Emergency
6 Management EMS Office.

7 2. Applications for Certificates of Public Convenience and Necessity shall
8 include copies of the appropriate State of Florida Department of Health and
9 Rehabilitative Services EMS application forms and shall accompany the applicant's
10 request for Certification.

11 **B. COMPLAINTS AND INVESTIGATIONS**

12
13 1. Complaints about a Certificate Holder shall be reviewed after the
14 complaint has been submitted in writing to the Administrator or his designee. The
15 complaint should state the date, time, nature of the incident, location of the incident, and
16 any other information relative to the incident which may assist the Administrator in his
17 review. The Administrator shall review the complaint, and if warranted, conduct an
18 investigation. The Administrator may present the findings to the EMS Council.

19 2. The Administrator shall review the complaint, and if warranted, conduct
20 an investigation. The Administrator may present the findings to the EMS Council.

21 **C. OPERATING PROCEDURES**

22 1. Each Certificate Holder shall maintain a central place of business and any
23 additional places within the Zone(s) or Area(s) calculated to provide minimum response
24 time to emergency medical calls. At the central place of business there shall be:

25 1.1 a filing system and adequate storage space for all records required
26 by this Ordinance;

27 1.2 a copy of all pertinent laws, rules and regulations regulating
28 emergency medical services in Palm Beach County;

29 1.3 a conspicuously posted schedule of all rates charged by the
30 Certificate Holder;

31 1.4 the Certificate of Public Convenience and Necessity conspicuously
32 posted; and

1.5 the State License conspicuously posted.

2. Every Certificate Holder shall be require to operate a sufficient number of Advanced Life Support Vehicles or Units, and implement necessary policies/procedures to ensure an average en route time of not greater than three (3.0) minutes average "en route" response to all emergency medical calls occurring within their Zone or Area per calendar month.

2.1 Every Primary Provider Advanced Life Support Certificate Holder shall be required to operate a sufficient number of Advanced Life Support units and implement necessary policies/procedures to ensure an average Response Time of eight (8.0) minutes to all emergency medical calls occurring within their Zone or Area per calendar month.

2.2 Every Secondary Provider Advanced Life Support Certificate Holder shall be required to operate a sufficient number of Advanced Life Support units, and implement necessary policies/procedures to ensure an average Response Time of ten (10.0) minutes to all emergency medical calls occurring within their Zone or Area per calendar month.

3. A schedule of rates shall be provided or made available to each patient upon request.

3.1 Under no circumstances shall payment be required prior to emergency transportation of those patients requiring further medical treatment at a hospital.

3.2 The Certificate Holder may request payment prior to transport when responding to medical calls or when higher medical authority has determined, and the patient examination record states, that ambulance transportation is not required.

4. Any request for modification or alteration of the requirements of this section must be submitted in writing to the Administrator of his designee and be approved by the Administrator or his designee. All requests shall clearly state the reason(s) for the modification or alteration and shall be exact in the detail identifying the

benefit to the patient. The Administrator may deny or approve any request for modification or alteration and report the actions to the EMS Council.

D. COMMUNICATIONS EQUIPMENT

1. All ALS units, vehicles, and Air Ambulances which respond to emergency medical or medical calls shall possess functional operating capability of direct two-way radio communication with MedCom and be in compliance with the State of Florida Emergency Medical Services Communications Plan.

2. All Certificate Holders shall have the availability of two-way radio contact with their ALS units, vehicles, or Air Ambulances which respond to emergency medical or medical calls. All Special Secondary Service Providers shall, at their own expense, ensure direct 2-way radio communications with the Primary Service Providers, as specified by the Primary Providers.

3. Every ALS unit, vehicle, or Air Ambulance responding to emergency medical calls dispatched by MedCom shall notify MedCom when en route to a call, arrival at a call, en route to the hospital, arrival at the hospital, and when available for another call.

4. Any requests for modification or alteration to the requirements of this section must be submitted in writing to the Administrator. All requests shall clearly state the reason(s) for the modification or alteration and shall be exact in the detail identifying the benefit to the patient. The Administrator may deny or approve any request for modification or alteration and shall report the actions to the EMS Council.

E. PATIENT ATTENDANTS

1. Every ALS unit or vehicle and BLS transfer unit shall be staffed according to the standards identified in the Rules and Regulations of Florida Statute Chapter 401 as it pertains to paramedic and emergency medical technician patient attendants.

2. Duties of Patient Attendants:

2.1 provide medical assistance to the patient as required through oral or written protocol;

2.2 ensure that each patient in need of additional medical care is offered a means of transportation from the scene to an appropriate medical facility; and

1 2.3 determine appropriate medical facility destination from the agency
2 Medical Director or through oral or written protocols when
3 transport is required.

4 3. Personnel attending a patient shall:

5 3.1 not direct, any patient to any specific facility, agency or other
6 service occupation or profession for the private or personal gain of
7 the ambulance driver or attendant;

8 3.2 not smoke in vehicles that are used, or that may be used, to
9 transport patients; and

10 3.3 not ask for remuneration in excess of, or in addition to, that listed
11 in the fee schedule of rates provided to the Administrator and
12 posted in the central place of business.

13 4. When a patient attendant is evaluating the appropriate mode of patient
14 transport to a medical facility, the choice shall be made in consideration of patient
15 condition and the availability of ambulances, or the direction of higher medical
16 authority or patient preference.

17 **F. VEHICLES**

18 1. Every ALS unit, ALS vehicle, BLS transfer unit, and Air Ambulance
19 purchased for use, or intended for use, within Palm Beach County shall be inspected by
20 the Administrator or his designee to ensure that each ALS unit, ALS vehicle, BLS
21 transfer unit, and Air Ambulance meets all applicable laws of the State, of Florida and
22 Palm Beach County laws as it pertains to ALS units, ALS vehicles, BLS transfer units,
23 and Air Ambulances.

24 2. The Certificate Holder shall notify the Administrator or his designee when
25 a new ALS unit, ALS vehicle, BLS transfer unit or Air Ambulance is placed into
26 operation and shall, within five (5) days of placing the ALS unit, ALS vehicle, BLS
27 transfer unit, or Air Ambulance into operation, have the ALS unit, ALS vehicle, BLS
28 transfer unit, or Air Ambulance inspected.

29 2.1 ALS units, ALS vehicles, BLS transfer unit, and Air Ambulances found to
30 be in compliance with all applicable laws of the State of Florida and Palm Beach County
31 shall be granted authority to operate in Palm Beach County by being issued a Permit.

3. Each authorized ALS unit, ALS vehicle, and BLS transfer unit, shall also meet current State of Florida motor vehicle standards.

G. RECORDS

1. Emergency medical service response and other records maintained by the service as required by the State of Florida and this Ordinance, shall be accessible to the Administrator or his designee.

2. Insurance policies, or certificates thereof, or certified copies of such insurance policies shall be provided to the Administrator and shall provide for a thirty (30)-day cancellation notice to the Division of Emergency Management, EMS office. Agencies which are self-insured shall provide evidence that the insurance plan has been approved by the Department of Insurance, State of Florida.

3. On a monthly basis, each service provider (Primary, Secondary, Special Secondary, Air Ambulance) shall submit a response time report to the Administrator. Reports shall include a minimum of the following items: total number of EMS calls responded to by Zone or Area, total number of calls with an over 8.0 minute response time (over 10.0 minutes for Secondary Providers, over 20.0 minutes for Aeromedical Providers) by Zone or Area, average en route time by Zone or Area, and average response time by Zone or Area.

H. INSPECTIONS

1. The Administrator, or his designee, shall inspect each holder of an EMS Certificate prior to, and as a continuing part of, the Certification process. This inspection shall determine the continuing compliance to the Ordinance, these Rules and Regulations and State Law by the Certificate Holder as a condition of Certificate and Permit issuance.

2. Inspections shall be conducted periodically and may be conducted without notice to the Certificate Holder at reasonable times and whenever such inspection is deemed necessary by the Administrator. Inspections shall be conducted without impeding patient care.

3. If, during the course of an inspection, a situation is found which, in the determination of the Administrator, will jeopardize the safety or welfare of the EMS personnel or patient care, the Administrator may exercise the powers available identified in Section 18 of the Ordinance to ensure compliance of the Certificate Holder with the

Ordinance.

I. RESPONSE TIMES.

1. Primary Certificate Holders shall promptly dispatch an Advanced Life Support unit or vehicle to every emergency medical call reported within their Zone or Area. Each Certificate Holder shall insure all en route times and response times are measured from the receipt at the Public Safety Answering Pont or dispatch center.

1.1 Primary Provider Advanced Life Support units or vehicles shall maintain not greater than three (3.0) minutes en route time to each emergency medical call within that Certificate Holder's primary Area or Zone. Each Certificate Holder shall maintain, on a monthly basis, an average en route time of not greater than three (3.0) minutes, to all emergency medical calls within their primary Zone or Area. Every emergency medical call in which an Advanced Life Support unit or vehicle takes longer than three (3.0) minutes to be en route, or which cannot be responded to by the Certificate Holder, shall be recorded by the Certificate Holder and kept on file at its central place of business and made available to the Administrator or designee upon request. Excluded from these requirements are all calls not received as an emergency, all inter-facility transports, all calls responded to for stand-by, and all calls with a disposition of "cancel" or "assist".

1.2 Any Certificate Holder, dispatched or otherwise requested to respond by MedCom, shall notify MedCom when they are unable to have en route, an Advanced Life Support unit or ALS vehicle within three (3.0) minutes of receipt of a call. This notification to MedCom shall indicate: when an ALS unit or ALS vehicle will be available to respond and its estimated time of arrival; and the actual location of the ALS unit or ALS vehicle available to respond. MedCom may allow the next available Advanced Life Support unit or ALS vehicle of the Certificate Holder to respond or may secure response from another Certificate Holder.

1.3 Primary Provider Advanced Life Support Units or ALS vehicles shall maintain not greater than an eight (8.0) minute response time to each emergency medical call within that Certificate Holder's primary Zone or Area. Each Certificate Holder shall maintain, on a monthly basis, an average response time of not greater than eight (8.0) minutes to all emergency medical calls within their primary Zone or Area. This revision shall become effective January 1, 2008. Every emergency medical call in which an Advanced Life Support unit or ALS vehicle takes longer than eight (8.0) minutes to arrive at the scene shall be recorded and kept on file for review by the Administrator. Excluded from these requirements are all calls not received as an emergency, all inter-facility transports, all calls responded to for stand-by, and all calls with a disposition of cancel or assist, and all calls which occur during a natural or man-made disaster.

1.4 If a Certificate Holder's Non-Advanced Life Support vehicle arrives on scene first and ascertains no medical severity of the patient(s), the Non-Advanced Life Support vehicle may slow or cancel the response of the responding Advanced Life Support unit.

1.5 Any permitted ALS unit which is operated by a Secondary Provider within a zone shall arrive at the scene of each emergency medical call within ten (10.0) minutes of receipt of the call by the Certificate Holder. Each Secondary Provider Certificate Holder must maintain an average of at least ten (10.0) minutes, from the receipt of call to arrival at the scene with an Advanced Life Support unit, for all of the Certificate Holder's emergency responses within each Zone or Area on a monthly basis. Every emergency medical call in the Secondary Provider zone which takes longer than ten (10.0) minutes for its ALS unit ambulance to arrive at the scene shall be recorded and kept on file for review by the Administrator. Excluded from these requirements are all calls

1 not received as an emergency, all calls responded to for stand-by,
2 all calls with the disposition of cancel or assist, delays en route as
3 approved by the Administrator, and all calls in which the response
4 is delayed due to being slowed by MedCom or an on-scene
5 Primary Provider, and calls which occur during a local, natural or
6 man-made disaster.

7 2. Every Certificate Holder shall provide the Administrator, upon request
8 with a monthly recording of the following:

9 2.1 the time each emergency call was received by the agency; and

10 2.2 the time an ALS vehicle, ALS unit, or Air Ambulance was
11 dispatched; and

12 2.3 the time the responding ALS vehicle, ALS unit, of Air Ambulance
13 was en route; and

14 2.4 the arrival time of the respective ALS vehicle, ALS unit, or Air
15 Ambulance.

16 3. Patient transport by a Certificate Holder in a vehicle other than a Permitted
17 Advanced Life Support unit, Basic Life Support transfer unit for non-emergency inter-
18 facility transfer or air ambulance shall be recorded by the Certificate Holder and a copy
19 shall be forwarded to the Administrator for review within ten (10) days of any such
20 occurrence. This recording shall indicate the date, time, and location of the incident and
21 a statement of the justification for the transport.

22 4. Priority Dispatch

23 4.1 Agencies using a nationally recognized priority dispatch system
24 may apply for a waiver to modify the time limits imposed by these
25 rules. The determination to grant the waiver shall rest with the
26 Administrator, and must have the approval of the EMS Council.
27 Any waiver granted by the Administrator must establish the
28 specific time limits that will be met by the agency receiving the
29 waiver.

30 4.2 For calls classified by the priority dispatch system as life
31 threatening the time limits established in the waiver shall not be

1 more than those contained in Section I, 1.1 through part 1.5, of
2 these rules.

3 4.3 A waiver for response times may be revoked by the Administrator
4 at any time.

5 5. Response Times for Air Ambulance.

6 5.1 When requested by MedCom and when flight conditions permit,
7 Certificate Holders shall promptly dispatch an Air Ambulance to
8 emergency medical calls.

9 5.2 An Air Ambulance shall be en route to emergency medical calls
10 within an average of five (5.0) minutes of the Air Ambulance
11 crew's receipt of the call. Excluded from these requirements are all
12 calls not received as an emergency, all inter-facility transports, all
13 calls responded to for stand-by, and all calls with a disposition of
14 "cancel" or "assist." This shall be calculated on a calendar month
15 basis for the Certificate Holder.

16 5.3 An Air Ambulance responding to emergency medical calls shall
17 arrive on the scene of an emergency medical call within an average
18 of twenty (20.0) minutes of that unit's receipt of the call This
19 average shall be calculated on a calendar month basis for the
20 Certificate Holder.

21 5.4 The number of emergency medical calls responded to by the
22 Certificate Holder in which response time exceeds twenty (20.0)
23 minutes shall not be greater than 15% of the total number of
24 emergency medical calls responded to in each calendar month.

25 6. If the Certificate Holder is not able to dispatch an Air Ambulance within
26 five (5.0) minutes of receipt of the call, the Certificate Holder shall notify MedCom. This
27 notification to MedCom shall indicate:

28 6.1 When an aircraft will be available to respond; and

29 6.2 The actual location of the available aircraft to respond.

30 7. Response times for inter-facility / inter-hospital transfers.

31 7.1 Requests for transport of emergency medical patients must be

1 responded to by having an ALS unit at the requesting facility
2 within eight (8.0) minutes after receipt of the call. An Air
3 Ambulance responding to requests for transport of emergency
4 medical patients shall arrive at the requesting facility within twenty
5 (20.0) minutes of the unit's receipt of the call.

6 7.2 Requests for transport of an urgent nature, but which are not of an
7 emergency medical classification and have not been-pre-
8 scheduled, must be responded to within thirty (30.0) minutes of the
9 agreed upon time. This response must be maintained for an
10 average of ninety (90%) percent of the calls for each calendar
11 month.

12 7.3 Response times for routine scheduled calls shall be responded to
13 by having an ALS unit for Advanced Life Support patients or BLS
14 transfer unit for Basic Life Support patients at the requesting
15 facility within (15.0) minutes of the agreed scheduled time. This
16 response must be maintained for an average of ninety (90%)
17 percent of the calls for each calendar month.

18 7.4 In the event that the patient is not ready for transport within thirty
19 (30.0) minutes of arrival of the ALS unit, and BLS transfer unit the
20 responding agency may leave the requesting facility.

21 Upon request of the Administrator, EMS agencies shall provide response time
22 information pertaining to all or any portion of their inter-facility / inter-hospital transfers,
23 for any given period of time.

24 **J. DRIVERS AND PILOTS**

25 1. Drivers shall comply with the law of the State of Florida as it pertains to
26 emergency vehicle operators.

27 2. It is the duty of every driver of an ALS vehicle or ALS unit to:

28 2.1 promptly respond to emergency medical calls; and

29 2.2 when dispatched or requested to respond by MedCom, establish
30 and maintain two-way radio contact with MedCom; and

31 2.3 obey all traffic laws.

3. Drivers of ALS vehicles and ALS units shall not:
 - 3.1 direct, prescribe, or manipulate a patient to choose any particular facility, agency or other service, occupation or profession for the personal gain of the driver, patient attendant, or owner operator of the Primary or Secondary service; and
 - 3.2 smoke in any vehicle which patients are, or may be, transported; and
 - 3.3 ask for remuneration in excess of or in addition to that listed in the fee schedule provided to the Administrator.
4. Drivers of BLS transfer units utilized for inter-facility transfers shall not:
 - 4.1 direct, prescribe, or manipulate a patient to choose any particular facility, agency or other service, occupation or profession for the personal gain of the driver, patient attendant, or owner operator of the Secondary service; and
 - 4.2 smoke in any vehicle which patients are, or may be, transported; and
 - 4.3 ask for remuneration in excess of or in addition to that listed in the fee schedule provided to the Administrator.
5. Air Ambulance pilots shall comply with Federal Aviation Regulations and all applicable state and local statutes, regulations, rules, and ordinances governing Air Ambulance operations. It is the duty of every Air Ambulance pilot to:
 - 5.1 ensure the aircraft is airworthy and ready for flight; and
 - 5.2 maintain awareness of current and forecast weather conditions; and
 - 5.3 respond promptly to emergency calls; and
 - 5.4 maintain safety throughout the mission; and
 - 5.5 establish and maintain communication with MedCom.

SECTION II: RESPONSE OUTSIDE OF ZONE OR AREA

1. Certificates of Public Convenience and Necessity shall be valid only within the Zone or geographic Area specified on the Certificate.
2. Certificate Holders shall not respond to an emergency medical call in the

1 Zone or geographic Area of another Certificate Holder, unless:

2 2.1 the service is requested, by MedCom or the affected adjoining
3 service, to respond into the affected Zone or Area; or

4 2.2 an ALS vehicle or ALS unit of the Certificate Holder finds itself at
5 or near an emergency medical call in the Zone or Area of another
6 Certificate Holder, the ALS vehicle or ALS unit operator shall:

7 (a) advise MedCom of the proximity to the call and that it
8 intends to respond and render aid.

9 (b) MedCom will advise the responsible Certificate Holder that
10 another ALS vehicle or ALS unit is on-scene rendering aid.

11 The responsible Certificate Holder may respond to assist
12 the on-scene ALS vehicle or ALS unit.

13 2.3 Certificate Holders receiving emergency medical calls requesting a
14 response into an adjoining Zone(s) from agencies or persons other
15 than MedCom shall:

16 (a) obtain all pertinent information from the caller, including
17 the name of the caller, phone number, address of the call,
18 and a brief nature of the emergency, and

19 (b) respond to the call if the location and time to arrive will
20 benefit patient care; and

21 (c) relay the information to MedCom subsequent to the call.

22 3. Each Certificate Holder shall be responsible to provide emergency
23 medical response to calls outside of their assigned Zone(s) when required by MedCom, if
24 staffed and equipped ALS vehicles or ALS units are available unless it will remove all
25 coverage from its assigned Zone or Area.

26 4. MedCom shall assign ALS units to respond to calls outside of their
27 assigned Zone(s) by the proximity of the units to the patient.

28 **SECTION III: AREAS AND SECONDARY PROVIDER ZONES**

29 1. Certificates of Public Convenience and Necessity shall be valid only
30 within the Zone(s) or geographic Area(s) specified on the Certificate.

31 2. Secondary Provider Certificate Holders with an Inter-facility/Transfer

1 Endorsement may respond to medical calls and provide inter-facility transfers anywhere
2 within the County, using ALS units for emergency transfers or BLS transfer units for
3 non-emergency transfers permitted in Palm Beach County.

4 3. The EMS Certificate Zones for holders of Secondary Provider ALS
5 Transport Endorsements are as follows:

6 3.1 Zone 1: All of the unincorporated territory bounded on the North,
7 by the Martin-Palm Beach County Line; on the south by Hypoluxo
8 Rd. and its extension west to the L40 canal and its extension east to
9 the Atlantic Ocean; on the west to the range line dividing Ranges
10 39E/40E and its southerly extension to Southern Blvd., then
11 continuing south along the L40 canal to its intersection with the
12 westerly extension of Hypoluxo Rd. AND all of the incorporated
13 territory of:

- 14 (a) The Town of Jupiter
- 15 (b) The Village of Tequesta
- 16 (c) The Town of Jupiter Inlet Colony
- 17 (d) The Town of Juno Beach
- 18 (e) The City of Palm Beach Gardens
- 19 (f) The Village of North Palm Beach
- 20 (g) The Town of Lake Park
- 21 (h) The City of Riviera Beach
- 22 (i) The Town of Palm Beach Shores
- 23 (j) The Town of Mangonia Park
- 24 (k) The City of West Palm Beach
- 25 (l) The Town of Cloud Lake
- 26 (m) The Town of Glen Ridge
- 27 (n) The Town of Lake Clarke Shores
- 28 (o) The Village of Palm Springs
- 29 (p) The City of Lake Worth
- 30 (q) The City of Atlantis

- (r) The Town of Lantana
- (s) The Town of Manalapan
- (t) The Town of South Palm Beach
- (u) The Town of Haverhill
- (v) The City of Greenacres
- (w) The Village of Royal Palm Beach
- (x) The Town of Palm Beach
- (y) The Village of Wellington

3.2 Zone 2: All of the unincorporated territory bounded on the North by Hypoluxo Road, and its extension west to the L40 canal and its extension east to the Atlantic Ocean; on the west by the L40 canal from its intersection with the westerly extension of Hypoluxo Rd. south to its intersection with the Palm Beach-Broward County Line; on the east by the Atlantic Ocean. And all of the incorporated territory of;

- (a) The Town of Hypoluxo
- (b) The City of Boynton Beach
- (c) The Town of Ocean Ridge
- (d) The Town of Briny Breezes
- (e) The Town of Gulfstream
- (f) The City of Delray Beach
- (g) The Village of Golf
- (h) The Town of Highland Beach
- (i) The City of Boca Raton

[This revision shall become effective January 3, 2011]

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, (ORD. NO. 06-040) ENTITLED PALM BEACH COUNTY EMERGENCY MEDICAL SERVICES ORDINANCE OF 2010; PROVIDING FOR TITLE; PROVIDING FOR AUTHORITY AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR TERRITORIAL APPLICABILITY; PROVIDING FOR CERTIFICATE AND ENDORSEMENTS REQUIRED; PROVIDING FOR PROCEDURES FOR REQUESTING CERTIFICATE; PROVIDING FOR INVESTIGATION AND REVIEW OF APPLICATION; PROVIDING REQUIREMENT FOR BOARD APPROVAL IN GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; PROVIDING FOR TERM AND ASSIGNABILITY OF CERTIFICATES; PROVIDING FOR RIGHTS AND DUTIES GRANTED BY CERTIFICATE; PROVIDING FOR PROVISION OF PATIENT OUTCOME DATA; PROVIDING FOR VEHICLE PERMITS; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR GENERAL PROHIBITION; PROVIDING FOR DEFICIENCIES; PROVIDING FOR COMPLAINT PROCEDURES; PROVIDING FOR CERTIFICATION REVOCATION, MODIFICATION, SUSPENSION; PROVIDING EMERGENCY POWERS; PROVIDING EXCLUSION FROM CERTIFICATE OR PERMIT REQUIREMENT; PROVIDING FOR ENFORCEMENT; PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY; PROVIDING INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING ENFORCEMENT; PROVIDING PENALTY; PROVIDING CAPTIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, adopted the Palm Beach County Emergency Medical Services Ordinance, Chapter 13, Article II, (Ordinance No. 96-16); and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, repealed Palm Beach County Ordinance No. 96-16 and replaced it with Ordinance No. 2001-025; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, repealed Palm Beach County Ordinance No. 2001-025 and replaced it with Ordinance No. 2006-040; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, desires to amend Palm Beach County Ordinance No. 2006-040; and

WHEREAS, Chapter 401, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to provide and maintain for the citizens of said County standards which ensure their health, welfare and well being; and

WHEREAS, the Board of County Commissioners of Palm Beach County recognizes that the public health and safety of the residents and visitors of the County will best be served by enacting emergency medical services legislation; and

1 WHEREAS, in order to effectively promote the health, safety, and welfare of the
2 residents and visitors of Palm Beach County in need of emergency medical services, it is
3 necessary to establish reasonable standards for issuing Certificates of Public Convenience
4 and Necessity for Advanced Life Support, Advanced Life Support Transportation, and
5 Air Ambulance Services.

6 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
7 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

8 **Section 1. SHORT TITLE.**

9 This Ordinance shall be titled "Palm Beach County Emergency Medical Services
10 Ordinance of 2010."

11 **Section 2. AUTHORITY AND PURPOSE.**

12 This Ordinance is promulgated pursuant to Chapter 401, Florida Statutes. The
13 purpose of this Ordinance is to promote the health, safety, and welfare of the residents of
14 the County in need of emergency medical services by establishing standards for issuing
15 certificates of public convenience and necessity for advanced life support transportation
16 services, advanced life support services, and air ambulance services, and by providing
17 for the adoption of rules and regulations governing the zones, areas, and operation of
18 services as described herein.

19 **Section 3. DEFINITIONS.**

20 A. *Administrator* means the county administrator or his designee.

21 B. *Advanced life support* or *ALS* means treatment of life-threatening medical
22 emergencies through the use of techniques such as endotracheal intubation, the
23 administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac
24 defibrillation by a person qualified in accordance with Chapter 401, Florida Statutes.

25 C. *Advanced life support rescue* means the extrication and recovery of persons and
26 the use of advanced life support treatment that do not involve fire fighting as a regular
27 duty.
28

29 D. *Advanced life support service* means any person, firm, corporation, association, or
30 governmental entity owning or acting as an agent for the owner of any business or service
31 which furnishes, operates, conducts, maintains, advertises, engages in, proposes to
32 engage in, or professes to engage in the business or service of providing advanced life
33 support.
34

35 E. *Advanced life support (ALS) transportation service* means any person, firm,
36 corporation, association, or governmental entity owning or acting as an agent for the
37 owner of any business or service which furnishes, operates, conducts, maintains,
38 advertises, engages in, proposes to engage in, or professes to engage in the business or
39 service of responding to medical or emergency medical calls with ALS units and which
40 is endorsed by the county to routinely transport patients.
41
42

1 F. *Advanced life support unit* or *ALS transfer unit* means any land or water vehicle
2 that is designed, constructed, reconstructed, maintained, equipped or operated and is used
3 for or intended to be used for water or land ALS transportation of sick or injured persons
4 requiring or likely to require medical attention or emergency medical attention.
5

6 G. *Advanced life support vehicle* or *vehicle* means any vehicle which is staffed and
7 equipped to provide advanced life support treatment, but not used for transport.
8

9 H. *Air ambulance* means any aircraft used for, or intended to be used for, air
10 transportation of sick or injured persons requiring or likely to require medical attention
11 during transport.
12

13 I. *Air ambulance service* means any person, firm, corporation, association, or
14 governmental entity owning or acting as an agent for the owner of any business or service
15 which furnishes, operates, conducts, maintains, advertises, engages in, proposes to
16 engage in, or professes to engage in the business or service of responding to medical or
17 emergency medical calls with air ambulances.
18

19 J. *Area* means a geographical Ordinance of the county that is clearly defined by
20 distinct borders and/or municipal boundaries within which a primary provider will
21 provide services.
22

23 K. *Basic life support* or *BLS* means treatment of medical emergencies by a qualified
24 person through the use of techniques such as patient assessment, cardiopulmonary
25 resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of
26 oxygen, application of medical antishock trousers, administration of a subcutaneous
27 injection using a premeasured autoinjector of epinephrine to a person suffering an
28 anaphylactic reaction, and other techniques described in the Emergency Medical
29 Technician Basic Training Course Curriculum of the United States Department of
30 Transportation.
31

32 L. *Basic life support service* means any emergency medical service which uses BLS
33 techniques.
34

35 M. *Basic life support transfer unit* means any land vehicle that is designed,
36 constructed, reconstructed, maintained, equipped or operated and is used for or intended
37 to be used for on land for BLS non-emergency inter-facility transfers.
38

39 N. *Basic life support vehicle* means any vehicle which is staffed and equipped to
40 provide Basic Life Support treatment, but not used for transport.
41

42 MO. *Board* means the Board of County Commissioners of Palm Beach County,
43 Florida.
44

45 NP. *Certificate holder* means any person, firm, corporation, association, or
46 governmental entity owning or acting as an agent for the owner of any business or service
47 which has been issued a certificate of public convenience and necessity by the county.
48

49 OQ. *Certificate of public convenience and necessity* or *certificate* or *COPCN* or *EMS*
50 *certificate* means a certificate with endorsements issued by the Board of County
51 Commissioners of the county, deeming it to be in the public convenience and necessity
52 for the named advanced life support transportation service, advanced life support service,
53 or air ambulance service to operate within the confines of the county, as authorized in
54 Florida Statutes, § 401.25.
55

56 PR. *County* means the incorporated and unincorporated areas of Palm Beach County,
57 Florida.
58

59 QS. *Emergency medical call* means any request for the immediate and prompt
60 dispatch of an ALS unit, vehicle or air ambulance or vehicle for the purpose of providing
61 immediate medical assistance or transportation of a sick, injured or otherwise
62 incapacitated patient.

1
2 **RT.** *Emergency medical services* means the activities or services to prevent or treat a
3 sudden critical illness or injury and to provide emergency medical care and/or pre-
4 hospital emergency medical transportation to sick, injured, or otherwise incapacitated
5 persons in this state.

6 **SU.** *Emergency medical services council* or *EMS Council* means the agency appointed
7 by the Board of County Commissioners to advise and provide comment on matters
8 relating to emergency medical services within the county.
9

10 **TV.** *En route time* shall be measured as the time beginning when a request for
11 emergency assistance is received at a certificate holder's public safety answering point
12 (PSAP) or dispatch center and ends when an advanced life support unit or advanced life
13 support vehicle, or air ambulance of a certificate holder reports beginning its response to
14 the reported address of the emergency. All en route times are to be measured in
15 increments of minutes and seconds.
16

17 **UW.** *Endorsement* means the type(s) of service a certificate holder is authorized to
18 provide and the respective area(s) or zone(s) in which it may provide said service, as
19 shown on an EMS certificate issued by the Board.
20

21 **VX.** *Evacuation* means the withdrawal and transport of ill or incapacitated persons
22 who reside in threatened areas and require transportation, to or from a Board-established
23 shelter, utilizing ALS units or BLS transfer units, when required by the Board due to a
24 local state of emergency.
25

26 **WY.** *Extraordinary Circumstances* means special conditions or events such that, in the
27 discretion of the Board of County Commissioners, considerations of public interest,
28 safety or welfare warrant waiving the normal requirements for extension of a certificate
29 ~~to institute pilot programs in cooperation with Palm Beach County Fire Rescue and~~
30 assure the continuity of service in the County.
31

32 **XZ.** *Inter-facility transfer* means the transportation of a patient by an ALS unit or air
33 ambulance for emergency and non-emergency transfers and by a BLS transfer unit for
34 non-emergency transfers licensed under Florida Statutes, ch. 401, between two (2)
35 facilities licensed under Florida Statutes, ch. 395, ch. 400, or ch. 429, pursuant to this
36 part.
37

38 **YAA.** *MedCom* means the Palm Beach County Medical Communications Center.
39

40 **ZBB.** *Medical call* means any request for medical assistance or transportation which
41 does not require the immediate or prompt dispatch of an ALS unit, vehicle, or air
42 ambulance, or any situation which does not require the immediate or prompt provision of
43 medical assistance or transportation.
44

45 **AACC.** *Medical control* means direct physician supervision through two-way voice
46 communication or through established written standing orders.
47

48 **BBDD.** *Medical director* means a Florida-licensed physician who shall become an active
49 member of the Palm Beach County EMS Council's medical director's standing
50 subcommittee and is employed or contracted to provide medical supervision for the daily
51 operations and training pursuant to Florida Statutes, ch. 401, or advanced life support
52 transportation services, advanced life support services, or air ambulance services, as
53 defined in ch. 64E-2 64J-1 (F.A.C.).
54

55 **CCEE.** *Medical director's standing subcommittee* means a perennial subcommittee of the
56 EMS Council comprised of medical directors of ALS transportation services, ALS
57 services, or air ambulance services.
58

59 **FF.** *Municipal and County Fire Rescue Pilot Program Services* means special
60 conditions or events such that, in the discretion of the Board of County Commissioners,
61 considerations of public interest, safety or welfare warrant the extension and/or
62 modification of endorsement of a Certificate of Public Convenience and Necessity

(COPCN) in order to facilitate the initiation of pilot programs for Municipal and County Fire-Rescue and assure the continuity of services within the County.

~~DDGG~~. *Patient* means any person who requires, or may require, medical assistance and/or transportation.

~~EEHH~~. *Permit* means the adhesive decal issued by the county to an ALS transportation service, ALS service, ALS service with BLS transfer units or air ambulance service, and which must be affixed to an ALS unit, ALS vehicle, BLS transfer unit or air ambulance authorized by the Administrator to operate in the county. No ALS unit or vehicle, BLS unit or vehicle or air ambulance shall operate in the county without obtaining said permit.

~~FFII~~. *Primary provider* means the agency designated by the Board to provide advanced life support emergency medical services and/or transport within the area or zone stated upon their COPCN.

~~GGJJ~~. *Response time* shall be measured as the time beginning when a request for emergency assistance is received at a certificate holder's public safety answering point (PSAP) or dispatch center and ends when an advanced life support unit or vehicle or air ambulance of a certificate holder arrives at the reported address of the emergency. All response times are to be measured in increments of minutes and seconds.

~~HHKK~~. *Secondary provider* means the agency designated by the Board to provide secondary ~~advanced~~ Advanced Life Support transport and Basic Life support Support transport transfer services within a geographically defined zone. Basic Life Support transfer units may only be utilized for non-emergency inter-facility transfers.

~~ILL~~. *Secondary provider zone* or *zone* means the geographical division of the county that is defined in the rules and regulations within which a secondary provider will provide advanced life support service.

~~JMMM~~. *Special secondary service provider* means the agency designated by the Board to provide special secondary advanced life support or basic life support services within those gated communities which request to have such services at costs borne by the requesting gated communities.

~~KKNN~~. *Subscription service program* means an agreement between a certificate holder providing advanced life support (ALS) transportation service in the county and a homeowners' association, condominium association, country club, community association (collectively referred to as "community") or any other person or entity which agreement provides for the provision of various ambulance or ambulance transportation services by the certificate holder for the community, or other person or entity, for a specified premium or price paid by the community, or other person or entity. In an agreement with a community the funds to pay the premium to the certificate holder are generated by assessments paid by the residents to the mandatory homeowners' or condominium association governing the community. The subscription service program shall be authorized by the issuance of a certificate of authority by the state department of insurance. The certificate holder must meet all licensing and other requirements of the department of insurance.

~~LLOO~~. *Transfer* means the transportation of a patient by an ALS unit or air ambulance as a result of a request for response to a medical call. ALS/BLS unit or air ambulance as a result of a request for response to inter-facility emergency and non-emergency transportation. Basic Life Support units may only be utilized for non-emergency inter-facility transfers.

Section 4. TERRITORIAL APPLICABILITY

This article applies in both the incorporated and unincorporated areas of the county.

1 **Section 5. CERTIFICATE AND ENDORSEMENTS REQUIRED**

2 (a) The county shall issue certificates of public convenience and necessity titled
3 "EMS certificates." Every person, firm, corporation, association, or governmental entity
4 owning or acting as an agent for the owner of any business or service, wishing to respond
5 to emergency and medical calls, which furnishes, operates, conducts, maintains,
6 advertises, engages in, proposes to engage in, or professes to engage in the business or
7 service of providing primary provider or secondary provider advanced life support
8 transportation, primary provider advanced life support, special secondary service
9 provider, inter-facility transfer, ~~inter-hospital~~ or air ambulance services, must obtain an
10 EMS certificate. Due to the standards established by this Ordinance ~~no~~, Advanced Life
11 Support EMS Certificates with a BLS inter-facility non-emergency transfer endorsement
12 will be issued. ~~shall be issued with a BLS endorsement~~

13
14 (b) EMS agencies which intend to be an ALS primary provider but not provide
15 routine transport of patients must apply for, and obtain, an ALS service endorsement to
16 their respective certificate of public convenience and necessity.

17
18 (c) EMS agencies which intend to be an ALS primary provider and provide routine
19 transport of patients must apply for, and obtain, an ALS transport service endorsement to
20 their respective certificate of public convenience and necessity.

21
22 (d) EMS agencies which intend to be a secondary provider and provide secondary
23 ALS response and provide routine transport of patients must apply for, and obtain, a
24 secondary provider ALS transport endorsement to their respective certificate of public
25 convenience and necessity and must notify the primary providers within the zone of the
26 intent to apply.

27
28 (e) Only non-governmental EMS agencies may provide ~~interhospital or~~ interfacility
29 transfer services, with the exception of air ambulance transfers. Governmental agencies
30 shall not provide ~~interhospital or~~ interfacility transfer services unless, based on an
31 emergency call as defined in section 13-17 and originating from the county's emergency
32 9-1-1 telephone system, the patient's condition requires a response from the nearest
33 available EMS agency, or when air ambulance transfer is required. Emergency
34 ~~interhospital or~~ interfacility transports shall meet the same response time requirements as
35 an emergency medical call.

36
37 (f) Only those agencies which possess a county certificate of public convenience and
38 necessity may provide ~~advanced life support~~ ALS transportation, ~~advanced life support~~
39 BLS non-emergency interfacility transfers, ~~interhospital transport~~ air ambulance services,
40 and/or respond to emergency or medical calls in the county, except as otherwise provided
41 in Florida Statutes, § 401.33.

42
43 (g) Governmental entities having a public mandate to provide emergency medical
44 services within their jurisdiction may be granted a certificate by the Board and may serve
45 said jurisdiction as the primary provider. Any governmental entity requesting a certificate
46 of public convenience and necessity must comply with all the requirements set forth in
47 this Ordinance including, but not limited to, section 13-20. The endorsement(s) on the
48 certificate shall reflect the service which is authorized by the Board.

49
50 (h) Agencies which intend to provide special secondary service must apply for, and
51 obtain, a special secondary service provider - nontransport only (name of community)
52 endorsement to their respective certificate of public convenience and necessity.

53
54 (i) In order to provide services under a subscription service program, the ALS
55 transportation service must hold both a certificate of public convenience and necessity
56 EMS certificate and a certificate of authority issued by the state department of insurance.

57
58 ~~(j) In the event governmental agencies become the only certificate holders having an~~
59 ~~ALS transport service endorsement, in order to comply with the mandate of subsection~~
60 ~~(e) above, a certificate allowing only interhospital or interfacility transfer services shall~~

1 ~~be issued to those service providers in good standing who had previously provided such~~
2 ~~service.~~

3
4 **Section 6. PROCEDURES FOR REQUESTING CERTIFICATE**
5

6 (a) Each applicant requesting a certificate of public convenience and necessity shall
7 submit a copy of a completed application as required by Chapter 401, Florida Statutes,
8 and any rules promulgated pursuant thereto. This application must also include:
9

10 (1) Such other forms and information that the Administrator may require for
11 full and complete disclosure of information for consideration by the Board of County
12 Commissioners including, but not limited to, information as to zones, areas, rate
13 schedules, subscription service program, financial information as referenced in section
14 13-21 of this Ordinance, current financial statement prepared by an independent
15 accounting firm or, in the case of a governmental unit, the funds budgeted for this
16 service; and
17

18 (2) The specific service endorsement sought and area or zone in which the
19 applicant intends to provide the service; and
20

21 (3) A nonrefundable application fee as established by the Board of County
22 Commissioners, by resolution.
23
24

25 (b) Public notice shall be given by the Administrator no earlier than one hundred
26 twenty (120) days and no later than ninety (90) days prior to the expiration date of all
27 certificates of public convenience and necessity. This notice shall state that the county
28 will be accepting applications for certificates for all districts and areas of operation within
29 the county.
30

31 (c) Applications shall be submitted to the Administrator or his designee no earlier
32 than ninety (90) days and no later than forty-five (45) days prior to the expiration date of
33 the certificate of public convenience and necessity.
34

35 (d) Applications for certificates shall be accepted only during the time specified in the
36 public notice, however, applications for special secondary service provider certificates
37 from security companies shall be accepted at any time after the requirements of this
38 section and the following requirements have been met:
39

40 (1) The affected community submits a letter of request for this type service,
41 prepared and signed by an authorized representative of said community.
42

43 (2) A memorandum of understanding is executed between the applicant and
44 the primary certificate of public convenience and necessity holder.
45

46 (3) The applicant verifies adoption and use of the uniform countywide ALS
47 protocols.
48

49 (4) Common medical direction is assured through the applicant's medical
50 director actively participating in the Palm Beach County Medical Directors Association.
51

52 (5) Two-way communications is provided between the primary and special
53 secondary service provider, through a means specified by the primary provider. In
54 addition, the special secondary service provider must maintain a direct means of
55 retransmitting all requests for emergency assistance to the primary provider. Said means
56 shall be as specified by the primary provider. The cost of such communication system
57 shall be the sole responsibility of the interim secondary service provider.
58

59 (6) Incident documentation shall be consistent with the primary provider and
60 shall be made available to the primary provider, upon request.
61

(7) The applicant verifies compliance with Florida Statutes, Chapter 401, and Florida Administrative Code Chapter 64-J with respect to equipment required for ALS non-transport vehicles.

Section 7. INVESTIGATION AND REVIEW OF APPLICATION.

(a) Upon receipt of an application, the Administrator shall review the application, conduct an investigation, and obtain verification that the applicant meets the requirements of all applicable federal, state and local laws. The investigation shall include consideration of:

(1) The need for the proposed service in the requested area or zone;

(2) The financial information of the applicant to ensure continued service to the area or zone which shall include copies of the applicant's past two (2) Medicare audits, if any, and copies of the past three (3) years of consolidated financial statements or audited financial statements of the company and its parent company or holding company, if any. For purposes of this Ordinance a parent company or holding company shall mean any person, corporation or company holding, owning or in control of more than ten (10) percent stock or financial interest of another person, corporation or company;

(3) The proposed rate structure as it relates to those currently charged in the county;

(4) The applicant's assurance that it has met or can meet all federal, state and local requirements; however, said requirements must be met prior to the issuance of a certificate;

(5) The professional and personal integrity of the applicant;

(6) The applicant's past performance in this area or zone, as well as in other jurisdictions, zones, or areas which demonstrate at the time of application that the applicant's personnel have a minimum of three (3) years experience providing emergency ALS service and a minimum of three (3) years experience in ALS rescue;

(7) Other information deemed relevant by the Administrator;

(8) Disclosure of any information regarding litigation or investigation, current pending or past final;

(9) The past three (3) years of federal, state, and/or local agency vehicle and staff inspections.

(b) The Administrator shall forward all investigative reports to the county Emergency Medical Services Council for its review. A copy of the Administrator's report shall, concurrently, be forwarded to the applicant. After said review, the EMS Council shall provide the Board with its recommendations as to primary and secondary providers. Prior to the review of the applications by the EMS Council, the Administrator may request the Board to set a date for a public hearing, as described in section 13-22, to consider the applications and the EMS Council's recommendations.

(c) The applicant shall cooperate with the Administrator in producing or causing to be produced any information appropriate to the investigation and report. Failure to provide any information requested by the Administrator may result in rejection of the application.

(d) The Administrator's report concerning the application shall be forwarded to the Board for the public hearing.

Section 8. REQUIREMENT FOR BOARD APPROVAL IN GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

1
2 (a) The Board shall schedule public hearings to consider all applications for
3 certificates. The Administrator shall notify all applicants and current certificate holder's
4 of the date, time, and place of the public hearing at least ten (10) days prior to said
5 hearing. All applicants shall appear before the Board at the public hearing on the same
6 day.

7
8 (b) At the hearing, the Board shall receive the report of the Administrator, report of
9 the EMS advisory council, testimony from the applicant(s) or any other interested party,
10 and any other relevant information. For all certificates, the Board will consider the
11 public's convenience and the necessity for the service in the zone or area requested. The
12 Board will consider whether the applicant has the ability to provide the necessary service
13 based upon the criteria set forth in this Ordinance and Florida Statutes, ch. 401. The
14 Board shall also consider the recommendations of any municipality or municipalities
15 applying for a certificate or affected by the issuance of a certificate. For special
16 secondary provider certificates only, the Board shall consider the request by an
17 authorized representative of the community.

18
19 (c) At said public hearing, after consideration of the aforementioned information, the
20 Board shall determine, based upon the criteria and guidelines of this Ordinance and
21 Florida Statutes, ch. 401, which agencies shall serve all or a portion of the zone or area
22 requested. The agencies determined by the Board as most qualified to serve all or a
23 portion of the zone or area shall be identified as "primary" or "secondary" providers.
24 Most qualified may include service providers in good standing who have previously
25 provided such service.

26
27 (d) The Board shall then authorize the issuance of the certificate with such
28 conditions, restrictions and/or endorsements as are in the public's interest or deny the
29 application setting forth the reasons for the denial.

30
31 (1) The Board of County Commissioners may limit or define the extent to
32 which a "primary" or "secondary" provider may provide service within the zone or area.

33
34 (2) All certificate holders shall respond to another certificate holder's area or
35 zone if requested by MedCom, unless it will remove all coverage from its assigned area
36 or zone.

37
38 (e) Notwithstanding the procedures and substantive requirements for the issuance of a
39 certificate, the Board may grant, at its discretion, and at any time, a temporary certificate
40 of public convenience and necessity for a period not to exceed six (6) months in order to
41 safeguard and protect the public health, safety and welfare. This temporary certificate
42 may be renewed.

43
44 **Section 9. TERM AND ASSIGNABILITY OF CERTIFICATES.**

45
46 (a) Certificates of public convenience and necessity granted by the Board pursuant to
47 this Ordinance shall be valid for six (6) calendar years. All certificates shall be personal
48 to the applicant and may, with the approval of the Board of County Commissioners at a
49 public hearing, be assigned or transferred, contingent upon the completion of
50 requirements set forth in this Ordinance including, but not limited to, section 13-21. All
51 EMS certificate holders within the County shall be provided with notice, at least ten (10)
52 days prior, of any public hearing regarding the assignment or transfer of a certificate.

53
54 *Exception:* A certificate issued to a special secondary service provider shall expire upon
55 notification by the affected community and may not be transferred or otherwise
56 reassigned.

57
58 (b) Upon a finding of extraordinary circumstances, the Board may grant an extension
59 of an existing COPCN for a period of up to four (4) years. The Board may also approve
60 an extension and/ or modification of endorsement of an existing COPCN based upon the
61 Board's determination that such is warranted in order to facilitate Municipal and County
62 Fire-Rescue Pilot Program Services as described in this Ordinance. Municipal and

1 County Fire-Rescue Pilot Program Services shall not be construed to authorize a transfer
2 of powers or functions of County government.
3

4 (c) The Board shall have full discretion to approve or deny, with or without cause,
5 any assignment, subcontract, or proposed assignment by the certificate holder. Any
6 assignment or subcontract of the certificate made by the certificate holder without the
7 express written consent of the Board shall be null and void and shall be grounds for the
8 EMS Council to recommend that the certificate be revoked and the County shall be free
9 to award the certificate to another qualified applicant. Notwithstanding anything to the
10 contrary, acquisition of a nongovernmental certificate holder's company within six (6)
11 months of issuance of the certificate, shall not be grounds for assignment of the
12 certificate.
13

14 **Section 10. RIGHTS AND DUTIES GRANTED BY CERTIFICATE.**
15

16 (a) Acceptance of a primary provider certificate with an ALS endorsement shall
17 obligate the applicant to:
18

19 (1) Provide advanced life support to the entire geographical area or zone as
20 stated on the certificate of public convenience and necessity;
21

22 (2) Respond to all emergency medical calls;
23

24 (3) When requested by MedCom, respond to another certificate holder's area
25 or zone when the certificate holder for that area or zone is unable to respond, unless it
26 will remove all coverage from its assigned area or zone;
27

28 (4) Abide by all requirements of this Ordinance and rules and regulations
29 adopted by the Board and all applicable federal, state and local laws;
30

31 (5) Provide access to the applicant's business, ALS vehicles and units and air
32 ambulances for inspection by the Administrator pursuant to sections 13-26, 13-30 and 13-
33 31 of this Ordinance;
34

35 (6) Post, at the place of business, a copy of the fee schedule required under
36 this Ordinance;
37

38 (7) Submit to the Administrator any changes or any requested changes in the
39 fee schedule at least sixty (60) days prior to the effective date of such change, and all
40 documentation which justifies the fee change;
41

42 (8) Notify the Administrator at least ninety (90) days prior to the termination
43 or reduction of any service;
44

45 (9) Not transport patients unless the agency also carries an ALS transport
46 endorsement;
47

48 (10) Perform only those services specifically authorized by its certificate
49 endorsement(s), and abide by all restrictions, limitations, and exclusions as identified on
50 the certificate;
51

52 (11) Provide the Administrator with copies of updated, current records and/or
53 data which pertain to certificate application, personnel certification, and vehicle data,
54 within thirty (30) days of any change to said records; and
55

56 (12) Adopt the minimum standard pre-hospital treatment/transport protocols
57 approved and adopted by the County EMS Council. However, a certificate holder may
58 implement protocols which exceed the minimum standards adopted by the EMS Council.
59

60 (b) Acceptance of a primary provider certificate with an ALS transport endorsement
61 shall obligate the applicant to:
62

1 (1) Provide ALS response and transportation service to the entire zone or
2 geographical area as stated on the certificate of public convenience and necessity;

3
4 (2) Respond to another certificate holder's zone or area, when requested to do
5 so by MedCom for emergency medical calls when the certificate holder for that zone or
6 area is unable to respond, unless it will remove all coverage from its assigned area or
7 zone;

8
9 (3) Respond to all emergency medical calls unless all ALS units, vehicles, or
10 air ambulances are in service on other emergency medical or medical calls;

11
12 (4) Abide by all requirements of this Ordinance and rules and regulations
13 adopted by the Board and all applicable federal, state and local laws;

14
15 (5) Provide access to the applicant's business, ALS units, and air ambulances
16 for inspection by the Administrator pursuant to sections 13-26, 13-30 and 13-31 of this
17 Ordinance;

18
19 (6) Post at the place of business a copy of the fee schedule required under this
20 Ordinance;

21
22 (7) Submit to the Administrator any changes or any requested changes in the
23 fee schedule at least sixty (60) days prior to the effective date of the change and all
24 documentation which justifies the fee change;

25
26 (8) Provide emergency medical service and patient transport at no cost to the
27 patient when requested by the Administrator or his designee because an emergency
28 evacuation of persons from an area or zone is required by a declaration of a local state of
29 emergency by the Board;

30
31 (9) Notify the Administrator at least ninety (90) days prior to termination or
32 reduction of any service;

33
34 (10) Perform only those services specifically authorized by its certificate
35 endorsement(s), and abide by all restrictions, limitations, and exclusions as identified on
36 the certificate;

37
38 (11) Provide the Administrator with copies of updated, current records and/or
39 data which pertain to certificate application, personnel certification, and vehicle data,
40 within thirty (30) days of any change of said records; and

41
42 (12) Adopt the minimum standard pre-hospital treatment/transport protocols
43 approved and adopted by the County EMS Council. However, a certificate holder may
44 implement protocols which exceed the minimum standards adopted by the EMS Council.

45
46 (c) Acceptance of a secondary provider certificate with an ALS transport
47 endorsement and BLS transfer endorsement utilized only for non-emergency inter-facility
48 transfers shall obligate the applicant to:

49
50 (1) Provide ALS transportation service to the entire zone or geographical area
51 as stated on the certificate of public convenience and necessity and BLS transfer service
52 for non-emergency inter-facility transfers;

53
54 (2) Respond to another certificate holder's zone or area, when requested to do
55 so by MedCom, for emergency medical calls when the certificate holder for that zone or
56 area is unable to respond, unless it will remove all coverage from its assigned area or
57 zone;

58
59 (3) Respond to all emergency medical calls unless all ALS units or air
60 ambulances are in service or are on other emergency medical or medical calls;

(4) Abide by all requirements of this Ordinance and rules and regulations adopted by the Board and all applicable federal, state and local laws;

(5) Provide access to the applicant's business and ALS units, BLS transfer units utilized for non-emergency inter-facility transfers, or air ambulances for inspection by the Administrator pursuant to sections 13-26, 13-30 and 13-31 of this Ordinance;

(6) Post at the place of business a copy of the fee schedule required under this Ordinance;

(7) Submit to the Administrator any changes or any requested changes in the fee schedule at least sixty (60) days prior to the effective date of the change and all documentation which justifies the fee change;

(8) Provide emergency medical service and patient transport at no cost to the patient when requested by the Administrator or his designee because an emergency evacuation of persons from an area or zone is required by a declaration of a local state of emergency by the Board;

(9) Notify the Administrator at least ninety (90) days prior to termination or reduction of any service;

(10) Perform only those services specifically authorized by its certificate endorsement(s), and abide by all restrictions, limitations, and exclusions as identified on the certificate;

(11) Provide the Administrator with copies of updated, current records and/or data which pertain to certificate application, personnel certification, and vehicle data, within thirty (30) days of any change of said records.

Section 11. PROVISION OF PATIENT OUTCOME DATA.

Hospitals shall, upon request of an EMS provider agency, provide outcome data to the EMS provider agency on individual patients that were transported to said hospital by that agency for the purpose of statistical analysis by the agency's quality assurance and management/improvement program. The outcome data shall consist of admission and/or discharge diagnoses on any and all patients transported to said hospital by the requesting EMS provider agency. An EMS provider agency may not request outcome data on any patients other than those which were treated initially and/or transported by said EMS provider agency. All such requests for outcome data shall be used exclusively by the individual EMS provider agency's quality management/improvement program, and as such, are confidential and protected from discovery as specified by Florida Statutes §§ 395.401, 401.265, and 401.425.

Section 12 VEHICLE PERMITS.

(a) Certificate holders shall be subject to random and routine inspections of their ALS units, ALS vehicles, BLS transfer units, and air ambulances. ALS vehicles, ALS units, BLS transfer units, and air ambulances found acceptable by the Administrator shall be issued a permit, in the form of an adhesive decal, which shall be affixed to the ALS vehicles, ALS units, BLS transfer units and air ambulances. Permits shall be valid for one (1) year from date of issue.

(b) A fee, as established by resolution of the Board of County Commissioners, shall be required for each permit issued.

(c) If, during an inspection, the Administrator ascertains that an ALS vehicle, ALS unit, BLS transfer unit or air ambulance, or its equipment does not comply with the standards as set forth in Florida Statutes, ch. 401, or this Ordinance, the Administrator may suspend or revoke its respective permit until the certificate holder can establish that the ALS vehicle, ALS unit, BLS transfer unit or air ambulance is once again in compliance. The Administrator shall allow the certificate holder a maximum of thirty

(30) days to comply and shall report all permit suspensions or revocations and pertinent information to the Emergency Medical Services Council.

(d) ALS vehicles, ALS units, BLS transfer units or air ambulances with suspended permits which are not brought into compliance within the time specified by the Administrator, shall have its permit revoked. It shall be a violation of this Ordinance for an ALS vehicle, ALS unit, BLS transfer unit or air ambulance with a suspended or revoked permit to operate within the County.

(e) A certificate holder which has had a permit revoked must apply to the Administrator for a new permit and shall pay the required fee.

(f) A certificate holder may appeal the revocation of permit by appearing before the EMS Council at one of its regularly scheduled meetings. A certificate holder seeking to appeal a permit revocation shall make said request in writing to the EMS Council through the Administrator, the Administrator shall then advise the certificate holder of the date and time the appeal may be heard.

(g) The EMS Council shall hear the appeal and vote to either uphold or rescind the revocation. All decisions of the EMS Council shall be final.

Section 13 RULES AND REGULATIONS.

The Administrator, in consultation with the EMS Council, is hereby authorized to prepare such rules and regulations necessary to carry out the purpose of this Ordinance, and shall present these rules and regulations for consideration to the Board of County Commissioners at a public hearing.

The Board may adopt and subsequently amend rules and regulations adopted hereunder at a public hearing, provided notice of the proposed change has been presented to the EMS Council and to the certificate holder for review no later than thirty (30) days prior to consideration by the Board.

Section 14. GENERAL PROHIBITION.

It shall be a violation of this Ordinance, and shall be reported to the Emergency Medical Services Council, for any person, business entity or governmental agency to:

(1) Obstruct, bar or otherwise interfere with an inspection conducted under the purview of this Ordinance and/or the rules and regulations adopted hereunder;

(2) Make an omission of a material fact or a false statement in any application or other document filed with the Administrator;

(3) By telephone or otherwise, cause to be placed or place a false emergency medical call;

(4) Violate or fail to observe any requirement of this Ordinance, or any rule, regulation or order under the provision of this Ordinance;

(5) Represent herself, himself, or itself as an advanced life support transportation service, an advanced life support service, air ambulance service, or engage in the business of conducting an advanced life support transportation service, advanced life support service, inter-facility transfer, air ambulance service, and/or respond to medical calls in the County without first obtaining an appropriate certificate of public convenience and necessity from the Board as provided herein and the necessary state licenses, except as otherwise provided pursuant to Florida Statutes, ch. 401.33.

(6) Operate an ALS unit, vehicle, BLS transfer unit or air ambulance that does not meet the requirements of this Ordinance; or

(7) Obstruct, bar, or otherwise interfere with patient care.

Violations of this Ordinance shall be punishable or as provided herein or as provided in accordance with Florida Statutes, ch. 125.69. Each day of continuing violation shall be considered a separate offense.

Section 15. DEFICIENCIES.

(a) Whenever the Administrator determines, by inspection or otherwise, that a certificate holder is not in compliance with requirements under this Ordinance or its rules and regulations, Florida Statutes, ch. 401, Rule 64J(F.A.C.) or any other applicable law, the Administrator shall order the certificate holder to correct such deficiency.

(b) Every such correction order, whether verbal or written, shall include a statement of the deficiencies found, the period prescribed within which a deficiency must be corrected, and the provision of the law relied upon. The affected certificate holder may file a written request with the Administrator for reconsideration of the order or any portion thereof, within five (5) calendar days of the receipt of such order. Failure of the Administrator to respond to the certificate holder's written request for reconsideration within seven (7) calendar days of receipt shall void the correction order. All information shall be forwarded to the Emergency Medical Services Council.

Section 16. COMPLAINT PROCEDURE.

(a) All complaints filed against a certificate holder shall be reviewed. The certificate holder who is the subject of said complaint shall be immediately notified of same. The Administrator may designate a committee to conduct this review. The findings of said committee will be submitted to the Administrator. If this review substantially verifies that a violation of this Ordinance and/or rules and regulations adopted hereunder, or any applicable law has occurred, the Administrator may conduct an investigation. The Administrator shall be provided access to the certificate holder's business records for inspection to assist in said investigation. Upon completion of the investigation, the Administrator may present his/her recommendation to the EMS Council for their review and recommendation prior to submission to the Board of County Commissioners.

(b) If the Administrator or Emergency Medical Services Council finds through an investigation that revocation, suspension, or modification of a certificate is warranted, the Administrator shall notify the certificate holder by certified mail, and the Board of County Commissioners in writing, of such investigative findings. This notice shall state the reasons for any finding and establish a public hearing date. The public hearing shall be held by the Board of County Commissioners for the purpose of considering the Administrator's investigation and recommendation. The Administrator shall forward the public hearing results to the state EMS office.

Section 17. CERTIFICATION REVOCATION, MODIFICATION, SUSPENSION.

(a) Every certificate issued pursuant to this Ordinance is subject to revocation, modification, suspension or fines where it is found that:

(1) The certificate holder has failed or neglected to adhere to this Ordinance or the rules and regulations promulgated by the Board, Florida Statutes, ch. 401, and any other applicable law, or has failed to abide by the conditions and restrictions stated on the certificate; or

(2) The application submitted to secure a certificate of public convenience and necessity from the Board of County Commissioners contains a false representation or omitted material facts; or

(3) The certificate holder, or its agent, has demanded money or other compensation in excess of that established in its schedule of fees filed with the Board pursuant to this Ordinance; or

1 (4) The certificate holder has failed to comply with a correction order issued
2 under section 13-29 of this Ordinance; or
3

4 (5) The certificate holder has been adjudicated guilty of a felony, unless the
5 certificate holder's civil rights have been restored; or
6

7 (6) The certificate holder has been found guilty, by a court of competent
8 jurisdiction, of any criminal offense involving moral turpitude; or
9

10 (7) The certificate holder has committed malpractice or negligence in the
11 operation of its service; or
12

13 (8) The certificate holder has had their/its state license revoked or suspended.
14

15 (b) The EMS Council shall review and make recommendation to the Board of County
16 Commissioners regarding certificates subject to revocation, modification, or suspension.
17 The Board of County Commissioners may either accept or reject the recommendation of
18 the EMS Council.
19

20 (c) Notwithstanding the procedures and substantive requirements for the issuance of a
21 certificate, the Board reserves the right, without a public hearing, to designate a current
22 certificate holder to complete the term of another certificate holder whose certificate has
23 been revoked or otherwise terminated.
24

25 **Section 18. EMERGENCY POWERS.** 26

27 If a situation exists which poses a serious or imminent threat to the health, safety,
28 welfare, or public need and convenience, the Administrator shall have such temporary
29 emergency powers as are necessary to remedy the situation,
30

31 **Section 19. EXCLUSION FROM CERTIFICATE OR PERMIT REQUIREMENT.** 32

33 Certificates or permits shall not be required for:
34

35 (1) The transport of a patient or passenger pursuant to the Good Samaritan Act,
36 Florida Statutes, ch. 768.13;
37

38 (2) ALS and/or BLS units or air ambulances based outside the County which pick up
39 a patient outside the County and transport them into the County, or which pick up a
40 patient inside the County and transport them out of the County;
41

42 (3) All ALS vehicles which serve primarily as administrative vehicles;
43

44 (4) Those ALS and/or BLS units and services that are exempt pursuant to Florida
45 Statutes, § 401.33;
46

47 (5) ALS or BLS units providing mutual or automatic aid to a zone or area when the
48 zone or area's permitted ALS units are unable to respond, or when the patient's condition
49 necessitates immediate transportation as identified in the minimum standard pre-hospital
50 treatment protocols as approved and adopted by the county EMS Council, or as
51 confirmed by Medical Control; or
52

53 (6) ALS or BLS units or air ambulances from another county which respond when
54 requested through an officially executed mutual aid agreement.
55

56 **Section 20. ENFORCEMENT; PENALTIES.** 57

58 (a) *Enforcement.*
59

60 (1) This Ordinance shall be enforced by personnel authorized by the
61 Administrator, and law enforcement officers within their respective jurisdictions.
62

1 (2) Any violation of this Ordinance is a civil infraction.

2
3 (3) Any certificate holder who has committed an act in violation of this
4 Ordinance shall receive a citation from the Administrator's authorized personnel or any
5 law enforcement officer who has reasonable cause to believe that the certificate holder
6 has committed a civil infraction in violation of this Ordinance.

7
8 (4) The county court shall have jurisdiction over all violations of this
9 Ordinance.

10
11 (5) The county clerk shall:

12
13 a. Accept designated fines and issue receipts therefore.

14
15 b. Provide a uniform citation form serially numbered for notifying
16 alleged violators to appear and answer to charges of violation of this Ordinance. Such
17 citation forms shall be issued to and receipted by the Administrator.

18
19 (6) Violation of any provision of this Ordinance shall be punishable by a fine
20 not to exceed five hundred dollars (\$500.00).

21
22 (7) Any certificate holder issued a citation shall be deemed to be charged with
23 a civil violation and shall comply with the directives on the citation.

24
25 (8) Payment shall be made, either by mail or in person, to the violations
26 bureau within the time specified on the citation. If a certificate holder follows this
27 procedure, he or she shall be deemed to have admitted the infraction and to have waived
28 his or her right to a hearing on the issue of commission of the infraction.

29
30 (9) All fines collected as a result of said citations (except those fines collected
31 as a result of citations issued by municipal law enforcement officers, which shall be
32 remitted by the clerk of the court directly to the municipality issuing the citation) shall be
33 paid into the county treasury and deposited into an account designated for use by the
34 Administrator.

35
36 (10) Any certificate holder who fails to make payment within the specified
37 period shall be deemed to have waived his or her right to pay the civil penalty as set forth
38 in the citation.

39
40 (11) Any certificate holder who elects to appear before the court to contest the
41 citation shall be deemed to have waived his or her right to pay the civil penalty. The
42 court, after a hearing, shall make a determination as to whether a violation has occurred
43 and may impose a civil penalty not to exceed five hundred dollars (\$500.00) plus court
44 costs.

45
46 (12) If a certificate holder fails to pay the civil penalty, or fails to appear in
47 court to contest the citation, he or she shall be deemed to have waived his or her right to
48 contest the citation, and in such case, a default judgment may be entered and the judge
49 shall impose a fine at that time. An order to show cause may be issued. If the fine is paid,
50 the case shall be dismissed. If the fine is not paid, judgment may be entered up to the
51 maximum civil penalty.

52
53 (13) Any certificate holder cited for an infraction under this Ordinance shall
54 sign and accept the citation indicating a promise to pay the fine or appear in court. Any
55 certificate holder who willfully refuses to sign and accept a citation issued by an officer
56 shall be guilty of a misdemeanor of the second degree, punishable as provided by Florida
57 Statute § 775.082 or 775.083, as may be amended.

58
59 (14) The certificate holder may require mandatory court appearances for
60 violations resulting in the issuance of a third or subsequent citation to a certificate holder.
61 The citation shall clearly inform the certificate holder of the mandatory court appearance.
62 The Administrator shall maintain records to prove the number of citations issued to the

1 certificate holder. Certificate holders required to appear in court do not have the option of
2 paying the fine instead of appearing in court.

3
4 (15) It is the purpose of this Ordinance to provide additional cumulative
5 remedies. Each violation of this Ordinance and/or the rules and regulations adopted
6 hereunder, and each day in which a continuing violation of this Ordinance exists, shall
7 constitute a separate offense. Multiple offenses may result in a review as identified in
8 section 13-31 of this Ordinance.

9
10 (16) Emergency requests. For every advanced life support emergency request
11 to which the certificate holder's response time exceeds eight (8) minutes if serving as a
12 primary ALS provider or ten (10) minutes if serving as a secondary provider, the
13 certificate holder shall be fined one hundred dollars (\$100.00) for each response.

14
15 (17) Unscheduled inter-facility non-emergency transfer requests and scheduled
16 inter-facility transfers and transports.

17
18 (18) The Administrator or the court, as the case may be, in its discretion, may
19 excuse a violation of this Ordinance upon a showing of good cause by the certificate
20 holder.

21
22 (19) With the exception of an appeal by a certificate holder from the
23 enforcement provisions herein, a violation of this Ordinance shall create no inference or
24 presumption in any other legal or administrative proceeding.

25
26 (20) Requests for transport of emergency medical patients in which the
27 certificate holder's response time exceeds eight (8) minutes, the certificate holder shall be
28 fined fifty dollars (\$50.00) for each late response.

29
30 (21) Requests for transport of an urgent nature, but which are not of an
31 emergency medical classification and have not been prescheduled more than twenty-four
32 (24) hours in advance of the requested pickup to which the certificate holder's advanced
33 life support unit responds later than thirty (30) minutes after the scheduled time of
34 pickup, the certificate holder shall be fined fifty dollars (\$50.00) for each response.

35
36 (22) For every routine scheduled transport, made twenty-four (24) or more
37 hours in advance of the requested pickup to which the certificate holder's responds later
38 than fifteen (15) minutes after the scheduled time of pickup, the certificate holder shall be
39 fined fifty dollars (\$50.00) for each response.

40
41 (23) The certificate holder shall be fined one hundred dollars (\$100.00) in the
42 event that the response time report required to be supplied by the certificate holder
43 pursuant to the rules and regulations adopted hereunder is incomplete, illegible,
44 inaccurate, altered, falsified or is not submitted as required.

45
46 *Exception:* The provisions of this subsection do not apply to governmental entities.

47
48 (b) *Penalties.* Notwithstanding any other provisions herein, a violation of any
49 provision of this Ordinance or the rules and regulations adopted hereunder shall be
50 prosecuted in the same manner as a misdemeanor pursuant to Florida Statutes, ch.
51 125.69, and, upon conviction, the violator shall be subject to a fine not to exceed five
52 hundred dollars (\$500.00) and/or imprisonment in the County jail for not more than sixty
53 (60) days, or both such fine and imprisonment. Each day that a violation continues shall
54 be considered a separate offense.

55 **Section 21. REPEAL OF LAWS IN CONFLICT.**

56 All local laws and Ordinances in conflict with any provisions of this Ordinance
57 are hereby repealed to the extent of such conflict.

1 **Section 22. SAVINGS CLAUSE.**

2 Notwithstanding anything to the contrary, all provisions of Palm Beach County
3 Code Section 13-16 through 13-34, codifying Palm Beach County Ordinance No. 2001-
4 25, as amended, are specifically preserved and remain in full force and effect for the
5 limited purpose of enforcing any alleged violations of said Code which occurred prior to
6 its repeal or amendment.

7 **Section 23. SEVERABILITY.**

8 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is
9 for any reason held by a Court of competent jurisdiction to be unconstitutional,
10 inoperative, or void, such holding shall not affect the remainder of this Ordinance.

11 **Section 24. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

12
13 The provisions of this Ordinance shall become and be made a part of the Palm
14 Beach County Code. The sections of this Ordinance may be renumbered or relettered to
15 accomplish such, and the word Aordinance@ may be changed to Asection,@ Aarticle,@ or
16 other appropriate word.

17 **Section 25. ENFORCEMENT**

18 This Ordinance is enforceable by all means provided by law. Additionally, the
19 County may choose to enforce this Ordinance by seeking injunctive relief in the Circuit
20 Court of Palm Beach County.

21 **Section 26. PENALTY.**

22 Any violation of any portion of this Ordinance shall be punishable as provided by
23 law.

24 **Section 27. CAPTIONS.**

25 The captions, section headings, and section designations used in this Ordinance
26 are for convenience only and shall have no effect on the interpretation of the provisions
27 of this Ordinance.

28 **Section 28. EFFECTIVE DATE.**

29 The provisions of this Ordinance shall become effective upon filing with the
30 Department of State.
31

32 APPROVED and ADOPTED by the Board of County Commissioners of Palm
33 Beach County, Florida, on this the ____ day of _____, 2010.

34
35 ATTEST
36 SHARON R. BOCK,
37 CLERK & COMPTROLLER
38
39

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

40 By: _____
41 Deputy Clerk
42
43
44
45
46

By: _____
Chair

1 **APPROVED AS TO FORM AND**
2 **LEGAL SUFFICIENCY**

APPROVED AS TO TERMS
AND CONDITIONS

3
4
5 By: _____
6 **County Attorney**

By: _____
Department Director

7
8 **EFFECTIVE DATE: Filed with the Department of State on the ____ day of**
9 _____, 2010.

**PALM BEACH COUNTY ORDINANCE
NO. 2010-_____**

**RULES AND REGULATIONS
OF THE**

**DEPARTMENT OF PUBLIC SAFETY
EMERGENCY MEDICAL SERVICES
SECTION**

PURPOSE

These, rules and regulations are issued as authorized by Section 13-27, Palm Beach County Code of Ordinances, as amended by Ordinance No. ~~2006~~2010- 040, for the purpose of improving the quality of pre-hospital emergency medical care to the residents and visitors of the County. Further, it is the purpose of these rules and regulations to promote the policy of the County to reduce the morbidity and mortality of trauma, to maintain a level of care and service in which quality and accessibility are paramount, and to speed the healing of persons who are sick or otherwise in need of pre-hospital emergency medical services.

1 **SECTION I: GENERAL**

2 **A. APPLICATIONS**

3 1. An "Application for EMS Certificate Form" (PBC Form 0988) shall be
4 completed by the applicant. This form shall accompany every application for Certificate
5 of Public Convenience and Necessity and be submitted to the Division of Emergency
6 Management EMS Office.

7 2. Applications for Certificates of Public Convenience and Necessity shall
8 include copies of the appropriate State of Florida Department of Health and
9 Rehabilitative Services EMS application forms and shall accompany the applicant's
10 request for Certification.

11 **B. COMPLAINTS AND INVESTIGATIONS**

12
13 1. Complaints about a Certificate Holder shall be reviewed after the
14 complaint has been submitted in writing to the Administrator or his designee. The
15 complaint should state the date, time, nature of the incident, location of the incident, and
16 any other information relative to the incident which may assist the Administrator in his
17 review. The Administrator shall review the complaint, and if warranted, conduct an
18 investigation. The Administrator may present the findings to the EMS Council.

19 2. The Administrator shall review the complaint, and if warranted, conduct
20 an investigation. The Administrator may present the findings to the EMS Council.

21 **C. OPERATING PROCEDURES**

22 1. Each Certificate Holder shall maintain a central place of business and any
23 additional places within the Zone(s) or Area(s) calculated to provide minimum response
24 time to emergency medical calls. At the central place of business there shall be:

25 1.1 a filing system and adequate storage space for all records required
26 by this Ordinance;

27 1.2 a copy of all pertinent laws, rules and regulations regulating
28 emergency medical services in Palm Beach County;

29 1.3 a conspicuously posted schedule of all rates charged by the
30 Certificate Holder;

31 1.4 the Certificate of Public Convenience and Necessity conspicuously
32 posted; and

1 1.5 the State License conspicuously posted.

2 2. Every Certificate Holder shall be require to operate a sufficient number
3 of Advanced Life Support Vehicles or Units, and implement necessary
4 policies/procedures to ensure an average en route time of not greater than three (3.0)
5 minutes average "en route" response to all emergency medical calls occurring within their
6 Zone or Area per calendar month.

7 2.1 Every Primary Provider Advanced Life Support Certificate Holder
8 shall be required to operate a sufficient number of Advanced Life
9 Support units and implement necessary policies/procedures to
10 ensure an average Response Time of eight (8.0) minutes to all
11 emergency medical calls occurring within their Zone or Area per
12 calendar month.

13 2.2 Every Secondary Provider Advanced Life Support Certificate
14 Holder shall be required to operate a sufficient number of
15 Advanced Life Support units, and implement necessary
16 policies/procedures to ensure an average Response Time of ten
17 (10.0) minutes to all emergency medical calls occurring within
18 their Zone or Area per calendar month.

19 3. A schedule of rates shall be provided or made available to each patient
20 upon request.

21 3.1 Under no circumstances shall payment be required prior to
22 emergency transportation of those patients requiring further
23 medical treatment at a hospital.

24 3.2 The Certificate Holder may request payment prior to transport
25 when responding to medical calls or when higher medical authority
26 has determined, and the patient examination record states, that
27 ambulance transportation is not required.

28 4. Any request for modification or alteration of the requirements of this
29 section must be submitted in writing to the Administrator of his designee and be
30 approved by the Administrator or his designee. All requests shall clearly state the
31 reason(s) for the modification or alteration and shall be exact in the detail identifying the

benefit to the patient. The Administrator may deny or approve any request for modification or alteration and report the actions to the EMS Council.

D. COMMUNICATIONS EQUIPMENT

1. All ALS units, vehicles, and Air Ambulances which respond to emergency medical or medical calls shall possess functional operating capability of direct two-way radio communication with MedCom and be in compliance with the State of Florida Emergency Medical Services Communications Plan.

2. All Certificate Holders shall have the availability of two-way radio contact with their ALS units, vehicles, or Air Ambulances which respond to emergency medical or medical calls. All Special Secondary Service Providers shall, at their own expense, ensure direct 2-way radio communications with the Primary Service Providers, as specified by the Primary Providers.

3. Every ALS unit, vehicle, or Air Ambulance responding to emergency medical calls dispatched by MedCom shall notify MedCom when en route to a call, arrival at a call, en route to the hospital, arrival at the hospital, and when available for another call.

4. Any requests for modification or alteration to the requirements of this section must be submitted in writing to the Administrator. All requests shall clearly state the reason(s) for the modification or alteration and shall be exact in the detail identifying the benefit to the patient. The Administrator may deny or approve any request for modification or alteration and shall report the actions to the EMS Council.

E. PATIENT ATTENDANTS

1. Every ALS unit or vehicle and BLS transfer unit shall be staffed according to the standards identified in the Rules and Regulations of Florida Statute Chapter 401 as it pertains to paramedic and emergency medical technician patient attendants.

2. Duties of Patient Attendants:

- 2.1 provide medical assistance to the patient as required through oral or written protocol;
- 2.2 ensure that each patient in need of additional medical care is offered a means of transportation from the scene to an appropriate medical facility; and

2.3 determine appropriate medical facility destination from the agency Medical Director or through oral or written protocols when transport is required.

3. Personnel attending a patient shall:

3.1 not direct, any patient to any specific facility, agency or other service occupation or profession for the private or personal gain of the ambulance driver or attendant;

3.2 not smoke in vehicles that are used, or that may be used, to transport patients; and

3.3 not ask for remuneration in excess of, or in addition to, that listed in the fee schedule of rates provided to the Administrator and posted in the central place of business.

4. When a patient attendant is evaluating the appropriate mode of patient transport to a medical facility, the choice shall be made in consideration of patient condition and the availability of ambulances, or the direction of higher medical authority or patient preference.

F. VEHICLES

1. Every ALS unit, ALS vehicle, BLS transfer unit, and Air Ambulance purchased for use, or intended for use, within Palm Beach County shall be inspected by the Administrator or his designee to ensure that each ALS unit, ALS vehicle, BLS transfer unit, and Air Ambulance meets all applicable laws of the State, of Florida and Palm Beach County laws as it pertains to ALS units, ALS vehicles, BLS transfer units, and Air Ambulances.

2. The Certificate Holder shall notify the Administrator or his designee when a new ALS unit, ALS vehicle, BLS transfer unit or Air Ambulance is placed into operation and shall, within five (5) days of placing the ALS unit, ALS vehicle, BLS transfer unit, or Air Ambulance into operation, have the ALS unit, ALS vehicle, BLS transfer unit, or Air Ambulance inspected.

2.1 ALS units, ALS vehicles, BLS transfer unit, and Air Ambulances found to be in compliance with all applicable laws of the State of Florida and Palm Beach County shall be granted authority to operate in Palm Beach County by being issued a Permit.

3. Each authorized ALS unit, and ALS vehicle, and BLS transfer unit, shall also meet current State of Florida motor vehicle standards.

G. RECORDS

1. Emergency medical service response and other records maintained by the service as required by the State of Florida and this Ordinance, shall be accessible to the Administrator or his designee.

2. Insurance policies, or certificates thereof, or certified copies of such insurance policies shall be provided to the Administrator and shall provide for a thirty (30)-day cancellation notice to the Division of Emergency Management, EMS office. Agencies which are self-insured shall provide evidence that the insurance plan has been approved by the Department of Insurance, State of Florida.

3. On a monthly basis, each service provider (Primary, Secondary, Special Secondary, Air Ambulance) shall submit a response time report to the Administrator. Reports shall include a minimum of the following items: total number of EMS calls responded to by Zone or Area, total number of calls with an over 8.0 minute response time (over 10.0 minutes for Secondary Providers, over 20.0 minutes for Aeromedical Providers) by Zone or Area, average en route time by Zone or Area, and average response time by Zone or Area.

H. INSPECTIONS

1. The Administrator, or his designee, shall inspect each holder of an EMS Certificate prior to, and as a continuing part of, the Certification process. This inspection shall determine the continuing compliance to the Ordinance, these Rules and Regulations and State Law by the Certificate Holder as a condition of Certificate and Permit issuance.

2. Inspections shall be conducted periodically and may be conducted without notice to the Certificate Holder at reasonable times and whenever such inspection is deemed necessary by the Administrator. Inspections shall be conducted without impeding patient care.

3. If, during the course of an inspection, a situation is found which, in the determination of the Administrator, will jeopardize the safety or welfare of the EMS personnel or patient care, the Administrator may exercise the powers available identified in Section 18 of the Ordinance to ensure compliance of the Certificate Holder with the

Ordinance.

I. RESPONSE TIMES.

1. Primary Certificate Holders shall promptly dispatch an Advanced Life Support unit or vehicle to every emergency medical call reported within their Zone or Area. Each Certificate Holder shall insure all en route times and response times are measured from the receipt at the Public Safety Answering Pont or dispatch center.

1.1 Primary Provider Advanced Life Support units or vehicles shall maintain not greater than three (3.0) minutes en route time to each emergency medical call within that Certificate Holder's primary Area or Zone. Each Certificate Holder shall maintain, on a monthly basis, an average en route time of not greater than three (3.0) minutes, to all emergency medical calls within their primary Zone or Area. Every emergency medical call in which an Advanced Life Support unit or vehicle takes longer than three (3.0) minutes to be en route, or which cannot be responded to by the Certificate Holder, shall be recorded by the Certificate Holder and kept on file at its central place of business and made available to the Administrator or designee upon request. Excluded from these requirements are all calls not received as an emergency, all inter-facility transports, all calls responded to for stand-by, and all calls with a disposition of "cancel" or "assist".

1.2 Any Certificate Holder, dispatched or otherwise requested to respond by MedCom, shall notify MedCom when they are unable to have en route, an Advanced Life Support unit or ALS vehicle within three (3.0) minutes of receipt of a call. This notification to MedCom shall indicate: when an ALS unit or ALS vehicle will be available to respond and its estimated time of arrival; and the actual location of the ALS unit or ALS vehicle available to respond. MedCom may allow the next available Advanced Life Support unit or ALS vehicle of the Certificate Holder to respond or may secure response from another Certificate Holder.

1 1.3 Primary Provider Advanced Life Support Units or ALS vehicles
2 shall maintain not greater than an eight (8.0) minute response time
3 to each emergency medical call within that Certificate Holder's
4 primary Zone or Area. Each Certificate Holder shall maintain, on a
5 monthly basis, an average response time of not greater than eight
6 (8.0) minutes to all emergency medical calls within their primary
7 Zone or Area. This revision shall become effective January 1,
8 2008. Every emergency medical call in which an Advanced Life
9 Support unit or ALS vehicle takes longer than eight (8.0) minutes
10 to arrive at the scene shall be recorded and kept on file for review
11 by the Administrator. Excluded from these requirements are all
12 calls not received as an emergency, all inter-facility transports, all
13 calls responded to for stand-by, and all calls with a disposition of
14 cancel or assist, and all calls which occur during a natural or man-
15 made disaster.

16 1.4 If a Certificate Holder's Non-Advanced Life Support vehicle
17 arrives on scene first and ascertains no medical severity of the
18 patient(s), the Non-Advanced Life Support vehicle may slow or
19 cancel the response of the responding Advanced Life Support unit.

20 1.5 Any permitted ALS unit ~~vehicle~~ which is operated by a Secondary
21 Provider within a zone shall arrive at the scene of each emergency
22 medical call within ten (10.0) minutes of receipt of the call by the
23 Certificate Holder. Each Secondary Provider Certificate Holder
24 must maintain an average of at least ten (10.0) minutes, from the
25 receipt of call to arrival at the scene with an Advanced Life
26 Support unit, for all of the Certificate Holder's emergency
27 responses within each Zone or Area on a monthly basis. Every
28 emergency medical call in the Secondary Provider zone which
29 takes longer than ten (10.0) minutes for its ALS unit ambulance to
30 arrive at the scene shall be recorded and kept on file for review by
31 the Administrator. Excluded from these requirements are all calls

1 not received as an emergency, all calls responded to for stand-by,
2 all calls with the disposition of cancel or assist, delays en route as
3 approved by the Administrator, and all calls in which the response
4 is delayed due to being slowed by MedCom or an on-scene
5 Primary Provider, and calls which occur during a local, natural or
6 man-made disaster.

7 2. Every Certificate Holder shall provide the Administrator, upon request
8 with a monthly recording of the following:

- 9 2.1 the time each emergency call was received by the agency; and
10 2.2 the time an ALS vehicle, ALS unit, or Air Ambulance was
11 dispatched; and
12 2.3 the time the responding ALS vehicle, ALS unit, of Air Ambulance
13 was en route; and
14 2.4 the arrival time of the respective ALS vehicle, ALS unit, or Air
15 Ambulance.

16 3. Patient transport by a Certificate Holder in a vehicle other than a Permitted
17 Advanced Life Support unit, Basic Life Support transfer unit for non-emergency inter-
18 facility transfer or air ambulance shall be recorded by the Certificate Holder and a copy
19 shall be forwarded to the Administrator for review within ten (10) days of any such
20 occurrence. This recording shall indicate the date, time, and location of the incident and
21 a statement of the justification for the transport.

22 4. Priority Dispatch

- 23 4.1 Agencies using a nationally recognized priority dispatch system
24 may apply for a waiver to modify the time limits imposed by these
25 rules. The determination to grant the waiver shall rest with the
26 Administrator, and must have the approval of the EMS Council.
27 Any waiver granted by the Administrator must establish the
28 specific time limits that will be met by the agency receiving the
29 waiver.
30 4.2 For calls classified by the priority dispatch system as life
31 threatening the time limits established in the waiver shall not be

more than those contained in Section I, 1.1 through part 1.5, of these rules.

4.3 A waiver for response times may be revoked by the Administrator at any time.

5. Response Times for Air Ambulance.

5.1 When requested by MedCom and when flight conditions permit, Certificate Holders shall promptly dispatch an Air Ambulance to emergency medical calls.

5.2 An Air Ambulance shall be en route to emergency medical calls within an average of five (5.0) minutes of the Air Ambulance crew's receipt of the call. Excluded from these requirements are all calls not received as an emergency, all inter-facility transports, all calls responded to for stand-by, and all calls with a disposition of "cancel" or "assist." This shall be calculated on a calendar month basis for the Certificate Holder.

5.3 An Air Ambulance responding to emergency medical calls shall arrive on the scene of an emergency medical call within an average of twenty (20.0) minutes of that unit's receipt of the call. This average shall be calculated on a calendar month basis for the Certificate Holder.

5.4 The number of emergency medical calls responded to by the Certificate Holder in which response time exceeds twenty (20.0) minutes shall not be greater than 15% of the total number of emergency medical calls responded to in each calendar month.

6. If the Certificate Holder is not able to dispatch an Air Ambulance within five (5.0) minutes of receipt of the call, the Certificate Holder shall notify MedCom. This notification to MedCom shall indicate:

6.1 When an aircraft will be available to respond; and

6.2 The actual location of the available aircraft to respond.

7. Response times for inter-facility / inter-hospital transfers.

7.1 Requests for transport of emergency medical patients must be

1 responded to by having an ALS unit at the requesting facility
2 within eight (8.0) minutes after receipt of the call. An Air
3 Ambulance responding to requests for transport of emergency
4 medical patients shall arrive at the requesting facility within twenty
5 (20.0) minutes of the unit's receipt of the call.

6 7.2 Requests for transport of an urgent nature, but which are not of an
7 emergency medical classification and have not been-pre-
8 scheduled, must be responded to within thirty (30.0) minutes of the
9 agreed upon time. This response must be maintained for an
10 average of ninety (90%) percent of the calls for each calendar
11 month.

12 7.3 Response times for routine scheduled calls shall be responded to
13 by having an ALS unit for Advanced Life Support patients or BLS
14 transfer unit for Basic Life Support patients at the requesting
15 facility within (15.0) minutes of the agreed scheduled time. This
16 response must be maintained for an average of ninety (90%)
17 percent of the calls for each calendar month.

18 7.4 In the event that the patient is not ready for transport within thirty
19 (30.0) minutes of arrival of the ALS unit, and BLS transfer unit the
20 responding agency may leave the requesting facility.

21 Upon request of the Administrator, EMS agencies shall provide response time
22 information pertaining to all or any portion of their inter-facility / inter-hospital transfers,
23 for any given period of time.

24 J. DRIVERS AND PILOTS

25 1. Drivers shall comply with the law of the State of Florida as it pertains to
26 emergency vehicle operators.

27 2. It is the duty of every driver of an ALS vehicle or ALS unit to:

28 2.1 promptly respond to emergency medical calls; and

29 2.2 when dispatched or requested to respond by MedCom, establish
30 and maintain two-way radio contact with MedCom; and

31 2.3 obey all traffic laws.

3. Drivers of ALS vehicles and ALS units shall not:

3.1 direct, prescribe, or manipulate a patient to choose any particular facility, agency or other service, occupation or profession for the personal gain of the driver, patient attendant, or owner operator of the Primary or Secondary service; and

3.2 smoke in any vehicle which patients are, or may be, transported; and

3.3 ask for remuneration in excess of or in addition to that listed in the fee schedule provided to the Administrator.

4. Drivers of BLS transfer units utilized for inter-facility transfers shall not:

4.1 direct, prescribe, or manipulate a patient to choose any particular facility, agency or other service, occupation or profession for the personal gain of the driver, patient attendant, or owner operator of the Secondary service; and

4.2 smoke in any vehicle which patients are, or may be, transported; and

4.3 ask for remuneration in excess of or in addition to that listed in the fee schedule provided to the Administrator.

5. Air Ambulance pilots shall comply with Federal Aviation Regulations and all applicable state and local statutes, regulations, rules, and ordinances governing Air Ambulance operations. It is the duty of every Air Ambulance pilot to:

5.1 ensure the aircraft is airworthy and ready for flight; and

5.2 maintain awareness of current and forecast weather conditions; and

5.3 respond promptly to emergency calls; and

5.4 maintain safety throughout the mission; and

5.5 establish and maintain communication with MedCom.

SECTION II: RESPONSE OUTSIDE OF ZONE OR AREA

1. Certificates of Public Convenience and Necessity shall be valid only within the Zone or geographic Area specified on the Certificate.

2. Certificate Holders shall not respond to an emergency medical call in the

1 Zone or geographic Area of another Certificate Holder, unless:

2 2.1 the service is requested, by MedCom or the affected adjoining
3 service, to respond into the affected Zone or Area; or

4 2.2 an ALS vehicle or ALS unit of the Certificate Holder finds itself at
5 or near an emergency medical call in the Zone or Area of another
6 Certificate Holder, the ALS vehicle or ALS unit operator shall:

7 (a) advise MedCom of the proximity to the call and that it
8 intends to respond and render aid.

9 (b) MedCom will advise the responsible Certificate Holder that
10 another ALS vehicle or ALS unit is on-scene rendering aid.

11 The responsible Certificate Holder may respond to assist
12 the on-scene ALS vehicle or ALS unit.

13 2.3 Certificate Holders receiving emergency medical calls requesting a
14 response into an adjoining Zone(s) from agencies or persons other
15 than MedCom shall:

16 (a) obtain all pertinent information from the caller, including
17 the name of the caller, phone number, address of the call,
18 and a brief nature of the emergency, and

19 (b) respond to the call if the location and time to arrive will
20 benefit patient care; and

21 (c) relay the information to MedCom subsequent to the call.

22 3. Each Certificate Holder shall be responsible to provide emergency
23 medical response to calls outside of their assigned Zone(s) when required by MedCom, if
24 staffed and equipped ALS vehicles or ALS units are available unless it will remove all
25 coverage from its assigned Zone or Area.

26 4. MedCom shall assign ALS units to respond to calls outside of their
27 assigned Zone(s) by the proximity of the units to the patient.

28 **SECTION III: AREAS AND SECONDARY PROVIDER ZONES**

29 1. Certificates of Public Convenience and Necessity shall be valid only
30 within the Zone(s) or geographic Area(s) specified on the Certificate.

31 2. Secondary Provider Certificate Holders with an Inter-facility/Transfer

Endorsement may respond to medical calls and provide ~~inter-hospital—inter-facility~~
~~transfers and~~ transfers anywhere within the County, using ALS units for emergency
transfers or BLS transfer units for non-emergency transfers permitted in Palm Beach
County.

3. The EMS Certificate Zones for holders of Secondary Provider ALS
Transport Endorsements are as follows:

3.1 Zone 1: All of the unincorporated territory bounded on the North,
by the Martin-Palm Beach County Line; on the south by Hypoluxo
Rd. and its extension west to the L40 canal and its extension east to
the Atlantic Ocean; on the west to the range line dividing Ranges
39E/40E and its southerly extension to Southern Blvd., then
continuing south along the L40 canal to its intersection with the
westerly extension of Hypoluxo Rd. AND all of the incorporated
territory of:

- (a) The Town of Jupiter
- (b) The Village of Tequesta
- (c) The Town of Jupiter Inlet Colony
- (d) The Town of Juno Beach
- (e) The City of Palm Beach Gardens
- (f) The Village of North Palm Beach
- (g) The Town of Lake Park
- (h) The City of Riviera Beach
- (i) The Town of Palm Beach Shores
- (j) The Town of Mangonia Park
- (k) The City of West Palm Beach
- (l) The Town of Cloud Lake
- (m) The Town of Glen Ridge
- (n) The Town of Lake Clarke Shores
- (o) The Village of Palm Springs
- (p) The City of Lake Worth

- (q) The City of Atlantis
- (r) The Town of Lantana
- (s) The Town of Manalapan
- (t) The Town of South Palm Beach
- (u) The Town of Haverhill
- (v) The City of Greenacres
- (w) The Village of Royal Palm Beach
- (x) The Town of Palm Beach
- (y) The Village of Wellington

3.2 Zone 2: All of the unincorporated territory bounded on the North by Hypoluxo Road, and its extension west to the L40 canal and its extension east to the Atlantic Ocean; on the west by the L40 canal from its intersection with the westerly extension of Hypoluxo Rd. south to its intersection with the Palm Beach-Broward County Line; on the east by the Atlantic Ocean. And all of the incorporated territory of;

- (a) The Town of Hypoluxo
- (b) The City of Boynton Beach
- (c) The Town of Ocean Ridge
- (d) The Town of Briny Breezes
- (e) The Town of Gulfstream
- (f) The City of Delray Beach
- (g) The Village of Golf
- (h) The Town of Highland Beach
- (i) The City of Boca Raton

~~4. In the event the number of emergency calls in Zone 1 or Zone 2 is reduced by fifteen (15%) percent or more in any single calendar year, the Zones or Areas referenced herein may be modified based on the following procedure:~~

~~4.1 The Certificate Holder shall petition the County's EMS Advisory Council for review of the distribution of calls and the Certificate~~

~~Holder shall carry the burden of proving that there exists a fifteen
(15%) percent loss of emergency calls. However, the mid term
exchange of the Sub Zone shall be considered as a loss of
emergency calls. [This revision shall become effective January 1,
2008.] The EMS Council shall reconvene the Ambulance Zone
Task Force to work with staff to review and recommend changes
to the Zones.~~

~~4.2 The Task Force shall present its findings to the EMS
Council. The EMS Council shall either approve, reject or modify
the Task Force's recommendations for submission to the Board of
County Commissioners at a public hearing.~~

~~4.3 At the public hearing, the Board of County Commissioners
shall either approve, deny, or modify the zone change
recommendation.~~

~~If approved or modified, the zone change
shall take effect ninety (90) days after its
approval by the Board.~~

[This revision shall become effective January 3, 2011]



November 2, 2010

To: Palm Beach County Board of County Commissioners

**From: Palm Beach County Emergency Medical Services
Advisory Council – Darrel Donatto, Chairperson**

In accordance with our responsibilities under the Palm Beach County Emergency Medical Services Ordinance (Ord. No. 06-040), the Palm Beach County EMS Advisory Council met on October 18, 2010 and reviewed proposed changes to the Palm Beach County EMS Ordinance and County EMS Rules and Regulations that allow Palm Beach County Fire Rescue to expand their pilot BLS transport project countywide and that would provide for BLS permitted transport vehicles for use in inter - facility transports.

The Palm Beach County EMS Advisory Council, by unanimous vote, supports and endorses the proposed changes that were presented to the Council and recommends adoption by the Board of County Commissioners.

On behalf of the Palm Beach County EMS Advisory Council, it is with serious consideration and great pleasure that we serve the citizens of Palm Beach County and the Board of County Commissioners.

Respectfully,

Darrel Donatto, Chairperson
Palm Beach County EMS Advisory Council

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