

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 4, 2025 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Emergency Management

I. EXECUTIVE BRIEF

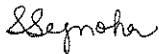
Motion and Title: Staff recommends motion to:

- A) approve on preliminary reading and permission to advertise for public hearing on December 2, 2025 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 1 EMERGENCY MEDICAL SERVICES (EMS) ORDINANCE, INCLUDING THE RELATED RULES AND REGULATIONS; AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 2 TO RENUMBER RESERVED SECTIONS; AMENDING PALM BEACH COUNTY CODE, CHAPTER 8.5 TO ADD EMS ORDINANCE VIOLATIONS TO THE CODE ENFORCEMENT CITATION ORDINANCE; PROVIDING FOR RECITALS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE; and
- B) receive and file Business Impact Estimate (BIE) of the proposed Ordinance.

Summary: Florida Statutes Ch 401.25 authorizes Counties to adopt ordinances that provide standards for issuing Certificates of Public Convenience and Necessity (COPCN) for providing advanced life support services, advanced life support and basic life support transportation services, and air ambulance services. The Palm Beach County EMS Ordinance outlines these requirements in accordance with State guidelines and provides authority to the County to regulate areas and operation of services provided by COPCN holders. The last major EMS Ordinance revision took place in 2017. An EMS Ordinance Revision Committee, formed by the EMS Advisory Council, met numerous times to conduct a comprehensive revision of the ordinance. On July 22, 2025, a Board of County Commissioners (BCC) Workshop was held to review proposed revisions to the ordinance, during which staff received direction on several items. At its September 18, 2025 meeting, the EMS Advisory Council reviewed the proposed EMS Ordinance revisions and recommended their approval. These proposed revisions were then presented to the League of Cities on October 22, 2025. Section 125.66(3)(a), Florida Statutes requires the County to prepare a BIE before enacting an ordinance and to post the same on the County's website no later than the date the notice of the proposed enactment is published. The BIE is included as an Attachment to this agenda item. Countywide (SB)

Background and Policy Issues: The EMS Ordinance is established pursuant to Chapter 401, Florida Statutes which grants counties the ability to grant COPCNs to EMS providers within the County. Pursuant to Florida Statutes, Chapter 401, for the State to license an applicant to provide emergency medical services, an applicant must obtain a COPCN from each county in which the applicant will operate. The EMS Ordinance provides standards for issuing COPCNs in accordance with Chapter 401, Florida Statutes.

- Attachments:
- 1) Proposed Ordinance
 - 2) Strike-through informational copy of the proposed EMS Ordinance
 - 3) Summary of Proposed Key Revisions to the EMS Ordinance
 - 4) Business Impact Estimate

Recommended By:  Digitally signed by Stephanie Sejnoha
Date: 2025.10.23 16:31:16 -04'00'

Department Director Date

Approved By:  Deputy County Administrator 10/28/25 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
Personal Services	_____	_____	_____	_____	_____
Operating Expenses	_____	_____	_____	_____	_____
Capital Outlay	_____	_____	_____	_____	_____
Grants & Aids	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	_____*	_____	_____	_____	_____

ADDITIONAL FTE

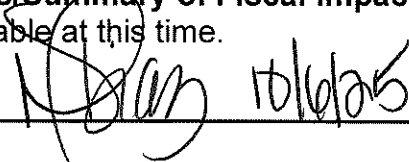
POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes _____ No _____
Is this item using Federal Funds? Yes _____ No _____
Is this item using State Funds? Yes _____ No _____

Budget Account Exp No: Fund _____ Dept. _____ Unit _____ Obj. _____ Prog. _____
Rev No: Fund _____ Dept. _____ Unit _____ Rev. _____ Prog. _____

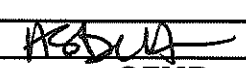
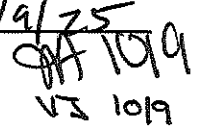
B. Recommended Sources of Funds/Summary of Fiscal Impact:

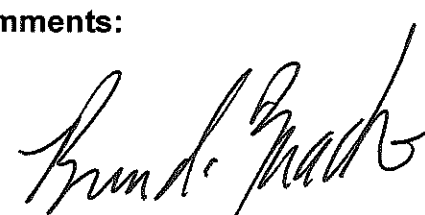
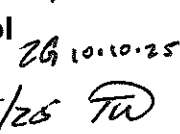
*The fiscal impact is indeterminable at this time.

C. Departmental Fiscal Review:  10/6/25

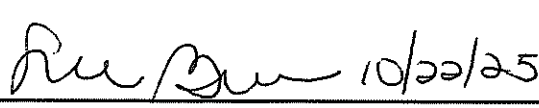
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 10/9/25
OFMB  10/9

 10/16/25
Contract Dev. And Control  10.10.25
10/15/25 TW

B. Legal Sufficiency:

 10/20/25
Assistant County Attorney

C. Other Department Review:

Department Director

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

ORDINANCE NO. 2025-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 1 EMERGENCY MEDICAL SERVICES (EMS) ORDINANCE, INCLUDING THE RELATED RULES AND REGULATIONS; AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 2 TO RENUMBER RESERVED SECTIONS; AMENDING PALM BEACH COUNTY CODE, CHAPTER 8.5 TO ADD EMS ORDINANCE VIOLATIONS TO THE CODE ENFORCEMENT CITATION ORDINANCE; PROVIDING FOR RECITALS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 401, Florida Statutes, in order for an emergency medical services (EMS) provider to obtain a State license to provide advanced life support services, advanced life support or basic life support transportation services, or air ambulance services, the provider must obtain a certificate of public convenience and necessity (COPCN) from each county in which it will operate; and

WHEREAS, Section 401.25, Florida Statutes, authorizes counties to adopt ordinances that provide reasonable standards for such COPCNs; and

WHEREAS, the Palm Beach County (County) EMS Ordinance outlines these requirements in accordance with State guidelines and provides authority for the County to regulate areas and operation of services provided by COPCN holders, as set forth in Chapter 13, Article II, Division 1 of the Palm Beach County Code; and

WHEREAS, the last major EMS Ordinance revision took place in 2017; and

WHEREAS, an EMS Ordinance Revision Committee, formed by the EMS Advisory Council, conducted a full ordinance review and revision at numerous meetings, which were open to the public; and

WHEREAS, on July 22, 2025, a Board of County Commissioners (Board) Workshop was held to overview proposed revisions where staff received direction on some items; and

WHEREAS, at the September 18, 2025 EMS Advisory Council meeting, the EMS Advisory Council reviewed and recommended approval of the EMS Ordinance revisions; and

WHEREAS, the proposed revisions to the EMS Ordinance were presented to the League of Cities on October 22, 2025; and

WHEREAS, the Board desires to repeal and replace the EMS Ordinance with the revised and updated EMS Ordinance that is set forth in Appendix A to this adopting Ordinance; and

WHEREAS, the Board further desires to renumber sections that are reserved in Chapter 13, Article II, Division 2 (Reserved), to accommodate the revisions to the EMS Ordinance in Chapter 13, Article II, Division 1; and

WHEREAS, the proposed updated EMS Ordinance includes numerous enforcement methods, including but not limited to correction orders, cease and desist orders, suspension and revocation, and civil citations and penalties under the County’s Code Enforcement Citation Ordinance set forth in Chapter 8.5 of the Palm Beach County Code; and

WHEREAS, the Board further desires to amend the County’s Code Enforcement Citation Ordinance to include violations of the EMS Ordinance in the civil citation process set forth in Chapter 8.5 of the Palm Beach County Code; and

WHEREAS, the Board hereby finds and determines that the provisions and revisions set forth in this Ordinance, including Appendix A, will promote the public health, safety and welfare.

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

SECTION 1. The foregoing recitals and findings are hereby confirmed and incorporated herein.

SECTION 2. Chapter 13, Article II, Division 1, of the Palm Beach County Code (the “EMS Ordinance”), including the Rules and Regulations that were adopted at the same time and attached to the EMS Ordinance, is hereby repealed and replaced in its entirety to read as set forth in **Appendix A**, which is attached hereto and hereby incorporated herein as if fully set forth herein.

SECTION 3. Chapter 13, Article II, Division 2 (Reserved), of the Palm Beach County Code is hereby amended to read as follows:

“DIVISION 2. RESERVED

Sec. 13-51 - 13-55. Reserved.”

SECTION 4. Schedule “A” of Chapter 8.5, Article II, of the Palm Beach County Code (the “Code Enforcement Citation Ordinance of Palm Beach County, Florida”) is hereby amended to add the following:

Code Provision	Description	Class	Fine Amount
Chapter 13, Article II, Division 1, Sections 13-16 through 13-50, of the Palm Beach County Code (the “EMS Ordinance”)	Violation of the Emergency Medical Services (EMS) Ordinance	IV	\$250

SECTION 5. Applicability: This Ordinance applies in both the incorporated and unincorporated areas of Palm Beach County.

SECTION 6. Repeal of Laws in Conflict: Any laws or ordinances in conflict with this Ordinance which Palm Beach County is authorized to repeal are hereby repealed to the extent of such conflict.

SECTION 7. Savings Clause: Notwithstanding anything herein to the contrary, the provisions of Chapter 13, Article II, Division 1, of the Palm Beach County Code, as previously enacted, amended and in place prior to this Ordinance, are specifically preserved for the limited purpose of enforcing any alleged violations, liabilities incurred, or causes of action accrued under said law prior to its repeal and replacement.

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

SECTION 9. Inclusion in the Code of Laws and Ordinances: The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 10. Captions: The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

SECTION 11. Effective Date: The provisions of this Ordinance shall become effective upon the date this Ordinance is filed with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the _____ day of _____, 2025.

ATTEST:
MICHAEL A. CARUSO
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
County Attorney

FILED with the Department of State on the _____ day of _____, 2025.

Chapter 13- Health and Human Services
ARTICLE II. EMERGENCY MEDICAL SERVICES
DIVISION 1. GENERALLY

Sec. 13-16. Title.

This Division shall be titled and may be cited as the "EMS Ordinance."

Sec. 13-17. Authority and purpose.

This Division is promulgated pursuant to Chapter 401, Florida Statutes. The purpose of this Division is to promote the health, safety, and welfare of the residents of the County in need of emergency medical services by establishing standards for issuing certificates of public convenience and necessity for Primary Service Providers, Secondary Service Providers and Special Secondary Service Providers, and for the operation of services as described herein. This Division does not govern nonemergency medical transportation services, as described in Section 316.87, Florida Statutes.

Sec. 13-18. Definitions.

9-1-1 Medical Call means any request via the 9-1-1 system for the immediate and prompt dispatch of any ALS Vehicle, ALS Transport Unit or Air Ambulance for the purpose of providing immediate medical assistance or Transport of a sick, injured or otherwise incapacitated Patient.

Administrator means the Palm Beach County Administrator or designee.

Advanced Life Support (ALS) means assessment or treatment by a person qualified under Chapter 401, Florida Statutes, Part III, through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, cardiac defibrillation and other techniques as referenced in Section 401.23, Florida Statutes.

Advanced Life Support Non-transport Service (ALS Non-transport Service) means a non-transport ALS Service provided within a designated Area until the Primary Service Provider arrives.

Advanced Life Support Service (ALS Service) means any emergency medical transport or non-transport service which uses ALS techniques.

Advanced Life Support Transport Service (ALS Transport Service) means an ALS Service responding to Medical Calls or 9-1-1 Medical Calls with ALS Transport Units and with an Endorsement to a current COPCN authorizing the routine Transport of Patients.

Advanced Life Support Transport Unit (ALS Transport Unit) means any vehicle that is designed, constructed, reconstructed, maintained, equipped or operated and is used for or intended to be used for water or land ALS Transport of sick or injured persons requiring or likely to require medical attention or emergency medical attention.

Advanced Life Support Vehicle (ALS Vehicle) means any vehicle which is staffed and equipped to provide ALS treatment, but not used for Transport.

Air Ambulance means any fixed-wing or rotary-wing aircraft used for, or intended to be used for, air Transport of sick or injured persons requiring or likely to require medical attention or emergency medical attention during Transport.

Air Ambulance Service means any service, licensed in accordance with Chapter 401, Florida Statutes, Part III, which operates Air Ambulances to Transport persons requiring or likely to require medical attention or emergency medical attention during Transport.

Area means a geographic section of the County that is clearly defined by distinct borders, streets and/or municipal boundaries within which a Primary Service Provider, Secondary Service Provider, or Special Secondary Service Provider will provide services.

Automatic Aid means prearranged EMS assistance dispatched automatically by a municipality or county to another municipality or county under conditions specified in a duly authorized written agreement.

Basic Life Support (BLS) means the assessment or treatment by a person qualified under Chapter 401, Florida Statutes, Part III, through the use of techniques described in the EMT Basic National Standard Curriculum or the

National EMS Education Standards of the United States Department of Transportation and approved by the Florida Department of Health. The term includes the administration of oxygen and other techniques that have been approved and are performed under conditions specified by rules of the Department of Health.

Basic Life Support Service (BLS Service) means any EMS which uses only BLS techniques.

Basic Life Support Transport Unit (BLS Transport Unit) means any vehicle that is designed, constructed, reconstructed, maintained, equipped or operated and is used for or intended to be used on land for non-emergent BLS Interfacility Transfers. BLS Transport Units may also be utilized when BLS transportation in response to non-emergent Medical Calls is deemed medically appropriate. BLS Transport Units may not be used to respond to 9-1-1 Medical Calls, or to Transport from the scene of 9-1-1 Medical Calls.

Board means the Board of County Commissioners (BCC) of Palm Beach County, Florida.

Certificate of Public Convenience and Necessity (COPCN) means a certificate with Endorsements issued by the Board, deeming it to be in the public convenience and necessity for the named ALS provider to operate within the confines of the County, as authorized in Section 401.25, Florida Statutes, as may be amended.

Community means a development, subdivision, or business campus. However, for a fire department serving as a Special Secondary Service Provider, Community means an identifiable geographic area served by the fire department.

Community Association means a homeowners' association, condominium association, country club, or any other entity that has legal authority to contract for services for the benefit of a particular Community.

COPCN Holder means any person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service which has been issued a COPCN by Palm Beach County.

County means the incorporated and unincorporated areas of Palm Beach County, Florida.

Department means the Palm Beach County Department of Public Safety.

Emergency Medical Services (EMS) mean the activities or services to prevent or treat a sudden critical illness or injury and to provide emergency medical care and/or medical Transport to sick, injured, or otherwise incapacitated persons.

Emergency Medical Services Council (EMS Council) means the committee that is composed of members of the EMS community and the public who advise and provide recommendations on matters relating to EMS within the County.

EMS Vehicle(s) means an ALS Vehicle(s), an ALS Transport Unit(s), a BLS Transport Unit(s) and/or an Air Ambulance(s).

Endorsement means the type(s) of service a COPCN Holder is authorized to provide and the respective Area(s) in which it may provide said service, as shown on a COPCN approved by the Board.

Evacuation means the withdrawal and transport of ill or incapacitated persons, or persons with special needs, who reside in threatened areas and require Transport, to or from an emergency shelter, hospital or facility, utilizing ALS Transport Units, BLS Transport Units and/or Air Ambulances, during a local state of emergency.

Extraordinary Circumstances means substantiated conditions or events such that, in the discretion of the Board, warrant waiving the normal requirements for extension or modification of a COPCN, as may be required to safeguard and protect the public's health, safety and welfare and ensure continuity of EMS.

Interfacility Transfer means:

(a) the emergent or non-emergent Transport of a Patient between two (2) facilities licensed under Chapter 393, Chapter 395, Chapter 400, and/or Chapter 429, Florida Statutes, by an ALS Transport Unit or Air Ambulance, or

(b) the non-emergent Transport of a Patient between two (2) facilities licensed under Chapter 393, Chapter 395, Chapter 400, and/or Chapter 429, Florida Statutes, by a BLS Transport Unit.

Medical Call means any request for medical assistance or Transport by dispatch of an ALS Vehicle, ALS Transport Unit, BLS Transport Unit, or Air Ambulance, but which does not require the immediate or prompt dispatch of such vehicle via the 9-1-1 system.

Medical Director means a Florida-licensed physician, preferably board certified in emergency medicine with additional qualifications and/or certification in EMS, who is employed or contracted by a COPCN Holder and who provides medical supervision, including appropriate quality assurance but not including administrative and managerial functions, for daily operations and training pursuant to this Division and Chapter 401, Florida Statutes, Part III.

Mutual Aid means EMS assistance dispatched by a municipality or county to another municipality or county upon request.

Patient means any person who requires, or may require, medical attention or emergency medical attention and/or Transport.

Permit means the adhesive decal issued by the Department for an EMS Vehicle, upon satisfactory completion of the requirements of Section 13-26. No EMS Vehicle shall operate in the County without obtaining said Permit.

Pilot Program Services means a municipal or Palm Beach County Fire-Rescue trial program related to services contemplated by this Division. Pilot Program Services are initiated by special conditions, opportunities or events such that, in the discretion of the Board, warrant the issuance, extension and/or modification of a COPCN or its Endorsements for a specified time period. However, the duration of a COPCN for Pilot Program Services shall not extend beyond the remaining duration of the regular COPCN cycle that is in place at the time, notwithstanding anything in this Division that may be construed to the contrary.

Primary Service Provider means the County or municipality designated by the Board to provide primary EMS in accordance with the Endorsements listed on its COPCN and within the Area(s) indicated on its COPCN. There shall be only one Primary Service Provider for any Area. A Primary Service Provider shall not outsource its medical care services, in whole or in part, to another provider.

Public Safety Answering Point (PSAP) means the public safety agency that receives incoming 9-1-1 requests for assistance and dispatches appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.

Response Time means the time beginning when a request for EMS assistance is received at a COPCN Holder's dispatching PSAP or dispatch center, and ending when the EMS Vehicle arrives at the reported address or location of the emergency. All Response Times are to be measured in increments of minutes and seconds.

Secondary Service Provider means the agency(ies) designated by the Board to provide secondary EMS in accordance with the Endorsements listed on its COPCN and within the Area(s) indicated on its COPCN. A Secondary Service Provider shall not outsource its medical care services, in whole or in part, to another provider.

Special Secondary Service Provider means an agency that is designated by the Board to provide ALS Non-transport Service within a Community until the Primary Service Provider arrives, in accordance with the Endorsements listed on its COPCN and within the Area indicated on its COPCN.

Subscription Service Program means a contractual service between a COPCN Holder and a Community Association for Transport, or various ambulance services for the community. Subscription Service Programs shall not be allowed relating to 9-1-1 Medical Calls, except that said programs that are active and in place on December 2, 2025 shall be deemed to be grandfathered in.

Transport means the conveyance of a Patient as a result of a request for response to a 9-1-1 Medical Call or a Medical Call.

Trauma Transport Protocols means the State-approved countywide Trauma Transport Protocols used by the EMS pre-hospital providers.

Sec. 13-19. Territorial applicability.

This Division applies in both the incorporated and unincorporated areas of Palm Beach County.

Sec. 13-20. COPCN and Endorsements required.

(a) Every person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of providing pre-hospital or interfacility ALS services, ALS transportation services, ALS non-transportation services, BLS transportation services, or any air ambulance services, must obtain a COPCN as a Primary Service Provider, a Secondary Service Provider, or a Special Secondary Service Provider, as applicable, unless exempt pursuant to Florida law or Section 13-21.

(b) All COPCN Holders are required to obtain an ALS Endorsement.

(c) Each approved COPCN shall indicate the start date; and shall contain one (1) or more of the below specific Endorsements, in addition to the required ALS Endorsement, that designate types of service authorized to be provided and the authorized service Area(s). COPCN Holders must have the applicable Transport Endorsement in order to routinely Transport Patients.

- (1) Primary Service Providers must apply for and obtain a Primary ALS Transport Service Endorsement and a Routinely Transports BLS Endorsement to their COPCN. In addition, Primary Service Providers may provide Air Ambulance Services if they apply for and obtain an Air Ambulance Service Endorsement to their COPCN.
- (2) Secondary Service Providers must apply for and obtain a ground ALS/BLS Interfacility Transfer Endorsement and a Secondary ALS/BLS Transport Service Endorsement to their COPCN.

Secondary Service Providers may not respond to 9-1-1 Medical Calls or transport 9-1-1 Medical Calls, except upon the request of a Primary Service Provider.

If a Secondary Service Provider receives a request for medical assistance, or responds to a scene, that warrants Transport to an emergency room,

the Secondary Service Provider shall immediately contact the Primary Service Provider's dispatch center or call 9-1-1. The Secondary Service Provider may Transport to an emergency room if requested by the Primary Service Provider's dispatch center. This paragraph shall not apply for Interfacility Transfers.

- (3) Special Secondary Service Providers must apply for and obtain an ALS Non-transport Service Endorsement to provide ALS Non-transport Service within a Community, as indicated on the COPCN, until the Primary Service Provider arrives. A Special Secondary Service Provider must have a contract with the Community Association to provide such services within the Community, or must be a fire department that serves the Community. For such fire department Special Secondary Service Providers, any provisions of this Division relating to a Community Association are not applicable. A Special Secondary Service Provider must obtain a COPCN for each such Community. No additional Endorsements apply to Special Secondary Service Providers.

If a Special Secondary Service Provider encounters a patient that needs emergency medical assessment or care, the Special Secondary Service Provider shall immediately contact the Primary Service Provider's dispatch center or call 9-1-1.

(d) Governmental agencies shall not provide Interfacility Transfer services unless there is a 9-1-1 Medical Call, or when Air Ambulance Transport is required. Interfacility Transfers made pursuant to a 9-1-1 Medical Call shall meet the same response time requirements as a 9-1-1 Medical Call. However, a governmental agency operating a public hospital or an Air Ambulance Service may provide limited Interfacility Transfer services in accordance with conditions granted under an approved COPCN.

Sec. 13-21. Exclusions from COPCN and/or Permit requirement.

- (a) COPCN's and Permits are not required for:

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- (1) The Transport of a Patient or passenger pursuant to the Good Samaritan Act, Section 768.13, Florida Statutes;
 - (2) Operation of EMS Vehicles based outside the County, which pick-up Patients outside the County and Transport them into the County, or which pick up Patients inside the County and Transport them out of the County;
 - (3) A COPCN Holder is not required to have a Permit for vehicles which serve primarily as support and/or non-transport special event vehicles that may carry medications and EMS equipment;
 - (4) Vehicles and/or providers that are exempt pursuant to Chapter 401, Florida Statutes, as may be amended, including, but not limited to, those vehicles and providers that are exempt pursuant to Section 401.33, Florida Statutes, and those volunteer ambulance service providers that are exempt pursuant to Section 401.25, Florida Statutes;
 - (5) EMS Vehicles providing Mutual Aid or Automatic Aid; and
 - (6) An EMS Vehicle rendering EMS during a major catastrophe or emergency when the COPCN Holder(s) for that Area are incapacitated, unable, or insufficient in number to render the services needed.
- (b) This Division shall not apply to any volunteer ambulance service that is exempt under Section 401.25, Florida Statutes.

Sec. 13-22. Application for COPCN.

(a) *Applications for Primary Service Provider or Secondary Service Provider COPCN.*

- (1) COPCNs for Primary Service Providers and Secondary Service Providers are issued every six (6) years for a six-year term. Applications for said COPCN's are accepted only during the time specified in the public notice, except that a COPCN for Pilot Program Services may be approved as provided in Section 13-24. Existing Primary Service Providers with a current COPCN from Palm Beach County may be able to utilize the

abbreviated application process set forth in Section 13-22(a)(6) in lieu of the application process set forth below.

- a. Additional Secondary Service Providers: Notwithstanding anything in this Division to the contrary, after completion of the third-year of the six-year term of the Secondary Service Provider COPCNs issued pursuant to the above paragraph, the Administrator may conduct a review and determine if there is a public safety need for any additional Secondary Service Providers. The Administrator's review may include, but is not limited to, population growth, response times, user feedback, and vehicle and staff inspections. The Administrator will provide the Board with a report of the Administrator's review and analysis.

Notwithstanding anything in this Division to the contrary, if the Board, in its reasonable discretion, determines there is a public safety need for any additional Secondary Service Providers, then the Board may direct the Administrator to open an additional application period to accept and process Secondary Service Provider COPCN applications. In making this determination, the Board will consider the Administrator's report and any other information provided to the Board. This application period shall be in addition to the regular application period that opens every six years pursuant to the timeline set out in Subsection (a)(2) below; and the timeline in Subsection (a)(2) shall not apply to this additional application period for additional Secondary Service Providers.

Public notice of such additional application period shall be given by the Administrator. This notice shall state that the Board will be accepting applications for Secondary Service Provider COPCNs and will set forth the date range during which applications will be accepted. The time period for accepting and processing applications, and any related timelines, will be established by the Administrator based upon

the surrounding circumstances. If the Administrator determines, in its reasonable discretion, that the applications received do not meet the public safety needs of the County, the Administrator may cancel the application process and/or open an additional application period(s).

The Board shall schedule a public hearing to consider whether to grant or deny any Secondary Service Provider applications submitted during an application period that is opened pursuant to this Subsection (a)(1)a.

Any Secondary Service Provider COPCNs issued pursuant to an application period provided for under this Subsection (a)(1)a, shall be in addition to the Secondary Service Provider COPCNs issued pursuant to the regular application period that opens every six years pursuant to the timeline set out in Subsection (a)(2) below. Any such additional Secondary Service Provider COPCNs shall indicate the start date of services, and shall expire upon the same expiration date as the Secondary Service Provider COPCNs that were issued pursuant to the regular six year application process, notwithstanding anything in this Division that may be construed to the contrary.

All provisions and procedures of this Division, including but not limited to those relating to COPCN applications and the consideration and issuance of COPCNs, shall apply, except to the extent they are inconsistent with the provisions of this Subsection (a)(1)a.

- (2) For the regular six (6) year application period for Primary Service Provider COPCNs and Secondary Service Provider COPCNs, as applicable, public notice of the application period shall be given by the Administrator no earlier than two hundred ten (210) calendar days and no later than one hundred fifty (150) calendar days prior to the expiration date of the Primary Service Provider or Secondary Service Provider COPCNs, as applicable, that are in place at the time. This notice shall state that the

Board will be accepting applications for COPCNs for all areas of operation within the County and will set forth the date range during which applications will be accepted. The time period for accepting and processing applications, and any related timelines, will be established by the Administrator based upon the surrounding circumstances.

- (3) Each applicant requesting a COPCN shall submit a copy of a completed application as required by this Division by the end of the application period. If the Administrator determines, in its reasonable discretion, that the applications received do not meet the public safety needs of the County, the Administrator may cancel the application process and/or open an additional application period(s).
- (4) An Application for a Primary Service Provider COPCN or a Secondary Service Provider COPCN, as applicable, shall be completed by the applicant. The application and the appropriate supporting documents shall be submitted to the Division of Emergency Management and processed by the Administrator.

Applicant shall cooperate with the Administrator in producing or causing to be produced any information or documentation deemed by the Administrator to be relevant to the application, the proposed services, and/or the Administrator's review and report. Failure to provide any information requested by the Administrator may result in rejection of the application.

- (5) The application shall include each of the requirements listed below:
 - a. Identify the exact full legal name of the applicant that is applying for and will hold the COPCN.
 - b. Identify the applicant's central place of business to support Palm Beach County.
 - c. Identify the specific type of COPCN sought (Primary Service Provider, Secondary Service Provider, or Special Secondary Service Provider) with the required service Endorsements, and any applicable optional service

Endorsement sought, all as specified in Section 13-20; as well as the specific Area(s) or specific Community in which the applicant intends to provide the service. If a Primary Service Provider applicant intends to provide Primary Service Provider services outside of its own jurisdictional boundaries, then its application must include documentation, such as a contract, ordinance or other authority, that shows the service arrangement with the governing body of the jurisdiction that it intends to serve.

- d. For Secondary Service Provider applicants and Special Secondary Service Provider applicants, identify the proposed start date of services by applicant.
- e. The financial information of the applicant relating to financial ability to provide and continue to provide service to the Area. Such financial information shall include copies of the applicant's past two (2) Medicare audits, if any. Government entities must provide the past three (3) years Comprehensive Annual Financial Reports via hard copy, or electronically. Privately held entities must submit audited financial statements, if any, of the company and of its parent company or holding company if any, for the past three (3) years.

For Special Secondary Service Provider applicants only:

If such company does not have audited financial statements, then reviewed financial statements shall be acceptable, provided the applicant also submits a written acknowledgment from the affected Community Association, signed by an authorized representative, confirming that the Community Association acknowledges and accepts that the applicant does not have audited financial statements and has submitted with its COPCN application reviewed financial statements in lieu of audited financial statements.

For purposes of this Division 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.

- f. The applicant's current fee schedule.
- g. For Secondary Service Provider applicants only: A summary history of applicant's EMS performance record, if any, for the past three (3) years, including any ALS Transport Service experience. Experience providing ALS Transport Service must include experience providing the full continuum of Patient care from call initiation, during Patient transport and through to final Patient transfer to hospital or other final destination. Special Secondary Service Provider COPCN experience does not meet the criteria to establish ALS Transport Service experience since Patient care is transferred to the Primary Service Provider, no transportation is provided, and Special Secondary Service Providers do not provide Patient care during transport.

For Special Secondary Service Provider applicants only: Applicants for Special Secondary Service Provider COPCNs must provide a summary history of applicant's EMS performance record, which provides proof that at the time of application, the applicant has demonstrated experience providing ALS Service for at least the past three (3) consecutive years. Applicants that meet the Staff experience requirement set forth herein, but do not meet the performance record requirement, are eligible for a COPCN with the following conditions.

- (i) The COPCN may be issued and after six (6) months of operation, the COPCN Holder shall deliver a report to the Department with a summary history of the COPCN Holder's performance record demonstrating that the COPCN Holder successfully provided Special Secondary Service Provider ALS Services during the initial six (6) months of operation and

accompanied by a letter from the Primary Service Provider attesting that the COPCN Holder has performed satisfactorily to the knowledge of the Primary Service Provider. Additionally, the COPCN Holder shall provide records substantiating that it has implemented a formal quality assurance system and has held at least three (3) formal, quality assurance meetings during the initial six (6) months of operation. The Primary Service Provider is required to be invited to participate in the quality assurance meetings.

(ii) Upon review of the required documentation, if the Administrator determines that the conditions have been satisfied, the Administrator will send a letter to the COPCN Holder acknowledging satisfaction and removal of the conditions of the COPCN. In that event, the COPCN shall remain in effect for the term of the COPCN in accordance with Section 13-22(b).

(iii) If the Administrator determines the conditions have not been satisfied, then the COPCN Holder shall be in violation of this Division and the COPCN shall be subject to immediate suspension by the Administrator and revocation by the BCC. The Administrator may permit an additional thirty (30) calendar days to satisfy conditions if the COPCN Holder has demonstrated good faith efforts towards satisfaction of the conditions.

(iv) Except as expressly modified herein, COPCN Holders with conditions are subject to the requirements of this Division, and nothing herein shall be construed as a limitation, waiver or relinquishment of any right, remedy, or enforcement power authorized by this Division or other applicable law.

- h. The Applicant must demonstrate that its general manager or an executive staff member has a minimum of three (3) years of experience in managing ALS Transport Services.

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- For Special Secondary Service Provider applicants only: The Applicant must have at least one (1) supervisory or higher level employee who possesses a minimum of three (3) years of experience in ALS Services.
- i. Disclosure of litigation involving Patient care, for the past six (6) years which resulted in a judgment, award, or finding in favor of a Patient or the complaining party, including case number, nature of the claim and allegations, and a copy of final judgment or award. The Administrator may request additional information regarding the litigation.
 - j. Proof of satisfactory completion of all of federal, state, and/or local agency vehicle and staff inspections for the last three (3) years including copies of all deficiency reports.
 - k. Records substantiating the implementation of a formal quality assurance system consistent with Section 401.265, Florida Statutes, and Chapter 64J-1, Florida Administrative Code, as may be amended.
 - l. Primary Service Provider and Secondary Service Provider COPCN applicants must have an Emergency Medical Dispatch (EMD) program or an agreement for appropriate EMD service consistent with Section 768.1335, Florida Statutes, titled "The Emergency Medical Dispatch Act", as may be amended.
 - m. For Primary Service Provider and Secondary Service Provider COPCN applicants only: In order to maintain an acceptable level of service Response Time, all applicants must have a sufficient number of Permitted ALS Transport Units available for response to ensure compliance with this Division and Response Time requirements. Each COPCN Holder must at all times have at least one (1) ALS Transport Unit, and one (1) ALS Vehicle or a second ALS Transport Unit, both fully staffed, Permitted, operationally available, and in service at all times ready for simultaneous response to calls. The COPCN Holder must also have one (1) spare ALS Transport Unit fully equipped and Permitted in the event that one of their primary ALS Transport Units is not in service.
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It is the intent of this provision that each COPCN Holder is responsible to have sufficient Permitted ALS Transport Units on hand as necessary to demonstrate ability to ensure continuity of operations and to provide assistance as reasonably required upon request. This section does not apply to Special Secondary Service Providers.

- n. The applicant must provide a certified letter from the COPCN Holder's Chief Executive Operating Officer or Fire Chief representing that the applicant has met and will continue to meet all applicable federal, state and local requirements pertaining to the delivery of EMS.
- o. For Primary Service Provider and Secondary Service Provider applicants only: Benchmark Response Times. Provide data for previous six (6) months of transports (Form A).
- p. Management plan. Provide information on how the following business functions will be conducted and managed: a) employee and driver training programs, b) complaint handling system, c) system for handling accidents and/or injuries, and d) vehicle maintenance system.
- q. Copy of current State of Florida Emergency Medical Services (EMS) license(s) and any current COPCNs.
- r. The Medical Director must be a Florida licensed physician. Provide a copy of a fully executed contract or agreement. Provide copies of current DEA and Florida Physician's License. Must meet requirements of Rule 64J-1.004, Florida Administrative Code, and Section 401.265, Florida Statutes.
- s. Copy of applicant's standard operating procedures (SOPs) and protocols relating to EMS that have been approved by applicant's Medical Director, and a letter from applicant's Medical Director confirming that applicant has adopted the State-approved countywide Trauma Transport Protocols.
- t. Copy of profile sheet(s) relating to current Florida State license(s), if any, or equivalent information sheet(s) listing all of the applicant's vehicles.

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- u. The minimum number of ALS Transport Units, ALS Vehicles, BLS Transport Units, and Air Ambulances that applicant plans to have dedicated, operationally available, and fully staffed in Palm Beach County, in accordance with Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws, to provide the applicable services.
 - v. A list of the names of personnel, and their EMS certifications, certification numbers and expiration dates, that the applicant will dedicate to provide the applicable services in Palm Beach County. Personnel must meet all certification and training requirements in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws.
 - w. For Secondary Service Providers only: The applicant must have hands-free mapping capability, and an automatic vehicle locator system that would allow the Administrator and the requesting facility to track the location of all responding vehicles. The applicant must provide details about all such systems and their capabilities.
 - x. A radio system agreement between the applicant and Palm Beach County, through its Facilities Development and Operations Department. The applicant must meet all requirements as set forth in the agreement. The radio system agreement must be executed by the applicant prior to submittal of the COPCN application.
 - y. Insurance verification. A copy of an insurance policy, a self-insurance policy, or a Certificate of Insurance is acceptable, so long as the agency meets the minimum insurance limits and any other requirements set forth in Chapter 64J-1, Florida Administrative Code. There must be a 30 calendar day cancellation notice and Palm Beach County shall be shown as the certificate holder.
 - z. A nonrefundable application fee as established by the Board, by Resolution.
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- aa. Such other forms and information that the Administrator may require for full and complete disclosure of information and assessment of the application for consideration by the Board.
 - bb. All information submitted shall be treated as public records in accordance to Florida's public records laws.
- (6) Abbreviated application process only for existing Primary Service Providers: During the six year application period process, an existing Primary Service Provider in good standing with a current COPCN from Palm Beach County, may, in lieu of submitting a full application, instead submit an abbreviated application to the Administrator requesting that the Board renew and reissue its COPCN for the same services, Endorsements and Area(s) for an additional six (6) year term. An existing Primary Service Provider will be deemed to be in good standing if it is current with all State and County EMS requirements and has had no findings of a violation of this Division by the Administrator since the issuance of its current COPCN. Applicant shall cooperate with the Administrator in producing or causing to be produced any information or documentation deemed by the Administrator to be relevant to the application, the proposed services, and/or the Administrator's review and report. Failure to provide any information requested by the Administrator may result in rejection of the application.

The abbreviated application shall require confirmation of the applicant's exact full legal name, that the applicant is applying to renew its existing Primary Service Provider COPCN with its existing required and optional Endorsements, and the specific Area(s) in which the applicant intends to provide the service. This information must match the applicant's existing COPCN in order to use the abbreviated application process. In addition, the abbreviated application shall include each of the following requirements: financial information as set forth in Section 13-22(a)(5)e; the applicant's current fee schedule as set forth in Section 13-22(a)(5)f; disclosure of litigation as set forth in Section 13-22(a)(5)i; personnel

information as set forth in in 13-22(a)(5)v; insurance verification as set forth in in 13-22(a)(5)y; and payment of the application fee as set forth in Section 13-22(a)(5)z.

Primary Service Providers who utilize this abbreviated application process still must meet and remain in compliance with all applicable provisions and requirements of this Division, including but not limited to the requirements set out in Section 13-22(a)(5).

(b) Applications for Special Secondary Service Provider COPCN.

- (1) Applications for Special Secondary Service Provider COPCNs are accepted at any time. Special Secondary Service Provider COPCNs are issued for a term that terminates automatically upon the termination or expiration of the COPCN Holder's contract for service with the Community Association, or upon notice from the Community Association.
- (2) A completed application for a Special Secondary Service Provider COPCN, and the appropriate supporting documents, shall be submitted to the Division of Emergency Management and processed by the Administrator. Except as noted therein, the provisions set forth in Section 13-22(a)(4) and (5) above shall apply to applications for Special Secondary Service Provider COPCNs, and applicants must satisfy all applicable requirements therein. In addition, applicants for Special Secondary Service Provider COPCNs shall also provide satisfactory completion of the following requirements:
 - a. The affected Community Association must submit a letter of request prepared and signed by an authorized representative indicating the dates of service coinciding with the effective date and the expiration date of the contract between the Community Association and the applicant. Should said contract be renewed or its expiration date be extended or amended, the COPCN's expiration date will be deemed automatically amended to coincide with the new contract expiration date, upon the applicant submitting to the Administrator a copy of said contract renewal, extension or amendment, and an updated

letter of request from the Community Association. The applicant shall, and the Community Association may, notify the Administrator of an early termination of the contract.

- b. A memorandum of understanding that is executed between the applicant and the Primary Service Provider COPCN Holder to coordinate emergency services at an emergency scene, including dispatch protocols, the roles and responsibilities of Special Secondary Service Provider personnel at an emergency scene, and the documentation required for Patient care rendered.
- c. Medical protocols approved by the Primary Service Provider COPCN Holder's Medical Director for the applicable Area.

Sec. 13-23. Review and assessment of application.

(a) Upon receipt of an application, the Administrator shall review the application, and obtain verification that the applicant meets the requirements of all applicable federal, state and local laws pertaining to the delivery of EMS. The Administrator's review shall include consideration of the need for the proposed service in the requested Area. The Administrator, in its discretion, may request or require a presentation by the applicant to the Administrator.

(b) Upon finalization of the review, the Administrator shall prepare a report with recommendation which shall be forwarded to the applicant and to the EMS Council. The Administrator shall schedule an EMS Council meeting to request an EMS Council recommendation on the application to be provided to the Board. The applicant and current COPCN Holders will be provided with notice of the EMS Council meeting and may be heard concerning the application at the EMS Council meeting prior to EMS Council recommendation.

(c) The Administrator shall request the Board set a date for public hearing to consider the application any time after completion of the Administrator's report provided, however, the Administrator shall obtain the recommendation of the EMS Council prior to the public hearing date.

(d) The Administrator's report and the recommendation of the EMS Council will be provided to the Board for consideration at the public hearing.

Sec. 13-24. Board approval required for COPCN.

(a) The Board shall schedule public hearings to consider all applications for COPCNs. The Administrator shall notify all applicants and current COPCN Holders of the date, time, and place of the hearing, and shall publish a Notice of Public Hearing one (1) time in a newspaper of general circulation at least ten (10) calendar days prior to said public hearing. All applicants shall appear before the Board at the public hearing.

(b) At the public hearing, the Board shall receive and consider the submitted application(s) and information, the report of the Administrator, recommendation of the EMS Council, information and statements from the applicant(s) and any other interested party, and any other relevant information, to evaluate whether the public convenience and necessity of the residents of the County would be best served by granting or denying each application. The Board's consideration will include the applicant's ability to provide the proposed service based upon the criteria set forth Section 13-22, and applicable Florida law, rule and regulation. The Board shall also consider the recommendations of any municipalities in the County. For Special Secondary Service Provider COPCNs only, the Board shall consider the request of an authorized representative of the Community Association contracting for service.

(c) At said public hearing, after consideration of the aforementioned information, the Board shall determine, based upon the criteria and guidelines of this Division and applicable Florida law and the information presented at the public hearing, which agency(ies), if any, will be issued a COPCN to serve all or a portion of the Area(s) requested.

(d) The Board shall authorize the issuance of a COPCN 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.

(e) The Board may limit or define the extent to which a Primary Service Provider, a Secondary Service Provider or a Special Secondary Service Provider may provide service within the Area.

(f) Upon a finding of Extraordinary Circumstances the Board may, at any time, grant an extension and/or modification of an existing COPCN for a period of up to six (6) months, which may be renewed.

(g) The Board may grant or modify a COPCN at any time in order to facilitate Pilot Program Services. A COPCN for Pilot Program Services provides a structure for approval, for a specified time period, and evaluation of new or innovative service provided by either Palm Beach County Fire Rescue or by a municipality in Palm Beach County. Board approval may be subject to conditions, including, but not limited to, demonstration of compliance with this Division. Pilot Program Services shall not be construed to constitute or to authorize a transfer of powers or functions of County government.

(h) Notwithstanding the procedures and substantive requirements for the issuance of a COPCN, the Board reserves the right, without a public hearing, to designate a current COPCN Holder to complete the term of another COPCN Holder whose COPCN has been revoked, surrendered or otherwise terminated.

Sec. 13-25. Rights and duties granted by COPCN.

(a) Acceptance of a Primary Service Provider COPCN shall obligate the COPCN Holder to:

- (1) Provide EMS to its entire service Area pursuant to its COPCN and this Division.
- (2) Respond to all 9-1-1 Medical Calls in the assigned service Area.
- (3) Meet the Response Time requirements of this Division.
- (4) Respond to another contiguous Primary Service Provider's Area, when reasonably requested to do so by that agency's dispatch, for 9-1-1 Medical Calls when the Primary Service Provider for that Area is unable to respond or determines that additional resources are needed, unless

doing so would jeopardize the protection of its own assigned Area. This assistance is not intended to be routine or to subsidize the day-to-day operations or shortages in staffing or equipment of any COPCN Holder.

- (5) Abide by all requirements of this Division, and all applicable federal, state and local laws and regulations, including meeting and continuing to meet all of the criteria, requirements and provisions set out in Section 13-22, as applicable.
- (6) Provide access to the applicant's business and EMS Vehicles for inspection by the Administrator pursuant to Section 13-26.
- (7) Post, at the central place of business, a copy of all of the agency's pertinent licenses, including the agency's EMS license, the agency's COPCN, and the agency's fee schedule.
- (8) Provide EMS and Patient Transport at no cost to the Patient when requested by the Administrator because an Evacuation of persons is required during a local state of emergency.
- (9) Submit to the Administrator any changes in the fee schedule at least sixty (60) calendar days prior to the effective date of such change, and provide all documentation which justifies the fee change.
- (10) Notify the Administrator at least one hundred twenty days (120) calendar days prior to a termination or reduction of any service.
- (11) A schedule of fees shall be provided or made available to each Patient upon request.
 - a. Under no circumstances shall payment be required prior to a Transport of those Patients requiring further medical treatment at a hospital.
- (12) Communication Equipment. All Permitted EMS Vehicles shall possess functional operating capability of direct two-way radio communication with the COPCN Holder's dispatching PSAP or dispatch center, be in compliance with the State of Florida Emergency Medical Services

Communication Plan, and maintain compliance with the radio system agreement specified in Section 13-22.

- (13) Patient Attendants. Every EMS Vehicle shall be staffed according to the standards identified in Chapter 401, Florida Statutes, Chapter 64J-1 Florida Administrative Code, and all related rules and regulations as it pertains to paramedic and emergency medical technician Patient attendants.
- (14) Personnel must meet all certification and training requirements in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws.
- (15) Perform only those services specifically authorized by its COPCN or this Division, and abide by all conditions, restrictions, limitations, and exclusions as identified on the COPCN.
- (16) Provide the Administrator with copies of updated, current records, data and/or information which pertain to the COPCN Holder's application, EMS services, and/or EMS Vehicles, including but not limited to detailed run data including the time a 9-1-1 Medical Call is received and the time of arrival at the scene, and any other relevant data. Such records, data and information shall be provided to the Administrator on a monthly basis, as well as within thirty (30) calendar days of any change to said records, data or information, and otherwise promptly upon the request of the Administrator.

(b) Acceptance of a Secondary Service Provider COPCN shall obligate the COPCN Holder to:

- (1) Provide EMS to its service Area pursuant to its COPCN and this Division.
- (2) Respond to a Primary Service Provider's Area, when requested to do so by that agency's dispatch, for 9-1-1 Medical Calls when the Primary Service Provider for that Area is unable to respond or determines that additional ambulances are needed.

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- (3) Abide by all requirements of this Division, and all applicable federal, state and local laws and regulations, including meeting and continuing to meet all of the criteria, requirements and provisions set out in Section 13-22, as applicable.
 - (4) Meet the Response Time requirements of this Division.
 - (5) Provide access to the applicant's business and EMS Vehicles for inspection by the Administrator pursuant to Section 13-26.
 - (6) Post, at the central place of business, a copy of all of the agency's pertinent licenses, including the agency's EMS license, the agency's COPCN, and the agency's fee schedule.
 - (7) Submit to the Administrator any changes in the fee schedule at least sixty (60) calendar days prior to the effective date of the change, and provide all documentation which justifies the fee change.
 - (8) Provide EMS and Patient Transport at no cost to the Patient when requested by the Administrator because an Evacuation of persons is required during a local state of emergency.
 - (9) Notify the Administrator at least one hundred twenty (120) calendar days prior to a termination or reduction of any service.
 - (10) A schedule of fees shall be provided or made available to each Patient upon request.
 - a. Under no circumstances shall payment be required prior to an emergent or urgent Transport of those Patients requiring further medical treatment at a hospital.
 - b. The COPCN Holder may request payment prior to Transport when responding to routine Medical Calls or when higher medical authority has determined and stated that ambulance Transport is not required. If prior payment arrangements satisfactory to the COPCN Holder are not made, the COPCN Holder may turn down such Transport.
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- (11) Communication Equipment. All Permitted EMS Vehicles shall possess functional operating capability of direct two-way radio communication with the COPCN Holder's dispatching PSAP or dispatch center, be in compliance with the State of Florida Emergency Medical Services Communication Plan, and maintain compliance with the radio system agreement specified in Section 13-22.
 - (12) Patient Attendants. Every EMS Vehicle shall be staffed according to the standards identified in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and all related rules and regulations as it pertains to paramedic and emergency medical technician Patient attendants.
 - (13) Personnel must meet all certification and training requirements in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws.
 - (14) Perform only those services specifically authorized by its COPCN or this Division, and abide by all conditions, restrictions, limitations, and exclusions as identified on the COPCN.
 - (15) Provide the Administrator with copies of updated, current records, data and/or information which pertain to the COPCN Holder's application, EMS services, and/or EMS Vehicles, including but not limited to detailed run data including pick up and drop off locations, time call was made from the hospital or other facility, requested pick up time, time of arrival, the average number of fully staffed EMS Vehicles in operation daily per month in Palm Beach County, and any other relevant data. Such records, data and information shall be provided to the Administrator on a monthly basis, as well as within thirty (30) calendar days of any change to said records, data or information, and otherwise promptly upon the request of the Administrator.

(c) Acceptance of a Special Secondary Service Provider COPCN shall obligate the COPCN Holder to:

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- (1) Provide ALS Non-transport Service within the Community specified on the COPCN until the Primary Service Provider arrives.
 - (2) Abide by all requirements of this Division, and all applicable federal, state and local laws and regulations, including meeting and continuing to meet all of the criteria, requirements and provisions set out in Section 13-22, as applicable.
 - (3) Provide access to the applicant's business and EMS Vehicles for inspection by the Administrator pursuant to Section 13-26.
 - (4) Communication Equipment. All Permitted EMS Vehicles shall possess functional operating capability of direct two-way radio communication with the COPCN Holder's dispatching PSAP or dispatch center, be in compliance with the State of Florida Emergency Medical Services Communication Plan, and maintain compliance with the radio system agreement specified in Section 13-22. All Special Secondary Service Providers shall, at their own expense, ensure direct 2-way radio communications with the Primary Service Provider, as specified by the Primary Service Provider.
 - (5) Every EMS Vehicle shall be staffed according to the standards identified in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and all related rules and regulations as it pertains to paramedic and emergency medical technicians.
 - (6) Personnel must meet all certification and training requirements in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws.
 - (7) Perform only those services specifically authorized by its COPCN or this Division, and abide by all conditions, restrictions, limitations, and exclusions as identified on the COPCN.
 - (8) Provide the Administrator with copies of updated, current records, data and/or information which pertain to the COPCN Holder's application, EMS services, and/or EMS Vehicles, and any other relevant data. Such
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records, data and information shall be provided to the Administrator on a monthly basis, as well as within thirty (30) calendar days of any change to said records, data or information, and otherwise promptly upon the request of the Administrator.

(9) Post, at the central place of business, a copy of all of the agency's pertinent licenses, including the agency's EMS license and COPCN.

(d) COPCN's are valid only within the service Area specified on the COPCN.

Sec. 13-26. EMS Vehicle Permits.

(a) All EMS Vehicles, including equipment, shall be inspected prior to operation in the County. If approved, and following payment of the applicable Permit fee for each approved and inspected vehicle, a Permit shall be issued by the Department which shall be valid for a period of one (1) year from date of issue.

(b) The COPCN Holder shall notify the Administrator immediately when a non-Permitted EMS Vehicle is placed into operation, and the Administrator shall have thirty (30) calendar days to have the EMS Vehicle inspected.

(c) A current Permit must be affixed to approved EMS Vehicles.

(d) Each COPCN Holder shall be responsible for ensuring that all of its Permitted EMS Vehicles and equipment are in compliance, and remain in compliance, with all applicable laws and regulations, including this Division, Chapter 401, Florida Statutes, and Subtitle 64J, Florida Administrative Code. COPCN Holders shall be subject to random and/or routine inspections of their EMS Vehicles, including equipment, by the Administrator.

(e) A fee, as established by resolution of the Board, shall be required for each Permit issued or renewed.

(f) Unless exempt pursuant to Section 13-21, it shall be a violation of this Division for an EMS Vehicle to operate within the County without a Permit, or to operate with a suspended or revoked Permit.

Sec. 13-27. Assignability of COPCN.

(a) COPCNs are personal to the applicant, and are valid for a six (6) year term except as otherwise may be provided for in this Division.

(b) No assignment or transfer of a COPCN shall be permitted except as specifically authorized in the discretion of the Board at a public hearing. An assignment or transfer shall be contingent upon the completion of requirements set forth in this Division, including, but not limited to, the requirements of Section 13-22. All COPCN Holders within the County shall be provided with written notice at least ten (10) calendar days prior to any public hearing regarding the assignment or transfer of a COPCN.

(c) A COPCN issued to a Special Secondary Service Provider is not assignable and shall not be transferred.

(d) This Section shall not be interpreted to restrict the rights of the Board as set forth in Section 13-24, to grant an extension and/or modification of an existing COPCN for a period of up to six (6) months, to grant or modify a COPCN to approve Pilot Program Services, and to designate a current COPCN Holder to complete the term of another COPCN Holder whose COPCN has been revoked, surrendered or otherwise terminated.

Sec. 13-28. 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, and quality assurance and management/improvement activities, by the agency's quality assurance and management/improvement programs. The outcome data shall include 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 assurance and management/improvement programs; and are subject to all applicable laws and regulations providing for confidentiality, and/or exemption from public disclosure under Chapter 119, Florida Statutes, which may include Sections 401.30, 401.425, 395.51 and 395.3025 Florida Statutes, and HIPAA privacy regulations.

Sec. 13-29. Response Times.

- (a) Response Times shall be monitored by the Administrator and assessed for compliance with the Response Time requirements set forth herein.
- (b) Every COPCN Holder shall maintain Response Time records and data for all 9-1-1 Medical Calls and all Medical Calls, including Interfacility Transfers, and keep said records and data on file for review by the Administrator if requested; and shall promptly provide any such records and data to the Administrator upon request in a manner prescribed by the Administrator.
- (c) Every Primary Service Provider COPCN Holder shall ensure an average Response Time of eight (8.0) minutes to 9-1-1 Medical Calls occurring within the assigned service Area per calendar month.
- (d) Priority Dispatch. Agencies using a nationally recognized priority dispatch system may apply for a waiver to modify the time limits imposed by this Division. The request for a waiver shall be reviewed by the EMS Council, and must have the approval of the Administrator. Any waiver granted by the Administrator must establish the specific time limits that will be met by the agency receiving the waiver.
 - (1) For calls classified by the priority dispatch system as life threatening, the time limits established in the waiver shall not be more than those contained in Subsection (c).
 - (2) A waiver for Response Times may be revoked by the Administrator at any time.
- (e) Response Times for Air Ambulance.
 - (1) Air Ambulance Response Times for 9-1-1 Medical Calls.

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- a. When requested by the COPCN Holder's dispatching PSAP or dispatch center and when flight conditions allow, COPCN Holders shall promptly dispatch an Air Ambulance to 9-1-1 Medical Calls. For 9-1-1 Medical Calls, an Air Ambulance shall have times that are consistent with industry practices and safety standards.
 - b. If the COPCN Holder is not able to promptly dispatch an Air Ambulance to a 9-1-1 Medical Call, the COPCN Holder shall notify the COPCN Holder's dispatching PSAP or dispatch center. This notification to the COPCN Holder's dispatching PSAP or dispatch center shall indicate: (1) when an aircraft will be available to respond; and (2) the actual location of the available aircraft to respond.
- (2) For Medical Calls, including Interfacility Transfers, an Air Ambulance shall have a timely Response Time that is consistent with industry practices and safety standards.
- (f) Response Times for Secondary Service Providers Ground Interfacility Transfers.
- (1) Requests for Interfacility Transfer of emergent medical Patients. All "Alerts" (Trauma, Stroke, Cardiac, etc.) and any other call that the requesting facility deems the Patient as needing immediate Transport must be responded to within fifteen (15.0) minutes of the request for Transport. This Response Time must be maintained for ninety percent (90%) of the calls for each calendar month. The Patient shall be ready for Transport upon arrival.
 - (2) Requests for Interfacility Transfer of an urgent nature, but which are not of an emergent medical classification identified under Subsection (1) and have not been pre-scheduled, must be responded to within thirty (30.0) minutes of the request for Transport. This Response Time must be maintained for ninety percent (90%) of the calls for each calendar month.
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- a. In the event that the Patient is not ready for Transport within fifteen (15.0) minutes of arrival of the ALS Transport Unit or the BLS Transport Unit, the responding agency may leave the requesting facility.
 - (3) Routine scheduled calls shall be responded to at the requesting facility within fifteen (15.0) minutes of the agreed upon scheduled time. This response must be maintained for ninety percent (90%) of the calls for each calendar month.
 - a. In the event that the Patient is not ready for Transport within thirty (30.0) minutes of the agreed upon scheduled time, the responding agency may leave the requesting facility.

Sec. 13-30. Emergency powers.

If a situation exists which poses a serious or imminent threat to the public's health, safety, and/or welfare, or if necessary based on exigent circumstances creating an urgent public need warranting intervention and action, the Administrator shall have such temporary emergency powers as are necessary to remedy the situation, which may include temporarily suspending any provisions of this Division if warranted to remedy the serious or imminent threat to the public's health, safety, and/or welfare. All such action shall be reported immediately to the EMS Council.

Sec. 13-31. Complaint procedure.

(a) Any complaint filed with the Administrator against an EMS provider shall be reviewed by the Administrator, if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint will be deemed legally sufficient if it contains ultimate facts that show that a violation of this Division has occurred. If the complaint relates to a COPCN Holder, the COPCN Holder who is the subject of said complaint shall be immediately notified of same. The Administrator may require the EMS Council, or a committee thereof, to conduct a review of the complaint and present recommendations to the Administrator regarding

enforcement action or remedies. The Administrator shall be provided access to any COPCN Holder's business records for inspection to assist in said review.

(b) Upon completion of the review, the Administrator will make a determination as to whether a violation has occurred and may take any one (1) or more of the enforcement actions provided for by this Division and/or other law.

Sec. 13-32. General prohibitions.

(a) It shall be a violation of this Division for any COPCN Holder, person, business entity or governmental agency to:

- (1) Violate, or fail to comply with, any provision of this Division.
- (2) Fail to abide by the Endorsements, conditions, and/or restrictions stated on the COPCN.
- (3) Fail to render services authorized by the COPCN, unless otherwise provided for by this Division.
- (4) Violate, or fail to comply with, any provision of Chapter 401, Florida Statutes, or Subtitle 64J of the Florida Administrative Code, as applicable and as each may be amended, or any other applicable law, rule, or regulation that relates to EMS.
- (5) Fail to comply with a correction order issued by the Administrator or any other order issued by the Administrator.
- (6) Fail to timely pay any outstanding and unsatisfied civil citation penalties imposed due to violation of this Division.
- (7) Furnish, operate, conduct, maintain, advertise, engage in, propose to engage in, or profess to engage in the business or service of providing pre-hospital or interfacility ALS services, ALS transportation services, ALS non-transportation services, BLS transportation services, or any air ambulance services, without first obtaining an appropriate COPCN with an appropriate Endorsement from the Board as provided herein and the necessary State licenses, as provided in Florida Statutes.

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- (8) Place or continue in operation an EMS Vehicle, or any other vehicle being used to provide ALS services, ALS transportation services, ALS non-transportation services, BLS transportation services, or any air ambulance services, if that vehicle does not meet the requirements of this Division.
 - (9) Obstruct, bar, or otherwise interfere with Patient care.
 - (10) Obstruct, bar, or otherwise interfere with an inspection, investigation, assessment or review conducted under the purview of this Division.
 - (11) Make an omission of a material fact or make a false statement or representation in any application or other document filed with the Administrator.
 - (12) Advertise or otherwise promote the use of any communications number for emergency medical response services other than 9-1-1.
 - (13) Demand money or other compensation, through itself or an agent, in excess of that established in its schedule of fees filed with the Administrator pursuant to this Division.
 - (14) The schedule of fees filed with the Administrator appears excessive in comparison to other service providers in the County.
 - (15) The COPCN Holder has been convicted of a felony, or has plead guilty or nolo contendere to a felony regardless of whether adjudication was withheld, unless the COPCN Holder's civil rights have been restored if applicable.
 - (16) The COPCN Holder has been convicted of a criminal offense involving moral turpitude, or has plead guilty or nolo contendere to a criminal offense involving moral turpitude regardless of whether adjudication was withheld.
 - (17) The COPCN Holder has been adjudicated of committing malpractice or negligence in the operation of its EMS service.
 - (18) The COPCN Holder has had its State EMS license suspended or revoked.
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- (19) Place, or cause to be placed, a false 9-1-1 Medical Call or request for emergency medical assistance by any means including, but not limited to, telephonically or electronically.

Sec. 13-33. Enforcement: General.

- (a) Any violation of this Division is a civil infraction. This Division may be enforced by the Administrator, which includes any personnel authorized by the Administrator, except that any revocation or modification of a COPCN shall be finally determined by the Board.
- (b) Where it is found by inspection, investigation or otherwise that there is reasonable cause to believe a violation of this Division has occurred, this Division may be enforced by any of enforcement actions set forth in this Division, as well as any other legally available enforcement actions and remedies, or any combination of enforcement actions. No method of enforcement action is a condition precedent to any other method of enforcement action.
- (c) The Administrator may require the EMS Council, or a committee thereof, to conduct a review of any violation of this Division and present recommendations to the Administrator regarding enforcement action or remedies. If warranted, a special session of the EMS Council may be scheduled as needed for review and discussion.

Sec. 13-34. Enforcement: Notice of violation and correction orders.

- (a) If the Administrator determines that a COPCN Holder is in violation of this Division, the Administrator may issue a notice of violation and order the COPCN Holder to correct such deficiency within a reasonable time frame designated by the Administrator depending on the circumstances, which shall not exceed thirty (30) calendar days.

(b) The written order shall include the law violated, a statement of the deficiencies found, and the time frame for correction. The COPCN Holder may file a written request with the Administrator for reconsideration of the order or a portion thereof, within ten (10) business days from the issuance of such order. Failure of the Administrator to respond to the COPCN Holder's written request for reconsideration within ten (10) business days of receipt shall void the order.

Sec. 13-35. Enforcement: Civil citations.

(a) A violation of any provision of this Division may be enforced pursuant to the procedures and civil penalties of the Code Enforcement Citation Ordinance of Palm Beach County, as set forth in Chapter 8.5 of the Palm Beach County Code, and in accordance with Section 162.21, Florida Statutes.

(b) The Administrator and any personnel designated by the Administrator are designated as code enforcement officers for the purpose of issuing civil citations under the Code Enforcement Citation Ordinance.

Sec. 13-36. Enforcement: Cease and desist orders.

If the Administrator determines that any entity or person is in violation of this Division, the Administrator may issue a cease and desist order to the violating entity or person.

Sec. 13-37. Enforcement: Suspension and revocation of EMS Vehicle Permits.

(a) If the Administrator determines that an EMS Vehicle or its equipment does not comply with an applicable law or regulation, including the standards set forth in this Division, Chapter 401, Florida Statutes, and Subtitle 64J, Florida Administrative Code, the Administrator may:

- (1) Suspend the respective Permit by providing written notice to the COPCN Holder by certified mail or hand delivery. Such suspension shall continue until the COPCN Holder can establish that the EMS Vehicle is once again in compliance.

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- (2) Revoke the respective Permit if the EMS Vehicle is not brought into compliance within thirty (30) calendar days, by providing written notice to the COPCN Holder by certified mail or hand delivery. A COPCN Holder which has had a Permit revoked must apply to the Administrator for a new Permit and shall pay the required fee for a new Permit.

Sec. 13-38. Enforcement: COPCN suspension, revocation, and modification.

(a) If the Administrator determines that a COPCN Holder is in violation of this Division, the COPCN Holder's COPCN may be subject to suspension, revocation, and/or modification.

(b) If the Administrator determines that suspension of a COPCN is warranted, the Administrator shall issue a written order suspending the COPCN, and notify the COPCN Holder by certified mail or hand delivery. The suspension order shall state the reasons for the suspension.

(c) If the Administrator determines that revocation or modification of a COPCN is warranted, the Administrator shall notify the COPCN Holder in writing by certified mail or hand delivery, and notify the Board in writing, of the review and recommendation by the Administrator, and by the EMS Council if applicable. This notice shall state the reasons for the recommendation and establish a public hearing date. A public hearing shall be held by the Board for the purpose of considering the Administrator's recommendation. The Board shall consider whether to revoke or modify the COPCN, or whether to establish a lesser sanction and cure considering the nature, circumstances, frequency, extent, and gravity of the violation(s).

(d) Notwithstanding the procedure set forth above or anything else herein to the contrary, in circumstances demonstrating a threat to public health, safety, or welfare, the Administrator shall have the right to temporarily suspend or modify a COPCN pending a public hearing and final decision of the Board relating to revocation or modification of the COPCN.

(e) Any suspension, revocation, or modification of a COPCN, and any recommendation of revocation or modification by the Administrator, shall be reported in writing to the EMS Council.

Sec. 13-39. Appeal.

(a) A decision of the Board granting, denying, revoking, or modifying a COPCN, shall constitute final County action. Any further review of the Board's decision must be by a court of competent jurisdiction pursuant to state law.

(b) A COPCN Holder may file a written request with the Administrator for reconsideration of an order of the Administrator suspending its COPCN, or denying, suspending, or revoking its Permit, within ten (10) business days after the issuance of such order. The written request shall state the grounds for the request and the requested action. The Administrator shall issue a written decision within thirty (30) calendar days after receipt of the request, either affirming the order, or rescinding the order with or without imposing a lesser sanction. No appeal may be made to a Special Master, as set forth below, until the Administrator has issued this written decision. For the purpose of appealing to such Special Master, if the Administrator fails to issue its written decision within the required timeline, then at that time a written decision of the Administrator affirming the order shall be deemed to have been issued.

After exhaustion of the above Administrator reconsideration process, a COPCN Holder who has had its COPCN suspended by the Administrator, or its Permit denied, suspended, or revoked by the Administrator, may appeal the decision of the Administrator to a Special Master, by filing a written notice of appeal with the Administrator. The notice of appeal must be received by the Administrator within ten (10) business days after the Administrator's issuance of its written decision during the reconsideration process. The appeal will be heard by the Special Master within thirty (30) calendar days after the Administrator's receipt of the notice of appeal. The initial hearing on the appeal may be continued by the Administrator, the Special Master, or the COPCN Holder for good cause shown. The hearing before the Special Master shall be governed as provided for in Section 13-40. The

Administrator's decision shall be upheld or reversed by the Special Master. All decisions of the Special Master shall be final and reviewable by writ of certiorari in the Circuit Court of Palm Beach County, pursuant to the process set forth in the Florida Rules of Appellate Procedure. The Special Master shall provide the COPCN Holder with written notice of its decision.

Sec. 13-40. Special Master hearings.

(a) The County shall appoint a Special Master(s) to hear and decide appeals of decisions of the Administrator as set forth in Section 13-39. Special Masters or Hearing Officers (herein referred to as Special Masters) shall be appointed in accordance with Article 2, Palm Beach County Unified Land Development Code, as amended.

(b) Upon request of the Administrator, a hearing before a Special Master may be convened. A record shall be kept of all Special Master hearings and all hearings shall be open to the public.

(c) At the hearing, the burden of proof shall be upon the County to show that a violation of this Division has occurred.

(d) The Administrator shall provide notice of any hearing before a Special Master to the COPCN Holder by U.S. certified Mail or hand delivery.

(e) All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination of the Special Master, irrelevant, immaterial or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form.

(f) The Special Master may question any witness present at the hearing. The COPCN Holder, its attorney, and the County shall be permitted to question any

witness present at the hearing. The Special Master may consider testimony presented by the County, the COPCN Holder, or any other witnesses.

(g) At the conclusion of the hearing, the Special Master shall orally render a decision upholding or reversing the Administrator's decision, based on evidence entered into the record. The Special Master shall then transmit its decision to the COPCN Holder in the form of a written order including findings of fact and conclusions of law consistent with the record. Unless otherwise provided in this Division, the order may include a notice that it must be complied with by a specified date.

(h) All decisions of the Special Master shall be final, and may be appealed by the COPCN Holder or the County by writ of certiorari in the Circuit Court of Palm Beach County. Such appeal shall not be a hearing de novo but shall be limited to certiorari review of the record created before the Special Master. An appeal filed pursuant to this Section shall be considered timely if it was filed within thirty (30) calendar days of the execution of the order to be appealed. The County may assess a reasonable charge for the preparation of the record to be paid by the COPCN Holder in accordance with Section 119.07, Florida Statutes.

(i) The Special Master shall have the power to:

- (1) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a sheriff or other authorized persons, upon request by the Special Master.
- (2) Subpoena records and other documentary materials.
- (3) Take testimony under oath.
- (4) Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.
- (5) Issue orders requiring the COPCN Holder to reimburse the County for any costs incurred by the County due to the COPCN Holder's violation(s).

Sec. 13-41. Enforcement: Additional enforcement provisions.

(a) In addition to the enforcement methods and remedies specified herein, this Division, including any orders issued hereunder, may be enforced by any other lawfully available means, including but not limited to Chapter 162, Part I, Florida Statutes, and Article 10 of the Unified Land Development Code; instituting civil or administrative action; and seeking court orders to mandate compliance with this Division or to enjoin or otherwise prevent the violation of this Division. It is the intent of this Division to provide additional cumulative remedies. Each violation of any provision of this Division, and each day that a violation continues, shall constitute a separate violation of this Division.

(b) Governmental entities shall not be subject to civil fines and penalties, but shall be subject to correction orders, suspension and revocation of Permits and COPCNs, and all other enforcement methods authorized by this Division and any applicable law.

(c) The Administrator, Special Master, or the court, as the case may be, in its discretion, may excuse a violation of this Division upon a showing of good cause by the violator.

Secs. 13-42.—13-50. Reserved.

Chapter 13- Health and Human Services
ARTICLE II. EMERGENCY MEDICAL SERVICES
DIVISION 1. GENERALLY

Sec. 13-16. Title.

This Division shall be titled and may be cited as the "EMS Ordinance."
(Ord. No. 2017-030, § 2, 10-17-17)

Sec. 13-17. Authority and purpose.

This Division is promulgated pursuant to Chapter 401, Florida Statutes. The purpose of this Division is to promote the health, safety, and welfare of the residents of the County in need of emergency medical services by establishing standards for issuing certificates of public convenience and necessity for Primary Service Providers, Secondary Service Providers, and Special Secondary Service Providers, and by providing for the adoption of rules and regulations governing the Areas and for the operation of services as described herein. This Division does not govern nonemergency medical transportation services, as described in Section 316.87, Florida Statutes. (Ord. No. 2017-030, § 3, 10-17-17)

Sec. 13-18. Definitions.

9-1-1 Medical Call means any request via the 9-1-1 system for the immediate and prompt dispatch of any ALS Vehicle, ALS Transport Unit or Air Ambulance for the purpose of providing immediate medical assistance or Transport of a sick, injured or otherwise incapacitated Patient.

Administrator means the Palm Beach County Administrator or designee.

Advanced Life Support (ALS) means assessment or treatment by a person qualified under Chapter 401, Florida Statutes, Part III, of life-threatening medical emergencies through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, cardiac defibrillation and other techniques as referenced in Section 401.23, Florida Statutes. ~~described in the EMT-Paramedic National Standard Curriculum or the~~

National EMS Education Standards by a person qualified in accordance with Chapter 401, Florida Statutes.

Advanced Life Support Non-transport Service (ALS Non-transport Service) means a non-transport ALS Service provided within a designated Area until the Primary Service Provider arrives.

~~Advanced Life Support Service (ALS Service)~~ means any person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in any business or emergency medical transport or non-transport service which uses ALS techniques.

~~Advanced Life Support Transport Service (ALS Transport Service)~~ means an ALS Service responding to ~~m~~Medical Calls or emergency 9-1-1 ~~m~~Medical ~~e~~Calls with ALS Transport ~~u~~Units and with an Endorsement to a current COPCN authorizing the routine Transport of ~~p~~Patients.

~~Advanced Life Support Transport Unit (ALS Transport Unit)~~ means any vehicle that is designed, constructed, reconstructed, maintained, equipped or operated and is used for or intended to be used for water or land ALS Transport of sick or injured persons requiring or likely to require medical attention or emergency medical attention.

~~Advanced Life Support vVehicle (ALS Vehicle)~~ means any vehicle which is staffed and equipped to provide ALS treatment, but not used for ~~t~~Transport.

~~Air Ambulance~~ means any fixed-wing or rotary-wing aircraft used for, or intended to be used for, air Transport of sick or injured persons requiring or likely to require medical attention ~~or emergency medical attention~~ during ~~t~~Transport.

~~Air Ambulance sService~~ means any service, licensed in accordance with Chapter 401, Florida Statutes, Part III, ~~person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to~~ which operates Air Ambulances to

Transport persons requiring or likely to require medical attention or emergency medical attention during Transport.

Area means a geographic section of the County that is clearly defined by distinct borders, streets and/or municipal boundaries within which a Primary Service Provider, Secondary Service Provider, or Special Secondary Service Provider will provide services.

Automatic Aid means- prearranged EMS assistance dispatched automatically by a municipality or county to another municipality or county under conditions specified in a duly authorized written agreement.

Basic ~~Life~~ Support (BLS) means the assessment or treatment by a person qualified under Chapter 401, Florida Statutes, Part III, through the use of techniques described in the EMT Basic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation and approved by the Florida Department of Health. The term includes the administration of oxygen and other techniques that have been approved and are performed under conditions specified by rules of the Department of Health, ~~or more stringent rules adopted by the Medical Director of the COPCN Holder.~~

Basic ~~Life~~ Support Service (BLS Service) means any EMS which uses only BLS techniques.

Basic ~~Life~~ Support ~~transfer~~ Transport ~~Unit~~ (BLS ~~Transfer~~ Transport Unit) means any 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, BLS Inter-facility Transfers. BLS Transport Units may also be utilized when BLS transportation in response to non-emergent Medical Calls is deemed medically appropriate. BLS Transport Units may not be used to respond to 9-1-1 Medical Calls, or to Transport from the scene of 9-1-1 Medical Calls.

Board means the Board of County Commissioners (BCC) of Palm Beach County, Florida.

9 *Certificate of Public Convenience and Necessity (COPCN)* means a certificate
10 with Endorsements issued by the Board, deeming it to be in the public
11 convenience and necessity for the named ALS provider to operate within the
12 confines of the County, as authorized in ~~Florida Statutes, Section 401.25, Florida~~
13 ~~Statutes, as may be amended.~~

14 *Community* means a development, subdivision, or business campus. However,
15 for a fire department serving as a Special Secondary Service Provider, Community
16 means an identifiable geographic area served by the fire department.

17
18 *Community Association* means a homeowners' association, condominium
19 association, country club, or any other entity that has legal authority to contract
20 for services for the benefit of a particular ~~€Community, development or~~
21 ~~subdivision.~~

22 *COPCN Hholder* means any person, firm, corporation, association, or
23 governmental entity owning or acting as an agent for the owner of any business or
24 service which has been issued a COPCN by Palm Beach County.

25 *County* means the incorporated and unincorporated areas of Palm Beach
26 County, Florida.

27 *Department* means the Palm Beach County Department of Public Safety.

28 ~~*Emergency medical call* means any request for the immediate and prompt~~
29 ~~dispatch of any ALS Vehicle, ALS Unit or air ambulance for the purpose of providing~~
30 ~~immediate medical assistance or Transport of a sick, injured or otherwise~~
31 ~~incapacitated patient.~~

32 ~~*Emergency mMedical sServices (EMS)*~~ mean the activities or services to prevent
33 or treat a sudden critical illness or injury and to provide emergency medical care
34 and/or ~~pre-hospital emergency medical Transport~~ to sick, injured, or otherwise
35 incapacitated persons.

36 ~~*Emergency mMedical sServices €Council (EMS Council)*~~ means the committee
37 that is composed of members of the EMS community and the public who advise
38 and provide recommendations on matters relating to EMS within the ~~€County.~~

9 EMS Vehicle(s) means an ALS Vehicle(s), an ALS Transport Unit(s), a BLS
0 Transport Unit(s) and/or an Air Ambulance(s).

1 *Endorsement* means the type(s) of service a COPCN Hholder is authorized to
2 provide and the respective aArea(s) in which it may provide said service, as shown
3 on a COPCN approved by the Board. ~~Enroute Time means the time beginning when~~
4 ~~a request for emergency assistance is received at a COPCN holder's public safety~~
5 ~~answering point (PSAP) or dispatch center and ends when the ALS Vehicle, ALS~~
6 ~~Unit, BLS Transfer Unit or Air Ambulance reports beginning its response to the~~
7 ~~reported address of the emergency. All Enroute times are to be measured in~~
8 ~~increments of minutes and seconds.~~

9 *Evacuation* means the withdrawal and transport of ill or incapacitated persons,
0 or persons with special needs, -who reside in threatened areas and require
1 Transport, to or from an emergency Board-established shelter, hospital or facility,
2 utilizing ALS Transport Uunits, or BLS transfer Transport Uunits and/or Air
3 Ambulances, during when required by the Board due to a local state of emergency.

4 *Extraordinary Circumstances* means substantiated conditions or events such
5 that, in the discretion of the Board, warrant waiving the normal requirements for
6 extension or modification of a COPCN, as may be required to safeguard and
7 protect the public's health, safety and welfare and ensure continuity of EMS.

Inter-facility ~~Transfer~~ means:

(a1) the emergency ~~and/or~~ non-emergency Transport of a Patient between two (2) facilities licensed under ~~Florida Statutes, Chapter 393, Chapter 395, Chapter 400, and/or Chapter 429, Florida Statutes,~~ by an ALS Transport Unit or Air Ambulance, or

(b2) the non-emergency Transport of a Patient between two (2) facilities licensed under ~~Florida Statutes Chapter 393, Chapter 395, Chapter 400, and/or Chapter 429, Florida Statutes,~~ by a BLS ~~Transfer~~ Transport Unit.

Medical ~~Call~~ means any request for medical assistance or Transport which ~~does not require the immediate or prompt by dispatch of an ALS Vehicle, ALS Transport Unit, BLS Transfer Transport Unit, or Air Ambulance, but which does not require the immediate or prompt dispatch of such vehicle via the 9-1-1 system. or any situation which does not require the immediate or prompt provision of emergency medical assistance or Transport.~~

Medical ~~Director~~ means a Florida-licensed physician, preferably board certified in emergency medicine with additional qualifications and/or certification in EMS, who is employed or contracted by a COPCN Holder and who provides medical supervision, including appropriate quality assurance but not including administrative and managerial functions, for daily operations and training pursuant to this Division and Chapter 401, Florida Statutes, Part III. ~~Each Medical Director is a member of the EMS Council's Medical Director's Standing Subcommittee and shall participate regularly therein.~~

Medical director's standing subcommittee means a standing subcommittee of the ~~EMS Council~~ comprised of medical directors employed by, or contracted by COPCN Holders.

Municipal or County Fire Rescue Pilot Program Services (Pilot Program Services) means a Municipal or Palm Beach County Fire Rescue trial program related to services contemplated by this Division. Pilot Program Services are initiated by

~~special conditions, opportunities or events such that, in the discretion of the Board, warrant the issuance, extension and/or modification of a COPCN or its Endorsements on a temporary basis.~~

Mutual Aid means EMS assistance dispatched by a municipality or county to another municipality or county upon request.

Patient means any person who requires, or may require, medical attention or emergency medical attention ~~EMS and/or Transport.~~

Permit means the adhesive decal issued by the Department for an EMS Vehicle ~~ALS Vehicle, ALS Unit, BLS transfer unit, or air ambulance~~, upon satisfactory completion of the requirements of Section 13-26 ~~of this Division~~. No EMS Vehicle ~~ALS Vehicle, ALS Unit, BLS Transfer Unit, or air ambulance~~ shall operate in the County without obtaining said Permit.

Pilot Program Services means a municipal or Palm Beach County Fire-Rescue ~~trial~~ program related to services contemplated by this Division. Pilot Program Services are initiated by special conditions, opportunities or events such that, in the discretion of the Board, warrant the issuance, extension and/or modification of a COPCN or its Endorsements for a specified time period. However, the duration of a COPCN for Pilot Program Services shall not extend beyond the remaining duration of the regular COPCN cycle that is in place at the time, notwithstanding anything in this Division that may be construed to the contrary.

Primary ~~s~~Service ~~p~~Provider means the County or municipality ~~entity~~ designated by the Board to provide primary EMS ~~ALS Services which may include BLS transport~~ in accordance with the Endorsements listed on its COPCN and within the Area(s) indicated on its COPCN. There shall be only one Primary Service Provider for any Area. A Primary Service Provider shall not outsource its medical care services, in whole or in part, to another provider.

Public Safety Answering Point (PSAP) means the public safety agency that receives incoming 9-1-1 requests for assistance and dispatches appropriate public

safety agencies to respond to the requests in accordance with the statewide emergency communications plan.

Response Time means the time beginning when a request for EMS emergency assistance is received at a COPCN Holder's dispatching PSAP or dispatch center, and ending when the EMS Vehicle ALS Unit, ALS Vehicle, or Air Ambulance arrives at the reported address or location of the emergency. All Response Times are to be measured in increments of minutes and seconds. ~~Rules and Regulations~~ means those directives and requirements that are approved by the Board, as may be amended from time to time and that apply to the provision and operation of EMS in the County.

Secondary Service Provider means the agency(ies) designated by the Board to provide secondary EMS ALS Transport and BLS Inter-Facility Transfer Services in accordance with the Endorsements listed on its COPCN and within the Area(s) indicated on its COPCN. ~~BLS transfer units may only be utilized for non-emergency inter-facility transfers. A Secondary Service Provider shall not outsource its medical care services, in whole or in part, to another provider.~~

Special sSecondary sService pProvider means the agency that is designated by the Board and ~~has contracted with a Community Association to provide ALS Non-transport Services within a that eCommunity until the Primary Service Provider arrives, in accordance with the Endorsements listed on its COPCN and within the Area indicated on its COPCN.~~

Subscription Service Program means a contractual service between a COPCN Holder and a Community Association for Transport, or various ambulance services for the community. Subscription Service Programs shall not be allowed relating to 9-1-1 Medical Calls, except that said programs that are active and in place on December 2, 2025 shall be deemed to be grandfathered in.

Transport means the conveyance of a pPatient by an ALS unit, or air ambulance as a result of a request for response to an Emergency 9-1-1 Medical Call, or a Medical Call, ~~or the conveyance of a Patient by a BLS Transfer Unit as a result of a request for Inter-Facility Transfer.~~

Trauma Transport Protocols means the State-approved countywide Trauma Treatment and Transport Protocols used by the EMS pre-hospital providers.

~~{Ord. No. 2017-030, § 4, 10-17-17}~~

Sec. 13-19. Territorial applicability.

This Division applies in both the incorporated and unincorporated areas of Palm Beach County. ~~{Ord. No. 2017-030, § 5, 10-17-17}~~

Sec. 13-20. COPCN and eEndorsements required.

(a) Every person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service, ~~wishing to respond to emergency Medical Calls, or~~ which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of providing pre-hospital or interfacility ALS services, ALS transportation services, ALS non-transportation services, BLS transportation services, or any air ambulance services, primary provider, Secondary Provider, or Special Secondary Service Provider services, must obtain a COPCN as a Primary Service Provider, a Secondary Service Provider, or a Special Secondary Service Provider, as applicable, unless exempt pursuant to Florida law or Section 13-~~2120~~ of this Division.

(b) All COPCN Holders are required to obtain an ALS Endorsement.

(c) Each approved COPCN shall indicate the start date; and shall contain one (1) or more of the below specific Endorsements, in addition to the required ALS Endorsement, that designate types of service authorized to be provided and the authorized service Area(s). COPCN Holders must have the applicable Transport Endorsement in order to routinely Transport Patients.

(1) Primary Service Providers must may apply for and obtain; Air Ambulance Services, a Primary ALS Transport Service Endorsement, and a /or may ~~not~~ Routinely Transports BLS Endorsements to their COPCN. In addition, Primary Service Providers may provide Air Ambulance Services if they apply for and obtain an Air Ambulance Service Endorsement to their

COPCN. Primary Providers must have the applicable Transport Endorsement in order to routinely Transport Patients.

- (2) Secondary Service Providers may must apply for and obtain a ground ALS/BLS Inter-Facility Transfer Endorsement and/or a Secondary ALS/BLS Transport Service -Endorsements to their COPCN.

Secondary Service Providers and may not respond to Emergency 9-1-1 Medical Calls or transport 9-1-1 Medical Calls, except upon the request of a Primary Service Provider.

If a Secondary Service Provider receives a request for medical assistance, or responds to a scene, that warrants Transport to an emergency room, the Secondary Service Provider shall immediately contact the Primary Service Provider's dispatch center or call 9-1-1. The Secondary Service Provider may Transport to an emergency room if requested by the Primary Service Provider's dispatch center. This paragraph shall not apply for Interfacility Transfers.

- (3) Special Secondary Service Providers must apply for and obtain an provide ALS Non-transport ALS-Services Endorsement pursuant to a contract with a Community Association, as indicated on the COPCN to provide ALS Non-transport Services within a Community, as indicated on the COPCN, until the Primary Service Provider arrives. A Special Secondary Service Provider must have a contract with the Community Association to provide such services within the Community, or must be a fire department that serves the Community. For such fire department Special Secondary Service Providers, any provisions of this Division relating to a Community Association are not applicable. A Special Secondary Service Provider must obtain a COPCN for each such eCommunity. No additional Endorsements apply to Special Secondary Service Providers.

If a Special Secondary Service Provider encounters a patient that needs emergency medical assessment or care, the Special Secondary Service Provider shall immediately contact the Primary Service Provider's

dispatch center or call 9-1-1.

~~(4) Governmental entities having a public mandate to provide EMS within their jurisdiction may be granted a COPCN by the Board and if approved, may serve such jurisdiction as the primary provider. Any government entity requesting a COPCN must comply with the requirements set forth in this Division.~~

(d) Governmental agencies shall not provide Inter-Facility Transfer services unless there is an 9-1-1 emergency mMedical eCall and the patient's condition requires a response from the nearest available EMS agency, or when a Air Ambulance tTransport is required. Emergency or Inter-Facility Transfers made pursuant to a 9-1-1 Medical Call shall meet the same response time requirements as an emergency 9-1-1 mMedical eCall. However, a governmental agency operating a public hospital or an Air Ambulance Service may provide limited Inter-Facility Transfer services in accordance with conditions granted under an approved COPCN. ~~(e) In order to provide services under a subscription service program, the ALS Transport service must hold both a COPCN and a certificate of authority issued by the Florida department of insurance. A Subscription Service Program is funded by each Community Association that contracts for the service. (Ord. No. 2017-030, § 6, 10-17-17; Ord. No. 2021-007, § 1, 3-9-21)~~

Sec. 13-21. Exclusions from COPCN and/or pPermit requirement.

- (a) COPCN's and ~~Vehicle~~ Permits are not required for:
- (1) The Transport of a Patient or passenger pursuant to the Good Samaritan Act, ~~Florida Statutes, Section Chapter 768.13, Florida Statutes;~~
 - (2) Operation of EMS Vehicles ~~ALS Vehicles, ALS Units, BLS Transfer Units or Air Ambulances~~ based outside the County, which pick-up Patients outside the County and Transport them into the County, or which pick up Patients inside the County and Transport them out of the County;

(3) A COPCN Holder is not required to have a Permit for vehicles which serve primarily as support and/or non-transport special event vehicles that may carry medications and EMS equipment;

(4) ~~Those ALS and/or BLS Transfer Units and v~~Vehicles and/or providers that are exempt pursuant to Chapter 401.33, Florida Statutes, as may be amended, including, but not limited to, those vehicles and providers that are exempt pursuant to Section 401.33, Florida Statutes, and those volunteer ambulance service providers that are exempt pursuant to Section 401.25, Florida Statutes;-

(5) ~~EMS Vehicles ALS Units or BLS Transfer Units providing m~~Mutual Aid or a~~Automatic a~~Aid; and to an Area when the Area's permitted ALS Units are unable to respond, or when the Patient's condition necessitates immediate Transport as identified in the minimum standard pre-hospital treatment protocols as approved and adopted by the responding agency's Medical Director; and

(6) An EMS Vehicle rendering EMS during a major catastrophe or emergency when the COPCN Holder(s) for that Area are incapacitated, unable, or insufficient in number to render the services needed.~~(6) ALS Units, BLS Transfer Units or Air Ambulances based outside the County which respond when requested through an officially executed mutual aid agreement. (Ord. No. 2017-030, § 7, 10-17-17)~~

(b) This Division shall not apply to any volunteer ambulance service that is exempt under Section 401.25, Florida Statutes.

Sec. 13-22. Application for COPCN.

(a) *Applications for Primary Service Provider or Secondary Service Provider COPCN.*

(1) COPCN's for Primary Service Providers and Secondary Service Providers are issued every six (6) years for a six-year term. Applications for said

COPCN's are accepted only during the time specified in the public notice, except that a COPCN for Pilot Program Services may be approved as provided in Section 13-24 of this Division. Existing Primary Service Providers with a current COPCN from Palm Beach County may be able to utilize the abbreviated application process set forth in Section 13-22(a)(6) in lieu of the application process set forth below.

- a. Additional Secondary Service Providers: Notwithstanding anything in this Division to the contrary, after completion of the third-year of the six-year term of the Secondary Service Provider COPCNs issued pursuant to the above paragraph, the Administrator may conduct a review and determine if there is a public safety need for any additional Secondary Service Providers. The Administrator's review may include, but is not limited to, population growth, response times, user feedback, and vehicle and staff inspections. The Administrator will provide the Board with a report of the Administrator's review and analysis.

Notwithstanding anything in this Division to the contrary, if the Board, in its reasonable discretion, determines there is a public safety need for any additional Secondary Service Providers, then the Board may direct the Administrator to open an additional application period to accept and process Secondary Service Provider COPCN applications. In making this determination, the Board will consider the Administrator's report and any other information provided to the Board. This application period shall be in addition to the regular application period that opens every six years pursuant to the timelines set out in Subsections (a)(2) and (3) below; and the timelines in Subsections (a)(2) and (3) shall not apply to this additional application period for additional Secondary Service Providers.

Public notice of such additional application period shall be given by the Administrator. This notice shall state that the Board will be accepting applications for Secondary Service Provider COPCNs for all

7 areas of operation within the County; and will set forth the date
8 range during which applications will be accepted. The time period for
9 accepting and processing applications, and any related timelines, will
10 be established by the Administrator based upon the surrounding
11 circumstances. If the Administrator determines, in its reasonable
12 discretion, that the applications received do not meet the public
13 safety needs of the County, the Administrator may cancel the
14 application process and/or reopen an additional application period(s).

15 In addition to the other information required to be included in an
16 application pursuant to this Division, applications must include all the
17 following information:

- 18 • ~~The proposed start date of Secondary Provider services by applicant.~~
- 19 • ~~Copy of profile sheet(s) relating to current Florida State license(s), if
20 any, or equivalent information sheet(s) listing all of the applicant's
21 vehicles.~~
- 22 • ~~The minimum number of ALS Units, ALS Vehicles, and BLS Transfer
23 Units that applicant will have dedicated, operationally available, and
24 fully staffed in accordance with Chapter 401, Florida Statutes, Chapter
25 64J-1, FAC, and any other applicable laws, to provide Secondary
26 Provider services in Palm Beach County.~~
- 27 • ~~A list of the names of personnel, and their EMS certifications,
28 certification numbers and expiration dates, that the applicant will
29 dedicate to provide Secondary Provider services in Palm Beach County.
30 Personnel must meet all certification and training requirements in
31 Chapter 401, Florida Statutes, Chapter 64J-1, FAC, and any other
32 applicable laws.~~
- 33 • ~~Identify whether or not the applicant has an automatic vehicle locator
34 (AVL) system that would allow the Administrator and the requesting~~

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~~facility to track a responding vehicle's location, and provide details about any such AVL system and its capabilities.~~

The Board shall schedule a public hearing to consider whether to grant or deny any Secondary Service Provider applications submitted during an application period that is opened pursuant to this Subsection (a)(1)a.

Any Secondary Service Provider COPCNs issued pursuant to an application period provided for under this Subsection (a)(1)a, shall be in addition to the Secondary Service Provider COPCNs issued pursuant to the regular application period that opens every six years pursuant to the timelines set out in Subsections (a)(2) and ~~(3)~~ below. Any such additional Secondary Service Provider COPCNs shall indicate the start date of services, and shall expire upon the same expiration date as the Secondary Service Provider COPCNs that were issued pursuant to the regular six year application process, notwithstanding anything in this Division that may be construed to the contrary.

All provisions and procedures of this Division, including but not limited to those relating to COPCN applications and the consideration and issuance of COPCNs, shall apply, except to the extent they are inconsistent with the provisions of this Subsection (a)(1)a.

- (2) For the regular six (6) year application period for Primary Service Provider COPCNs and Secondary Service Provider COPCNs, as applicable, P~~public~~ notice of the application period for COPCNs shall be given by the Administrator no earlier than one hundred twenty (120) two hundred ten (210) calendar days and no later than ninety one hundred fifty (90150) calendar days prior to the expiration date of all the Primary Service Provider or Secondary Service Provider COPCNs, as applicable, that are in place at the time. issued pursuant to this Section 13-22. This notice shall state that the Board will be accepting applications for COPCNs for all

4 areas of operation within the eCounty and will set forth the date range
5 during which applications will be accepted. The time period for accepting
6 and processing applications, and any related timelines, will be established
7 by the Administrator based upon the surrounding circumstances.

- 8
- 9 (3) ~~Applications shall be accepted by the Administrator no earlier than~~
10 ~~ninety (90) days and no later than forty five (45) days prior to the~~
11 ~~expiration date of the COPCN. Each applicant requesting a COPCN shall~~
12 ~~submit a copy of a completed application as required by this Division and~~
13 ~~pursuant to any Rules and Regulations by the end of the application~~
14 ~~period. If the Administrator determines, in its reasonable discretion, that~~
15 ~~the applications received do not meet the public safety needs of the~~
16 ~~County, the Administrator may cancel the application process and/or~~
17 ~~open an additional application period(s).~~
- 18 (4) An Application for a Primary Service Provider COPCN or a Secondary
19 Service Provider COPCN, as applicable, shall be completed by the
20 applicant. The application and the appropriate supporting documents
21 shall be submitted to the Division of Emergency Management and
22 processed by the Administrator.

23 Applicant shall cooperate with the Administrator in producing or causing
24 to be produced any information or documentation deemed by the
25 Administrator to be relevant appropriate to the application, the proposed
26 services, and/or the Administrator's review and report. Failure to provide
27 any information requested by the Administrator may result in rejection of
28 the application.

- 29 (5) The application shall include each of the requirements listed below:
- 30 a. Identify the exact full legal name of the applicant that is applying for
31 and will hold the COPCN.
- 32 b. Identify the applicant's central place of business to support Palm Beach
33 County.

c. Identify the specific type of COPCN sought (Primary Service Provider, Secondary Service Provider, or Special Secondary Service Provider) with the required service Endorsements, and any applicable optional service Endorsement sought, all as specified in Section 13-20; as well as the specific Area(s) or specific Community in which the applicant intends to provide the service. If a Primary Service Provider applicant intends to provide Primary Service Provider services outside of its own jurisdictional boundaries, then its application must include documentation, such as a contract, ordinance or other authority, that shows the service arrangement with the governing body of the jurisdiction that it intends to serve.

d. For Secondary Service Provider applicants and Special Secondary Service Provider applicants, identify the proposed start date of services by applicant.

ae. The financial information of the applicant relating to ensure financial ability to provide and continue to provide service to the Area. Such financial information shall include copies of the applicant's past two (2) Medicare audits, if any. Government entities must provide the past three (3) years Comprehensive Annual Financial Reports via hard copy, or electronically. Privately held entities must provide copies submit of the past three (3) years of audited financial statements, if any, of the company and of its parent company or holding company, if any, for the past three (3) years.

For Special Secondary Service Provider applicants only;

if such company does not have audited financial statements, then reviewed financial statements shall be acceptable, provided the applicant also submits a written acknowledgment from the affected Community Association, signed by an authorized representative, confirming that the Community Association acknowledges and accepts that the applicant does not have audited

financial statements and has submitted with its COPCN application reviewed financial statements in lieu of audited financial statements. ~~Government entities must provide the past three (3) years Comprehensive Annual Financial Reports via hard copy, or electronically.~~

For purposes of this Division 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.

bf. The applicant's proposed rate structure current fee schedule.

eg. Except for current COPCN Holders, a For Secondary Service Provider applicants only: provide a A summary history of applicant's EMS emergency Services performance record, if any, for the past three (3) years, including any ALS Transport Service experience, which provides proof that at the time of application, the applicant has demonstrated experience providing AES or RES Services. Experience providing ALS Transport Service or BLS services must include experience providing the full continuum of pPatient care from call initiation, during pPatient transport and through to final pPatient transfer to hospital or other final destination. Special Secondary Service Provider COPCN experience does not meet the criteria to establish the necessary ALS Transport Service or BLS experience since pPatient care is transferred to the Primary Service Provider, no transportation is provided, and Special Secondary Service Providers do not provide pPatient care during transport.

For Special Secondary Service Provider applicants only:

i. Applicants for Special Secondary Service Provider COPCNs must provide a summary history of applicant's EMS performance record, which provides proof that at the time of application, the applicant has

6 demonstrated experience providing ALS Service for at least the past
7 three (3) consecutive years. Applicants that ~~who meet the Staff~~
8 ~~experience requirement set forth herein, but that do not meet have a~~
9 ~~summary history of the performance record requirement, providing~~
0 ~~ALS Services, are eligible for a one-time COPCN with the following~~
1 ~~conditions.~~

2 (ii) ~~The COPCN may shall be issued and after six (6) months of~~
3 ~~operation, the COPCN Holder shall deliver a report to the~~
4 ~~Department with a summary history of the COPCN Holder's~~
5 ~~performance record demonstrating that the COPCN~~
6 ~~Holder~~ Applicant successfully provided Special Secondary Service
7 Provider ALS Services during the initial six (6) months of
8 operation and accompanied by a letter from the Primary Service
9 Provider attesting that the COPCN Holder has performed
0 satisfactorily to the knowledge of the Primary Service Provider.
1 Additionally, the COPCN Holder shall provide records
2 substantiating that it has the implementedation of a formal
3 quality assurance system and has held that at least three (3)
4 formal, quality assurance meetings having taken place during the
5 initial six (6) months of operation. The Primary Service Provider is
6 required to be invited to participate in the quality assurance
7 meetings.

8 (iii) Upon review of the required documentation, if the
9 Administrator will determines if that the conditions have been
0 satisfied, the Administrator will ~~Special Secondary Service~~
1 ~~Providers who satisfy the conditions shall be issued send a letter~~
2 to the COPCN Holder acknowledging satisfaction and removal of
3 the conditions of the COPCN. In that event, the COPCN shall
4 remain in effect for the term of the COPCN in accordance with
5 Section 13-22(b).until the contract with the Community
6 Association expires or terminates.

(iiiiv) If the Administrator determines the conditions have not been satisfied, then the COPCN Holder shall be in violation of this Divisionthe HMS Ordinance and the COPCN shall be subject to immediate suspension by the Administrator and revocation by the BCC. The Administrator may permit an additional thirty (30) calendar days to satisfy conditions if the ~~Applicant~~ COPCN Holder has demonstrated good faith efforts towards satisfaction of the conditions.

(iv) Except as expressly modified herein, COPCN Holders with conditions are subject to the requirements of this Divisionthe EMS Ordinance and all Rules and Regulations of the BCC, and nothing herein shall be construed as a limitation, waiver or relinquishment of any right, remedy, or enforcement power authorized by this Division or other applicable law, or the EHMS Ordinance, or the Rules and Regulations.

dh. The Applicant must demonstrate that its general manager or an executive staff member has have at least one (1) supervisory or higher, level employee who possesses a minimum of three (3) years of experience in pre-hospital managing ALS Transport Services.

For Special Secondary Service Provider applicants only: The Applicant must have at least one (1) supervisory or higher level employee who possesses a minimum of three (3) years of experience in ALS Services.

ei. Disclosure of litigation involving Patient care, for the past six (6) years which resulted in a judgment, award, or finding in favor of a Patient or the complaining party, including case number, nature of the claim and allegations, and a copy of final judgment or award. The Administrator may request additional information regarding the litigation.

fi. Proof of satisfactory completion of all of federal, state, and/or local agency vehicle and staff inspections for the last three (3) ~~six (6)~~ years including copies of all deficiency reports. ~~Current COPCN Holders need~~

not provide vehicle and staff inspections performed by the Department (except deficiencies reports).

gk. Records substantiating the implementation of a formal quality assurance system consistent with Florida Statute Section 401.265, Florida Statutes, and Rule Chapter 64J-1, Florida Administrative Code, as may be amended.

hl. Primary Service Provider and Secondary Service Provider COPCN applicants must have an Emergency Medical Dispatch (EMD) program or an agreement for appropriate EMD service consistent with Section 768.1335, Florida Statutes, titled "The Emergency Medical Services Dispatch Act", as may be amended.

im. For Primary Service Provider and Secondary Service Provider COPCN applicants only: In order to maintain an acceptable level of service Response Time, all applicants must have a sufficient number of Permitted ALS Transport Units Vehicles available for response to ensure compliance with this Division and Response Time requirements, which number will vary based on the Area of assignment. In no event shall any Each COPCN Holder must at all times have at least less than one (1) ALS Transport Unit, and one (1) ALS Vehicle or a second ALS Transport Unit, both fully staffed, Permitted, operationally available, and in service at all times ready for simultaneous response to calls. The COPCN Holder must also have one (1) spare ALS spare Transport Unit fully equipped and Permitted in the event that one of their primary ALS Transport Units is not in service. It is the intent of this provision that each COPCN Holder is responsible to have sufficient Permitted ALS Transport Units on hand as necessary to demonstrate ability to ensure continuity of operations and to provide mutual assistance as reasonably required upon request. This section does not apply to Special Secondary Service Providers.

~~The specific service Endorsement(s) sought and Area(s) or specific community in which the applicant intends to provide the service.~~

- ~~k. A nonrefundable application fee as established by the Board, by Resolution.~~
- ~~l. Such other forms and information that the Administrator may require for full and complete disclosure of information and assessment of the application for consideration by the Board.~~
- nm. The applicant must provide a certified letter from the COPCN Holder's Chief Executive Operating Officer or Fire Chief representing that the applicant has met and will continue to meet all applicable federal, state and local requirements pertaining to the delivery of EMS.
- o. For Primary Service Provider and Secondary Service Provider applicants only; Benchmark Response Times. Provide data for previous six (6) months of transports (Form A).
- p. Management plan. Provide information on how the following business functions will be conducted and managed: a) employee and driver training programs, b) complaint handling system, c) system for handling accidents and/or injuries, and d) vehicle maintenance system.
- q. Copy of current State of Florida Emergency Medical Services (EMS) license(s) and any current COPCNs.
- r. The Medical Director must be a Florida licensed physician. Provide a copy of a fully executed contract or agreement. Provide copies of current DEA and Florida Physician's License. Must meet requirements of Rule 64J-1.004, Florida Administrative Code, and Section 401.265, Florida Statutes.
- s. Copy of applicant's standard operating procedures (SOPs) and protocols relating to EMS that have been approved by applicant's Medical Director, and a letter from applicant's Medical Director confirming that applicant has adopted the State--approved countywide Trauma Transport Protocols.
- t. Copy of profile sheet(s) relating to current Florida State license(s), if any, or equivalent information sheet(s) listing all of the applicant's vehicles.

- u. The minimum number of ALS Transport Units, ALS Vehicles, BLS Transport –Units, and Air Ambulances that applicant plans to have dedicated, operationally available, and fully staffed in Palm Beach County, in accordance with Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws, to provide the applicable services.
- v. A list of the names of personnel, and their EMS certifications, certification numbers and expiration dates, that the applicant will dedicate to provide the applicable services in Palm Beach County. Personnel must meet all certification and training requirements in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws.
- w. For Secondary Service Providers only: The applicant must have hands-free mapping capability, and an automatic vehicle locator system that would allow the Administrator and the requesting facility to track the location of all responding vehicles. The applicant must provide details about all such systems and their capabilities.
- x. A radio system agreement between the applicant and Palm Beach County, through its Facilities Development and Operations Department. The applicant must meet all requirements as set forth in the agreement. The radio system agreement must be executed by the applicant prior to submittal of the COPCN application.
- y. Insurance verification. A copy of an insurance policy, a self-insurance policy, or a Certificate of Insurance is acceptable, so long as the agency meets the minimum insurance limits and any other requirements set forth in Chapter 64J-1, Florida Administrative Code. There must be a 30 calendar day cancellation notice and Palm Beach County shall be shown as the certificate holder.
- z. A nonrefundable application fee as established by the Board, by Resolution.

8 aa. Such other forms and information that the Administrator may require
9 for full and complete disclosure of information and assessment of the
10 application for consideration by the Board.

11 bb. All information submitted shall be treated as public records in
12 accordance to Florida's public records laws.

13 (6) Abbreviated application process only for existing Primary Service
14 Providers: During the six year application period process, an existing
15 Primary Service Provider in good standing with a current COPCN from
16 Palm Beach County, may, in lieu of submitting a full application, instead
17 submit an abbreviated application to the Administrator requesting that
18 the Board renew and reissue its COPCN for the same services,
19 Endorsements and Area(s) for an additional six (6) year term. An existing
20 Primary Service Provider will be deemed to be in good standing if it is
21 current with all State and County EMS requirements and has had no
22 findings of a violation of this Division by the Administrator since the
23 issuance of its current COPCN. Applicant shall cooperate with the
24 Administrator in producing or causing to be produced any information or
25 documentation deemed by the Administrator to be relevant to the
26 application, the proposed services, and/or the Administrator's review and
27 report. Failure to provide any information requested by the Administrator
28 may result in rejection of the application.

29 The abbreviated application shall require confirmation of the applicant's
30 exact full legal name, that the applicant is applying to renew its existing
31 Primary Service Provider COPCN with its existing required and optional
32 Endorsements, and the specific Area(s) in which the applicant intends to
33 provide the service. This information must match the applicant's existing
34 COPCN in order to use the abbreviated application process. In addition,
35 the abbreviated application shall include each of the following
36 requirements: financial information as set forth in Section 13-22(a)(5)e;
37 the applicant's current fee schedule as set forth in Section 13-22(a)(5)f;
38 disclosure of litigation as set forth in Section 13-22(a)(5)i; personnel

information as set forth in in 13-22(a)(5)v; insurance verification as set forth in in 13-22(a)(5)y; and payment of the application fee as set forth in Section 13-22(a)(5)z.

Primary Service Providers who utilize this abbreviated application process still must meet and remain in compliance with all applicable provisions and requirements of this Division, including but not limited to the requirements set out in -Section 13-22(a)(5).

(b) Applications for Special Secondary Service Provider COPCN.

- (1) Applications for Special Secondary Service Provider COPCNs are accepted at any time. Special Secondary Service Provider COPCNs are issued for a term that terminates automatically upon the termination or expiration of the COPCN Holder's contract for service with the Community Association, or upon notice from the Community Association.
- (2) A completed application for a Special Secondary Service Provider COPCN, and the appropriate supporting documents, shall be submitted to the Division of Emergency Management and processed by the Administrator. ~~Applicants shall submit the application for COPCN as set forth in~~ Except as noted therein, the provisions set forth in Section 13-22(a)(4) and (5) above shall apply to applications for Special Secondary Service Provider COPCNs, and applicants must satisfy all applicable requirements therein. ~~and i~~ In addition, applicants for Special Secondary Service Provider COPCNs shall also provide satisfactory completion of the following requirements:
 - a. The affected Community Association must submit a letter of request prepared and signed by an authorized representative indicating the dates of service coinciding with the effective date and the expiration date of the contract between the Community Association and the applicant. ~~The expiration date may be amended upon renewal of the contract by~~ Should said contract be renewed or its expiration date be extended or amended, the COPCN's expiration date will be deemed

0 automatically amended to coincide with the new contract expiration
1 date, upon the applicant submitting to the Administrator a copy of
2 said contract renewal, extension or amendment, and an updated
3 letter of request from the Community Association to the
4 Administrator. The applicant shall, and the Community Association
5 may, shall notify the Administrator of an early termination, or of an
6 extension of the contract.

- 7 b. A memorandum of understanding that is executed between the
8 applicant and the Primary Service Provider COPCN Holder to
9 coordinate emergency services at an emergency scene, including
10 dispatch protocols, the roles and responsibilities of Special Secondary
11 Service Provider personnel at an emergency scene, and the
12 documentation required for Patient care rendered.
- 13 c. Medical ~~P~~protocols approved by the Primary Service Provider COPCN
14 Holder's Medical Director for the applicable Area.

15 (~~Ord. No. 2017-030, § 8, 10-17-17; Ord. No. 2018-034, § 2, 12-4-18; Ord. No.~~
16 ~~2021-041, § 2, 12-21-21)~~

8 **Sec. 13-23. Review and assessment of application.**

9 (a) Upon receipt of an application, the Administrator shall review the
10 application, and obtain verification that the applicant meets the requirements of
11 all applicable federal, state and local laws pertaining to the delivery of EMS. The
12 Administrator's review shall include consideration of the need for the proposed
13 service in the requested Area; The Administrator, in its discretion, may request or
14 require a presentation by the applicant to the Administrator.

15 (b) Upon finalization of the review, the Administrator shall prepare a report
16 with recommendation which shall be forwarded to the applicant and to the EMS
17 Council. The Administrator shall schedule an EMS Council meeting to request an
18 EMS Council recommendation on the application to be provided to the Board. The
19 applicant and ~~affected~~ current COPCN Holders will be provided with notice of the

EMS Council meeting and may be heard concerning the application at the EMS Council meeting prior to EMS Council recommendation.

(c) The Administrator shall request the Board set a date for public hearing to consider the application any time after completion of the Administrator's report provided, however, the Administrator shall obtain the recommendation of the EMS Council prior to the public hearing date.

(d) The Administrator's report and the recommendation of the EMS Council will be provided to the Board for consideration at the public hearing.

~~{Ord. No. 2017-030, § 9, 10-17-17}~~

Sec. 13-24. Board approval required for COPCN.

(a) The Board shall schedule public hearings to consider all applications for COPCNs. The Administrator shall notify all applicants and current COPCN Holders of the date, time, and place of the hearing, and shall publish a Notice of Public Hearing one (1) time in a newspaper of general circulation at least ten (10) calendar days prior to said public hearing. All applicants shall appear before the Board at the public hearing.

(b) At the public hearing, the Board shall receive and consider the submitted application(s) and information, the report of the Administrator, recommendation of the EMS council, ~~testimony~~, information and statements from the applicant(s) ~~or~~ and any other interested party, and any other relevant information, to evaluate ~~determine~~ whether the public convenience and necessity of the residents of the County would be best served by granting or denying each such application. The Board's consideration will consider whether include the applicant's ~~has the ability~~ to provide the proposed necessary service based upon the criteria set forth Section 13-22 in this Division, and applicable Florida law, rule and regulation. The Board shall also consider the recommendations of any ~~municipality or municipalities in the County applying for a COPCN or affected by the issuance of a COPCN~~. For Special Secondary Service Provider COPCNs only, the Board shall

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consider the request of an authorized representative of the Community Association contracting for service.

(c) At said public hearing, after consideration of the aforementioned information, the Board ~~shall make finding and~~ shall determine, based upon the criteria and guidelines of this Division and applicable Florida law and the information presented at the public hearing, which agency(ies), if any, -will be issued a COPCN to ~~shall serve all or a portion of the Aarea(s) requested. The agency(ies) determined by the Board as most qualified to serve all or a portion of the Aarea(s) shall be identified as a Primary or Secondary Providers. Most qualified may include service providers in good standing who have previously provided such service.~~

(d) The Board shall authorize the issuance of a COPCN 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.

(e) The Board may limit or define the extent to which a Primary Service Provider, -or a Secondary Service pProvider or a Special Secondary Service Provider may provide service within the Aarea.

(f) Upon a finding of eExtraordinary eCircumstances the Board may, at any time, grant an extension and/or modification of an existing COPCN for a period of up to six (6) months, which may be renewed.

(g) The Board may grant or modify a COPCN at any time during or outside of the application period set forth in subsection 13-22(a) herein in order to facilitate Pilot Program Services. A COPCN for Pilot Program Services provides a structure for approval, for a specified time period~~limited duration, and evaluation of new or innovative service or innovative programming provided by either Palm Beach County Fire-Rescue or by a municipality in Palm Beach County. Board approval may be subject to conditions, including, but not limited to, demonstration of compliance with this Division and the Rules and Regulations, as applicable. Pilot Program Services shall not be construed to constitute or to authorize a transfer of powers or functions of County government.~~

(h) Notwithstanding the procedures and substantive requirements for the issuance of a COPCN, the Board reserves the right, without a public hearing, to designate a current COPCN Holder to complete the term of another COPCN Holder whose COPCN has been revoked, surrendered or otherwise terminated.

~~(Ord. No. 2017-030, § 10, 10-17-17)~~

Sec. 13-25. Rights and duties granted by COPCN.

(a) Acceptance of a ~~p~~Primary Service ~~p~~Provider COPCN, ~~which may include Endorsements for Transport, routinely Transport BLS, or Air Ambulance,~~ shall obligate the COPCN Holder applicant to:

- (1) ~~Provide EMS ALS Services to the~~ its ~~entire service Area pursuant to its the Endorsements included on the COPCN and this Division.;~~
- (2) Respond to all 9-1-1 emergency mMedical eCalls in the assigned service Area.;
- (3) Meet the Response Time requirements of this Division~~the Rules and Regulations.;~~
- (4) ~~When requested by a requesting agency, r~~Respond to another contiguous COPCN Holder's Primary Service Provider's Area, when reasonably requested to do so by that agency's dispatch, for 9-1-1 Medical Calls when the COPCN holder Primary Service Provider for that Aarea is unable to respond or determines that additional resources are needed, unless doing so would jeopardize the protection of its own it will remove all coverage from its assigned Aarea. This assistance is not intended to be routine or to subsidize the day-to-day operations or shortages in staffing or equipment of any COPCN Holder.;
- (5) Abide by all requirements of this Division ~~and rules and regulations adopted by the Board,~~ and all applicable federal, state and local laws and regulations, including meeting and continuing to meet all of the criteria, requirements and provisions set out in Section 13-22, as applicable.;

- (6) Provide access to the applicant's business, and EMS Vehicles~~ALS vehicles and ALS Units, and air ambulances as applicable,~~ for inspection by the Administrator pursuant to Section 13-26 of this Division.;
- (7) Post, at the central place of business, a copy of all of the agency's pertinent licenses, including the agency's EMS license, the agency's COPCN, and the agency's fee schedule.~~required under this Division;~~
- (8) Provide EMS and Patient Transport at no cost to the Patient when requested by the Administrator because an emergency Evacuation of persons with special needs from an Area is required duringe to a declared local state of emergency.;
- (9) Submit to the Administrator any changes ~~or any requested changes~~ in the fee schedule at least sixty (60) calendar days prior to the effective date of such change, and provide all documentation which justifies the fee change.;
- (10) Notify the Administrator at least one hundred twenty days (120) calendar days prior to a~~the~~ termination or reduction of any service.;
- (11) A schedule of fees shall be provided or made available to each Patient upon request.
- a. Under no circumstances shall payment be required prior to a Transport of those Patients requiring further medical treatment at a hospital.
- ~~(11)~~(12) Communication Equipment. All Permitted EMS Vehicles shall possess functional operating capability of direct two-way radio communication with the COPCN Holder's dispatching PSAP or dispatch center, be in compliance with the State of Florida Emergency Medical Services Communication Plan, and maintain compliance with the radio system agreement specified in Section 13-22.
- (13) Patient Attendants. Every EMS Vehicle shall be staffed according to the standards identified in Chapter 401, Florida Statutes, Chapter 64J-1

Florida Administrative Code, and all related rules and regulations as it pertains to paramedic and emergency medical technician Patient attendants.

(14) Personnel must meet all certification and training requirements in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws.

~~(12)~~(15) ~~(11)~~ Perform only those services specifically authorized by its COPCN and its endorsement(s), or this Division, and abide by all conditions, restrictions, limitations, and exclusions as identified on the COPCN.;

~~(13)~~(16) ~~(12)~~ Provide the Administrator with copies of updated, current records, and/or data and/or information which pertain to the COPCN Holder's application, and vehicle data, EMS services, and/or EMS Vehicles, including but not limited to detailed run data including the time a 9-1-1 Medical Call is received and the time of arrival at the scene, and any other relevant data. Such records, data and information shall be provided to the Administrator on a monthly basis, as well as within thirty (30) calendar days of any change to said records, data or information, and otherwise promptly upon the request of the Administrator.; and

~~(13)~~ Adopt the countywide approved Trauma Transport Protocols, or more stringent standards as approved by the COPCN Holder's Medical Director.

(b) Acceptance of a Secondary Service Provider COPCN with an ALS transport endorsement and/or a BLS Inter-Facility Transfer Endorsement shall obligate the COPCN Holder applicant to:

(1) Respond pursuant to the Endorsements applicable to the Secondary Provider; Provide EMS to its service Area pursuant to its COPCN and this Division.

(2) Respond to a Primary Service Provider's another COPCN Holder's aArea, when requested to do so by that agency's dispatch, for emergency 9-1-1

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~~mMedical eCalls when the Primary Service Provider COPCN holder for that aArea is unable to respond or determines that additional ambulances are needed, unless it will remove all coverage from its assigned area;~~

- ~~(3) Abide by all requirements of this Division, and rules and regulations adopted by the Board and all applicable federal, state and local laws and regulations, including meeting and continuing to meet all of the criteria, requirements and provisions set out in Section 13-22, as applicable.;~~
- ~~(4) Meet the Response Time requirements of this Division of the Rules and Regulations.;~~
- ~~(5) Provide access to the applicant's business and EMS VehiclesALS units. BLS transfer units utilized for non-emergency inter-facility transfers or air ambulances for inspection by the Administrator pursuant to Section 13-26 of this Division.;~~
- ~~(6) Post, at the central place of business, a copy of all of the agency's pertinent licenses, including the agency's EMS license, the agency's COPCN, and the agency's fee schedule, required under this Division;~~
- ~~(7) Submit to the Administrator any changes or any requested changes in the fee schedule at least sixty (60) calendar days prior to the effective date of the change, and provide all documentation which justifies the fee change.;~~
- ~~(8) Provide emergency medical ServicesEMS and pPatient Ttransport at no cost to the pPatient when requested by the Administrator because an emergency Eevacuation of persons is required during a by a declaration of a local state of emergency by the Board.;~~
- ~~(9) Notify the Administrator at least one hundred twenty (120) calendar days prior to a termination or reduction of any service.;~~
- ~~(10) A schedule of fees shall be provided or made available to each Patient upon request.~~

a. Under no circumstances shall payment be required prior to an emergent or urgent Transport of those Patients requiring further medical treatment at a hospital.

a.b. The COPCN Holder may request payment prior to Transport when responding to routine Medical Calls or when higher medical authority has determined and stated, that ambulance Transport is not required. If prior payment arrangements satisfactory to the COPCN Holder are not made, the COPCN Holder may turn down such Transport.

(11) Communication Equipment. All Permitted EMS Vehicles shall possess functional operating capability of direct two-way radio communication with the COPCN Holder's dispatching PSAP or dispatch center, be in compliance with the State of Florida Emergency Medical Services Communication Plan, and maintain compliance with the radio system agreement specified in Section 13-22.

(12) Patient Attendants. Every EMS Vehicle shall be staffed according to the standards identified in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and all related rules and regulations as it pertains to paramedic and emergency medical technician Patient attendants.

(13) Personnel must meet all certification and training requirements in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws.

~~(12)~~(14) ~~(10)~~ Perform only those services specifically authorized by its COPCN endorsement(s), or this Division, and abide by all restrictions, conditions, restrictions, limitations, and exclusions as identified on the COPCN.

~~(13)~~(15) ~~(11)~~ Provide the Administrator with copies of updated, current records, and/or data and/or information which pertain to the COPCN Holder's application, and vehicle data EMS services, and/or EMS Vehicles, including but not limited to detailed run data including pick up

and drop off locations, time call was made from the hospital or other facility, requested pick up time, time of arrival, the average number of fully staffed EMS Vehicles in operation daily per month in Palm Beach County, and any other relevant data. Such records, data and information shall be provided to the Administrator on a monthly basis, as well as within thirty (30) calendar days of any change to said records, data or information, and otherwise promptly upon the request of the Administrator.

(c) Acceptance of a Special Secondary Service Provider COPCN shall obligate the COPCN Holder to:

- (1) Provide ALS Non-transport Services in response to emergency calls within the Community contracting for the services as specified on the COPCN until the Primary Service Provider arrives.
- (2) Abide by all requirements of this Division, and all applicable federal, state and local laws and regulations, including meeting and continuing to meet all of the criteria, requirements and provisions set out in Section 13-22, as applicable.
- (3) Provide access to the applicant's business and EMS Vehicles for inspection by the Administrator pursuant to Section 13-26.
- (4) Communication Equipment. All Permitted EMS Vehicles shall possess functional operating capability of direct two-way radio communication with the COPCN Holder's dispatching PSAP or dispatch center, be in compliance with the State of Florida Emergency Medical Services Communication Plan, and maintain compliance with the radio system agreement specified in Section 13-22. All Special Secondary Service Providers shall, at their own expense, ensure direct 2-way radio communications with the Primary Service Provider, as specified by the Primary Service Provider.
- (5) Every EMS Vehicle shall be staffed according to the standards identified in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative

Code, and all related rules and regulations as it pertains to paramedic and emergency medical technicians.

- (6) Personnel must meet all certification and training requirements in Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, and any other applicable laws.
- (7) Perform only those services specifically authorized by its COPCN or this Division, and abide by all conditions, restrictions, limitations, and exclusions as identified on the COPCN.
- (8) Provide the Administrator with copies of updated, current records, data and/or information which pertain to the COPCN Holder's application, EMS services, and/or EMS Vehicles, and any other relevant data. Such records, data and information shall be provided to the Administrator on a monthly basis, as well as within thirty (30) calendar days of any change to said records, data or information, and otherwise promptly upon the request of the Administrator.
- (9) Post, at the central place of business, a copy of all of the agency's pertinent licenses, including the agency's EMS license and COPCN.

(d) COPCN's are valid only within the service Area specified on the COPCN.

~~(Ord. No. 2017-030, § 11, 10-17-17)~~

Sec. 13-26. EMS Vehicle Permits.

(a) All EMS Vehicles, including equipment, ALS Vehicles, ALS Units, BLS Transfer Units, and Air Ambulances shall be inspected prior to operation in the County. If approved, and following payment of the applicable Permit fee for each approved and inspected vehicle, a Permit shall be issued by the Department which shall be valid for a period of one (1) year from date of issue.

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(b) The COPCN Holder shall notify the Administrator immediately when a new non-Permitted EMS Vehicle ~~ALS Vehicle, ALS Unit, BLS Transfer Unit or Air Ambulance~~ is placed into operation, and the Administrator shall have thirty (30) calendar days to have the EMS Vehicle inspected. ~~shall, within five (5) days of placing the ALS Vehicle, ALS Unit, BLS Transfer Unit or Air Ambulance into operation, have the ALS Vehicle, ALS Unit, BLS Transfer Unit or Air Ambulance inspected.~~

(c) A current Permit must be affixed to approved EMS Vehicles ~~ALS Vehicles, ALS Units, BLS Transfer Units and Air Ambulances.~~

(d) Each COPCN Holder shall be responsible for ensuring that all of its Permitted EMS Vehicles and equipment are in compliance, and remain in compliance, with all applicable laws and regulations, including this Division, Chapter 401, Florida Statutes, and Subtitle 64J, Florida Administrative Code. COPCN Holders shall be subject to random and/or routine inspections of their EMS Vehicles, including equipment, by the Administrator ~~ALS Vehicles, ALS Units, BLS Transfer Units and/or Air Ambulances.~~

(e) A fee, as established by resolution of the Board, shall be required for each Permit issued or renewed.

(f) Unless exempt pursuant to Section 13-21, it shall be a violation of this Division for an EMS Vehicle ~~ALS Vehicle, ALS Unit, BLS Transfer Unit or Air Ambulance~~ to operate within the County without a Permit, or to operate with a suspended or revoked Permit.

~~(Ord. No. 2017-030, § 12, 10-17-17)~~

Sec. 13-27. Assignability of COPCN.

(a) COPCNs are personal to the applicant, and are valid for a six (6) calendar years term except as otherwise may be provided for in this Division.

(b) No assignment or transfer of a COPCN shall be permitted except as specifically authorized in the discretion of the Board at a public hearing. An

assignment or transfer shall be contingent upon the completion of requirements set forth in this Division, including, but not limited to, the requirements of Section 13-22. All COPCN Holders within the County shall be provided with written notice, at least ten (10) calendar days prior to any public hearing regarding the assignment or transfer of a COPCN.

(c) A COPCN issued to a Special Secondary Service Provider is not assignable and shall not be transferred.

(d) This Section shall not be interpreted to restrict the rights of the Board as set forth in Section 13-24, to grant an extension and/or modification of an existing COPCN for a period of up to six (6) months, to grant or modify a COPCN to approve Pilot Program Services, and to designate a current COPCN Holder to complete the term of another COPCN Holder whose COPCN has been revoked, surrendered or otherwise terminated.

~~(Ord. No. 2017-030, § 13, 10-17-17)~~

Sec. 13-28. Provision of pPatient outcome data.

Hospitals shall, upon request of an EMS provider agency, provide outcome data to the EMS provider agency on individual pPatients that were transported to said hospital by that agency, for the purpose of statistical analysis, and quality assurance and management/improvement activities, by the agency's quality assurance and management/improvement programs. The outcome data shall include admission and/or discharge diagnoses on any and all pPatients transported to said hospital by the requesting EMS provider agency. An EMS provider agency may not request outcome data on any pPatients 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 assurance and management/improvement programs; and as such, are subject to all applicable laws and regulations providing for confidentiality, and/or exemption from public disclosure under Chapter 119, Florida Statutes, which may include as specified by Florida Statutes Sections 395.404 and 401.30, 401.425,

395.51 and 395.3025 Florida Statutes, and ~~are confidential under HIPAA privacy regulations.~~

Sec. 13-29. Response Times.

~~{Ord. No. 2017-030, § 14, 10-17-17}~~

Sec. 13-29. Rules and regulations.

The Administrator is hereby authorized to prepare such rules and regulations as necessary to carry out the purposes of this Division. The Rules and Regulations are attached hereto as Appendix "A" (on file with the city, not included herein) and are adopted simultaneously with this Division. The Board may subsequently amend the Rules and Regulations at a public hearing, on recommendation of the Administrator following notice to all COPCN Holders and presentation of the proposed changes at an EMS Council meeting for comment, no later than thirty (30) days prior to consideration by the Board. EMS Council comments shall be provided to the Board for consideration with the recommendation of the Administrator.

- (a) Response Times shall be monitored by the Administrator and assessed for compliance with the Response Time requirements set forth herein.
- (b) Every COPCN Holder shall maintain Response Time records and data for all 9-1-1 Medical Calls and all Medical Calls, including Interfacility Transfers, and keep said records and data on file for review by the Administrator if requested; and shall promptly provide any such records and data to the Administrator upon request in a manner prescribed by the Administrator.
- (c) Every Primary Service Provider COPCN Holder shall ensure an average Response Time of eight (8.0) minutes to 9-1-1 Medical Calls occurring within the assigned service Area per calendar month.
- ~~(a)~~(d) Priority Dispatch. Agencies using a nationally recognized priority dispatch system may apply for a waiver to modify the time limits imposed by this Division. The request for a waiver shall be reviewed by the EMS Council, and must have the approval of the Administrator. Any waiver granted by the Administrator must establish the specific time limits that will be met by the agency receiving the waiver.
- (1) For calls classified by the priority dispatch system as life threatening, the time limits established in the waiver shall not be more than those contained in Subsection (c).

(2) A waiver for Response Times may be revoked by the Administrator at any time.

(e) Response Times for Air Ambulance.

(1) Air Ambulance Response Times for 9-1-1 Medical Calls.

When requested by the COPCN Holder's dispatching PSAP or dispatch center and when flight conditions allow, COPCN Holders shall promptly dispatch an Air Ambulance to 9-1-1 Medical Calls.

- a. For 9-1-1 Medical Calls, an Air Ambulance shall have times that are consistent with industry practices and safety standards.
- b. If the COPCN Holder is not able to promptly dispatch an Air Ambulance to a 9-1-1 Medical Call, the COPCN Holder shall notify the COPCN Holder's dispatching PSAP or dispatch center. This notification to the COPCN Holder's dispatching PSAP or dispatch center shall indicate: (1) when an aircraft will be available to respond; and (2) the actual location of the available aircraft to respond.

(2) For Medical Calls, including Interfacility Transfers, an Air Ambulance shall have a timely Response Time that is consistent with industry practices and safety standards.

(f) Response Times for Secondary Service Providers Ground Interfacility Transfers.

- (1) Requests for Interfacility Transfer of emergent medical Patients. All "Alerts" (Trauma, Stroke, Cardiac, etc.) and any other call that the requesting facility deems the Patient as needing immediate Transport must be responded to within fifteen (15.0) minutes of the request for Transport. This Response Time must be maintained for ninety percent (90%) of the calls for each calendar month. The Patient shall be ready for Transport upon arrival.
- (2) Requests for Interfacility Transfer of an urgent nature, but which are not of an emergent medical classification identified under Subsection (1)

and have not been pre-scheduled, must be responded to within thirty (30.0) minutes of the request for Transport. This Response Time must be maintained for ninety percent (90%) of the calls for each calendar month.

a. In the event that the Patient is not ready for Transport within fifteen (15.0) minutes of arrival of the ALS Transport Unit or the BLS Transport Unit, the responding agency may leave the requesting facility.

(3) Routine scheduled calls shall be responded to at the requesting facility within fifteen (15.0) minutes of the agreed upon scheduled time. This response must be maintained for ninety percent (90%) of the calls for each calendar month.

a. In the event that the Patient is not ready for Transport within thirty (30.0) minutes of the agreed upon scheduled time, the responding agency may leave the requesting facility.

~~(Ord. No. 2017-030, § 15, 10-17-17)~~

Sec. 13-30. Emergency powers.

If a situation exists which poses a serious or imminent threat to the public's health, safety, and/or welfare, or if necessary based on exigent circumstances creating an urgent public need warranting intervention and action, the Administrator shall have such temporary emergency powers as are necessary to remedy the situation, which may include temporarily suspending any provisions of this Division if warranted to remedy the serious or imminent threat to the public's health, safety, and/or welfare. All such action shall be reported immediately to the EMS Council.

~~(Ord. No. 2017-030, § 16, 10-17-17)~~

Sec. 13-31. Complaint procedure.

(a) ~~All~~ Any complaints filed with the Administrator against an EMS provider ~~COPCN Holder~~ shall be reviewed by the Administrator, if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint will be deemed legally sufficient if it contains ultimate facts that show that a violation of this Division has occurred. If the complaint relates to a COPCN Holder, the COPCN Holder who is the subject of said complaint shall be immediately notified of same. The Administrator may require ~~designate~~ the EMS Council, or a committee thereof, to conduct a review of the complaint and ~~to present recommendations to~~ the Administrator regarding enforcement action or remedies ~~on penalties or corrective action~~. The Administrator shall be provided access to ~~the~~ any COPCN Holder's business records for inspection to assist in said review.

(b) Upon completion of the review, the Administrator will make a ~~final~~ determination as to whether a violation has occurred and may take any one (1) or more of the enforcement actions provided for ~~as authorized by this Division~~ and/or other law ~~in Section 13-32~~.

~~(Ord. No. 2017-030, § 17, 10-17-17)~~

Sec. 13-32. General prohibitions.

(a) It shall be a violation of this Division for any COPCN Holder, person, business entity or governmental agency to:

- (1) Violate, or fail to comply with, any provision ~~observe any requirement of this Division, and/or the Rules and Regulations promulgated pursuant to this Division.~~
- (2) Fail to abide by the Endorsements, conditions, and/or restrictions stated on the COPCN.

(3) Fail to render services authorized by the COPCN, unless otherwise provided for by this Division.

~~(2) Fail to comply with the Response Times established by the Department.~~

~~(3) Remedial action plans and/or fines shall be assessed for violation of the established Response Times as set forth in the Rules and Regulations.~~

(4) Violate, or fail to comply with, observe any provision requirement of Chapter 401, Florida Statutes, or Subtitle Rule 64J, of the Florida Administrative Code, as applicable and as each may be amended, renumbered or supplemented, or any other applicable law, rule, or regulation governing that relates to EMS, ALS, BLS or Special Secondary Service Provider services.

(5) Fail to comply with a correction order issued by the Administrator or any other order issued by the Administrator.

~~(56) Fail to timely pay any outstanding and unsatisfied civil citation penalties imposed due to violation of this Division. comply with any order of the Administrator.~~

(76) Furnish, operate, conduct, maintain, advertise, engage in, propose to engage in, or profess to engage in Operate, provide, function, represent to the public, or participate in, the business or service of providing pre-hospital or interfacility ALS services, ALS transportation services, ALS non-transportation services, BLS transportation services, or any Air Ambulance services, and/or any business that provides emergency response to Medical Calls or Transport of non-Emergency Medical Calls without first obtaining an appropriate COPCN with an and appropriate Endorsement of COPCN from the Board as provided herein, and the necessary sState licenses, as provided in Florida Statutes.

(87) Place or continue in operation Operate an EMS Vehicle ALS Vehicle, ALS Unit, BLS Transfer Unit, or Air Ambulance, or any other vehicle being used

to provide ALS services, ALS transportation services, ALS non-transportation services, BLS transportation services, or any Air Ambulance services, if that vehicle does not meet the requirements of this Division.

(89) Obstruct, bar, or otherwise interfere with Patient care.

(109) Obstruct, bar, or otherwise interfere with an inspection, investigation, assessment or review conducted under the purview of this Division, and/or the Rules and Regulations adopted hereunder.

(1110) Make an omission of a material fact or make a false statement or representation in any application or other document filed with the Administrator.

(12) Advertise or otherwise promote the use of any communications number for emergency medical response services other than 9-1-1.

(13) Demand money or other compensation, through itself or an agent, in excess of that established in its schedule of fees filed with the Administrator pursuant to this Division.

(14) The schedule of fees filed with the Administrator appears excessive in comparison to other service providers in the County.

(15) The COPCN Holder has been convicted of a felony, or has plead guilty or nolo contendere to a felony regardless of whether adjudication was withheld, unless the COPCN Holder's civil rights have been restored if applicable.

(16) The COPCN Holder has been convicted of a criminal offense involving moral turpitude, or has plead guilty or nolo contendere to a criminal offense involving moral turpitude regardless of whether adjudication was withheld.

(17) The COPCN Holder has been adjudicated of committing malpractice or negligence in the operation of its EMS service.

(18) The COPCN Holder has had its State EMS license suspended or revoked.

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(1911) Place, or ~~C~~ause to be placed, ~~or place a false 9-1-1 Medical Call or~~
request for emergency medical assistance by any means including, but
not limited to, telephonically and electronically.

~~(Ord. No. 2017-030, § 18, 10-17-17)~~

Sec. 13-33. Enforcement: General.

(a) Any violation of this Division is a civil infraction. This Division shallmay be
enforced by the Administrator, which includes any personnel authorized by the
Administrator, except that any revocation or modification of a COPCN shall be
finally determined by the Board. ~~and law enforcement officers within their~~
~~respective jurisdictions.~~

(b) Where it is found by inspection, investigation or otherwise that there is
reasonable cause to believe a violation of this Division has occurred, this Division
may be enforced by any of enforcement actions set forth in this Division, as well
as any other legally available enforcement actions and remedies, or any
combination of enforcement actions. No method of enforcement action is a
condition precedent to any other method of enforcement action.

(c) The Administrator may require the EMS Council, or a committee thereof, to
conduct a review of any violation of this Division and present recommendations
to the Administrator regarding enforcement action or remedies. If warranted, a
special session of the EMS Council may be scheduled as needed for review and
discussion.

~~(b) — A violation of this Division is a civil infraction as provided in Florida~~
~~Statutes Section 162.21, et seq.~~

~~(1) A person who has committed an act in violation of this Division may receive a~~
~~citation from the Administrator's authorized personnel or any law enforcement~~
~~officer who has reasonable cause to believe that the person has committed a civil~~
~~infraction in violation of this Division.~~

~~(2) Civil infractions shall be processed as set forth in this Section.~~

Sec. 13-34. Enforcement: Notice of violation and correction orders. ~~(c)~~

~~(a) (c)~~ If the Administrator determines by inspection or otherwise, that a COPCN Holder is in violation of ~~not in compliance with requirements under this Division, or its Rules and Regulations, Florida Statutes Chapter 401, Rule 64J Florida Administrative Code, or any other applicable law,~~ the Administrator may issue a notice of violation and order ~~that~~ COPCN Holder person to correct such deficiency within a reasonable designated time frame designated by the Administrator depending on the circumstances, which shall not exceed thirty (30) calendar days.

~~(1)(b)~~ Every such The written correction order, whether verbal or written, shall include the law violated, a statement of the deficiencies found, and the time frame for correction ~~period prescribed within which a deficiency must be corrected, and the provision of the law relied upon.~~ The affected COPCN Holder may file a written request with the Administrator for reconsideration of the order or any portion thereof, within ten five (105) business calendar days from of the issuance receipt of such order. Failure of the Administrator to respond to the COPCN Holder's written request for reconsideration within ten seven (107) business calendar days of receipt shall void the correction order. All information shall be forwarded to the EMS Council and a special session may be scheduled as needed for review and discussion.

Sec. 13-35. Enforcement: Civil citations.

(a) A violation of any provision of this Division may be enforced pursuant to the procedures and civil penalties of the Code Enforcement Citation Ordinance of Palm

Beach County, as set forth in Chapter 8.5 of the Palm Beach County Code, and in accordance with Section 162.21, Florida Statutes.

(b) The Administrator and any personnel designated by the Administrator are designated as code enforcement officers for the purpose of issuing civil citations under the Code Enforcement Citation Ordinance.

Sec. 13-36. Enforcement: Cease and desist orders.

If the Administrator determines that any entity or person is in violation of this Division, the Administrator may issue a cease and desist order to the violating entity or person.

Sec. 13-37. Enforcement: Suspension and revocation of EMS Vehicle Permits.

~~(a) (d) If, during an inspection, the Administrator determines that an EMS Vehicle, ALS Vehicle, ALS Unit, BLS Transfer Unit or Air Ambulance, or its equipment does not comply with an applicable law or regulation, including the standards as set forth in this Division, Chapter 401, Florida Statutes, and, Subtitle Rule 64J, of the Florida Administrative Code or this Division, the Administrator may: take any one (1) of, or any combination of the following actions, in addition to the other enforcement actions authorized in this Section.~~

- ~~(1) The Administrator may suspend its the respective Permit, either immediately if public health, safety and welfare so require (for example, lack of insurance), or after ten (10) days by providing written notice to the COPCN Holder by certified mail or hand delivery. , and sSuch suspension shall continue until the COPCN Holder can establish that the EMS Vehicle, ALS Vehicle, ALS Unit, BLS Transfer Unit or Air Ambulance is once again in compliance. The Administrator shall allow the COPCN Holder a maximum of thirty (30) days to bring the vehicle or unit into compliance.~~

(2) ~~The Administrator may r~~Revoke the ~~ALS Vehicle, ALS Unit, BLS Transfer Unit or Air Ambulance~~ respective Permit if the EMS Vehicle is not brought into compliance within thirty (30) calendar days, by providing written notice to the COPCN Holder by certified mail or hand delivery. ~~for each vehicle or unit which is not brought into compliance within the time specified by the Administrator. A COPCN Holder which has had a Permit revoked must apply to the Administrator for a new Permit and shall pay the required fee for a new Permit.~~

~~(3) The Administrator may require the COPCN Holder to present a remedial action plan to the EMS Council as set forth in the Rules and Regulations.~~

~~(e) This Division is enforceable by all means provided by law. A suit may be brought to restrain, enjoin or otherwise prevent the violation of this Division in the circuit court of Palm Beach County. It is the purpose of this Division to provide additional cumulative remedies. Each violation of this Division and/or the Rules and Regulations adopted hereunder, and each day in which a continuing violation of this Division exists, shall constitute a separate offense.~~

~~(f) Multiple offenses may result in suspension or revocation of a provider's COPCN and/or imposition of a remedial action plan or such other enforcement action as authorized by this Division and in the Rules and Regulations.~~

~~(g) Notwithstanding any other provisions herein, a violation of any provision of this Division or the Rules and Regulations adopted hereunder may be prosecuted in the same manner as a misdemeanor pursuant to Florida Statutes, Chapter 125.69, and, upon conviction, the violator shall be subject to a fine not to exceed five hundred dollars (\$500.00). Each day that a violation continues shall be considered a separate offense.~~

~~(h) Governmental entities shall not be subject to civil fines and penalties but shall be subject to remedial action plans. Administrator orders, suspension and revocation of Permits and COPCNs, and all other enforcement methods authorized by this Division and the law.~~

~~(i) The Administrator or the court, as the case may be, in its discretion, may excuse a violation of this Division upon a showing of good cause by the violator.~~

~~{Ord. No. 2017-030, § 19, 10-17-17}~~

~~Sec. 13-34. Civil infraction processing.~~

- ~~(a) The county court shall have jurisdiction over all violations of this Division.~~
- ~~(b) The county clerk shall:~~
- ~~(1) Accept designated fines and issue receipts therefore.~~
 - ~~(2) Provide a uniform citation form serially numbered for notifying alleged violators to appear and answer to charges of violation of this Division. Such citation forms shall be issued to and receipted by the Administrator.~~
 - ~~(c) Any person issued a citation shall be deemed to be charged with a civil ordinance violation and shall comply with the directives on the citation.~~
 - ~~(d) Payment shall be made, either by mail or in person, to the violations bureau within the time specified on the citation. If a COPCN holder follows this procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction.~~
 - ~~(e) All fines collected as a result of said citations (except those fines collected as a result of citations issued by municipal law enforcement officers, which shall be remitted by the clerk of the court directly to the municipality issuing the citation) shall be paid into the county treasury and deposited into an account designated for use by the Administrator.~~
 - ~~(f) Any COPCN holder who fails to make payment within the specified period shall be deemed to have waived his or her right to pay the civil penalty as set forth in the citation.~~
 - ~~(g) Any COPCN holder who elects to appear before the court to contest the citation shall be deemed to have waived his or her right to pay the civil penalty. The court, after a hearing, shall make a determination as to whether a violation has occurred and may impose a civil penalty not to exceed five hundred dollars (\$500.00) plus court costs per infraction.~~
 - ~~(h) If a COPCN holder fails to pay the civil penalty, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her right to contest the citation, and in such case, a default judgment may be entered and the judge shall impose a fine at that time. An order to show cause may be issued. If the fine is paid, the case shall be dismissed. If the fine is not paid, judgment may be entered up to the maximum civil penalty. (i) Any COPCN holder cited for an infraction under this Division with a mandatory court appearance shall sign and accept the citation indicating a promise to pay the fine or appear in court. Any COPCN holder who willfully refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor of the second degree.~~

~~(j) Mandatory court appearances may be required for violations resulting in the issuance of a third or subsequent citation within a rolling six (6) year period. The citation shall clearly inform the violator of the mandatory court appearance. The Administrator shall maintain records to prove the number of citations issued to violators. A violator required to appear in court does not have the option of paying the fine instead of appearing in court.~~

~~{Ord. No. 2017-030, § 20, 10-17-17}~~

Sec. 13-3835. Enforcement: COPCN suspension, revocation, and modification, and suspension.

~~(a) If the Administrator determines that a COPCN Holder is in violation of this Division, A the COPCN Holder's issued pursuant to this Division COPCN is may be subject to suspension, revocation, and/or modification, or suspension where it is found that:~~

~~(1) The COPCN Holder has failed or neglected to adhere to this Division or the Rules and Regulations promulgated by the Board, Chapter 401, Florida Statutes, Rule 64J, Florida Administrative Code, and any other applicable law, or has failed to abide by the Endorsements, conditions and/or restrictions stated on the COPCN or any of the orders of the Administrator;~~

~~(2) The application submitted to secure a COPCN contains a material false representation or omitted material fact;~~

~~(3) The COPCN Holder, or its agent, has demanded money or other compensation in excess of that established in its schedule of fees filed with the Administrator pursuant to this Division;~~

~~(4) The schedule of fees filed with the Administrator appears excessive in comparison to other service providers in the County;~~

~~(5) The COPCN Holder has failed to comply with a correction order issued by the Administrator or a remedial action plan approved by the Administrator;~~

~~(6) The COPCN Holder has been adjudicated guilty of a felony, unless the COPCN Holder's civil rights have been restored;~~

~~(7) The COPCN Holder has been found guilty, by a court of competent jurisdiction, of any criminal offense involving moral turpitude;~~

~~(8) The COPCN Holder has committed malpractice or negligence in the operation of its service; or~~

~~(9) The COPCN Holder has had their/its state license revoked or suspended.~~

(b) If the Administrator determines that suspension of a COPCN is warranted, the Administrator shall issue a written order suspending the COPCN, and notify the COPCN Holder by certified mail or hand delivery. The suspension order shall state the reasons for the suspension.

~~(c)(b) — The Administrator may review a violation of this Division or a complaint and submit same to the EMS Council for recommendation. If the Administrator determines that revocation, suspension, or modification of a COPCN is warranted, the Administrator shall notify the COPCN Holder in writing by certified mail or hand delivery, and notify the Board in writing, of the review and recommendation by the Administrator, and by the EMS Council if applicable. This notice shall state the reasons for the recommendation and establish a public hearing date. (c) — A public hearing shall be held by the Board for the purpose of considering the Administrator's recommendation. The Board shall consider whether to revoke, suspend or modify the COPCN, or whether to establish a lesser sanction and cure considering the nature, circumstances, frequency, extent, and gravity of the violation(s).~~

(d) Notwithstanding the procedure set forth above or anything else herein to the contrary, in circumstances demonstrating a threat to public health, safety, or welfare, the Administrator shall have the right to temporarily suspend or modify a COPCN pending a public hearing and the final decision of the Board relating to revocation or modification of the COPCN.

(e) Any suspension, revocation, or modification of a COPCN, and any recommendation of revocation or modification by the Administrator, shall be reported in writing to the EMS Council.

~~(Ord. No. 2017-030, § 21, 10-17-17)~~

Sec. 13-3936. Appeal.

(a) A decision of the Board granting, denying, suspending, revoking, or modifying a COPCN, shall constitute final County action. Any further review of the Board's decision must be by a court of competent jurisdiction pursuant to state law. and further review shall be by writ of certiorari in the circuit court, pursuant to the process set forth in the Florida Rules of Appellate Procedure.

(b) A COPCN Holder may file a written request with the Administrator for reconsideration of an order of the Administrator suspending its COPCN, or denying, suspending, or revoking its Permit, within ten (10) business days after the issuance of such order. Appeal of the denial, revocation or suspension of a vehicle Permit shall be to the Director, Palm Beach County Emergency Management, or designee. An appeal of a vehicle Permit denial, suspension or revocation shall be by letter delivered to the Administrator within five (5) calendar days after the enforcement action being appealed. The letter written request shall state the grounds for the request appeal and the requested action. The Administrator Director shall issue deliver a written decision within thirty five (305) calendar business days after receipt of the request appeal, either affirming the order, or rescinding the order with or without imposing a lesser sanction. No appeal may be made to a Special Master, as set forth below, until the Administrator has issued this written decision. For the purpose of appealing to such Special Master, if the Administrator fails to issue its written decision within the required timeline, then at that time a written decision of the Administrator affirming the order shall be deemed to have been issued.

After exhaustion of the above Administrator reconsideration process, a COPCN Holder who has had its COPCN suspended by the Administrator, or its Permit

denied, suspended, or revoked by the Administrator, may appeal ~~final~~ the decision of the Administrator to a Special Master, by filing a written notice of appeal with the Administrator. The notice of appeal must be received by the Administrator within ten (10) business days after the Administrator's issuance of its written decision during the reconsideration process. The appeal will be heard by the Special Master within thirty (30) calendar days after the Administrator's receipt of the notice of appeal. The initial hearing on the appeal may be continued by the Administrator, the Special Master, or the COPCN Holder for good cause shown. The hearing before the Special Master shall be governed as provided for in Section 13-40. The Administrator's decision shall be upheld or reversed by the Special Master. All decisions of the Special Master shall be final and reviewable ~~Director~~ may be reviewed by writ of certiorari in the Circuit ~~e~~Court of Palm Beach County, pursuant to the process set forth in the Florida Rules of Appellate Procedure. The Special Master shall provide the COPCN Holder with written notice of its decision.

Sec. 13-40. Special Master hearings.

(a) The County shall appoint a Special Master(s) to hear and decide appeals of decisions of the Administrator as set forth in Section 13-39. Special Masters or Hearing Officers (herein referred to as Special Masters) shall be appointed in accordance with Article 2, Palm Beach County Unified Land Development Code, as amended.

(b) Upon request of the Administrator, a hearing before a Special Master may be convened. A record shall be kept of all Special Master hearings and all hearings shall be open to the public.

(c) At the hearing, the burden of proof shall be upon the County to show that a violation of this Division has occurred.

(d) The Administrator shall provide notice of any hearing before a Special Master to the COPCN Holder by U.S. certified Mail or hand delivery.

(e) All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall

7 govern the proceedings. Upon determination of the Special Master, irrelevant,
8 immaterial or unduly repetitious evidence may be excluded, but all other evidence
9 of a type commonly relied upon by reasonably prudent persons in the conduct of
10 their affairs shall be admissible, whether or not such evidence would be admissible
11 in a trial in the courts of the State of Florida. Any part of the evidence may be
12 received in written form.

13 (f) The Special Master may question any witness present at the hearing. The
14 COPCN Holder, its attorney, and the County shall be permitted to question any
15 witness present at the hearing. The Special Master may consider testimony
16 presented by the County, the COPCN Holder, or any other witnesses.

17 (g) At the conclusion of the hearing, the Special Master shall orally render a
18 decision upholding or reversing the Administrator's decision, based on evidence
19 entered into the record. The Special Master shall then transmit its decision to the
20 COPCN Holder in the form of a written order including findings of fact and
21 conclusions of law consistent with the record. Unless otherwise provided in this
22 Division, the order may include a notice that it must be complied with by a
23 specified date.

24 (h) All decisions of the Special Master shall be final, and may be appealed by
25 the COPCN Holder or the County by writ of certiorari in the Circuit Court of Palm
26 Beach County. Such appeal shall not be a hearing de novo but shall be limited to
27 certiorari review of the record created before the Special Master. An appeal filed
28 pursuant to this Section shall be considered timely if it was filed within thirty (30)
29 calendar days of the execution of the order to be appealed. The County may assess
30 a reasonable charge for the preparation of the record to be paid by the COPCN
31 Holder in accordance with Section 119.07, Florida Statutes.

32 (i) The Special Master shall have the power to:

33 (1) Subpoena alleged violators and witnesses to its hearings. Subpoenas may
34 be served by a sheriff or other authorized persons, upon request by the
35 Special Master.

36 (2) Subpoena records and other documentary materials.

7 (3) Take testimony under oath.

8 (4) Issue orders having the full force and effect of law to command whatever
9 steps are necessary to bring a violation into compliance.

0 (5) Issue orders requiring the COPCN Holder to reimburse the County for any
1 costs incurred by the County due to the COPCN Holder's violation(s).

2 ~~{Ord. No. 2017-030, § 22, 10-17-17}~~

3 **Sec. 13-41. Enforcement: Additional enforcement provisions.**

4 (a) In addition to the enforcement methods and remedies specified herein, this
5 Division, including any orders issued hereunder, may be enforced by any other
6 lawfully available means, including but not limited to Chapter 162, Part I, Florida
7 Statutes, and Article 10 of the Unified Land Development Code; instituting civil or
8 administrative action; and seeking court orders to mandate compliance with this
9 Division or to enjoin or otherwise prevent the violation of this Division. It is the
0 intent of this Division to provide additional cumulative remedies. Each violation of
1 any provision of this Division, and each day that a violation continues, shall
2 constitute a separate violation of this Division.

3 (b) Governmental entities shall not be subject to civil fines and penalties, but
4 shall be subject to correction orders, suspension and revocation of Permits and
5 COPCNs, and all other enforcement methods authorized by this Division and any
6 applicable law.

7 (c) The Administrator, Special Master, or the court, as the case may be, in its
8 discretion, may excuse a violation of this Division upon a showing of good cause by
9 the violator.

1 **Secs. 13-~~42.37~~—13-4050. Reserved.**

Summary of Key Revisions EMS Ordinance

Section/Topic	Comments
Sec. 13-18 Definitions	Definitions were added/updated to reflect Florida State Statutes and accommodate for evolution of the EMS Program within Palm Beach County. <i>Primary Service Provider:</i> Language was added to state that only the County or a Municipality can be a Primary Service Provider, and that there can be only one Primary Service Provider for each area. <i>Subscription Services</i> definition will remain in the ordinance although no new programs will be allowed. Existing programs will be allowed to be continued provided there is an agreement with the Primary Service Provider. This change does not affect similar type programs that do not involve the treatment and/or transport of 911 emergency medical patients. <i>Community</i> was added as a term defined as an “identifiable geographic area.” This will make it possible for a Fire Department that is not a Primary Service Provider to serve its community as a Special Secondary Service Provider. The Fire Dept. will still need to establish an MOU with the Primary Provider. <i>BLS Transport Unit</i> Language was added to prohibit BLS Transport Units from being used to respond to 911 Medical Calls, or to transport from the scene of a 911 Medical Call. This change does not apply to inter-facility transfers.
Sec. 13-20 COPCN and endorsements required	Language was added to clarify that Secondary Service Providers must contact the Primary Service Provider when requested for medical assistance or responds to the scene of an emergency medical call.
Sec. 13-21 Exclusions from COPCN and/or permit requirement	Added language to include volunteer ambulance exemptions pursuant to Section 401.25, FL Statutes along with all exemptions from 401.33.
Sec. 13-22 Application for COPCN	All application requirements were added to the ordinance.

Section/Topic	Comments
	Completion of vehicle and staff inspections for the last three (3) years instead of six (6). Clarification language concerning proposed service area to be covered and specific service type was added Extended Public Notice timeframe for COPCN application period. The time frame for accepting applications and any other related timelines will be established by the Administrator. Amount of experience required for Secondary Services Providers was modified to allow new companies to apply for COPCN. Experience will be considered but not required. This is for both experience in providing EMS transport services and financial history. Added requirement that for Secondary Service Providers the General Manager or a member of Executive Staff must have a minimum of 3 years ALS Transport Service. Existing Primary Service Providers in good standing within the County will be able to re-apply using an abbreviated COPCN re-certification. Secondary Service Providers must have hands free mapping along with an automatic vehicle locator system.
Sec. 13-24: Board Approval Required for COPCN	Clarification that the Board may grant or modify a COPCN at any time to facilitate Pilot Program Services.
Sec. 13-25: Rights and Duties	Primary Service Providers are obligated to respond to another contiguous Primary Service Providers area, within reason. Language was added to improve data reporting requirements, enhance oversight, and strengthen auditing processes (i.e. granular data on EMS calls).

Section/Topic	Comments
	Secondary Service Providers will be required to provide average daily number of fully staffed vehicles in service.
Sec. 13-26: Vehicle Permits	Modified annual inspection process to allow staff to conduct random and/or routine inspections of COPCN holders which is consistent with State practices.
Sec.13-28: Provision of patient outcome data	In order to reflect the utilization of information, clarification language was used to describe the purpose for collecting outcome patient data.
Sec. 13-29: Rules and Regulations	“Rules and Regulations” is now “Response Times.” Rules and Regulation section is now contained within the EMS County Ordinance instead of being a referenced link. For all “alerts” or requests for Secondary Service Provider inter-facility transport of an “emergent” nature, the response time was changed from an average time of ten (10) minutes to fifteen (15) minutes and must be maintained 90% of the time. The patient must be ready for transport upon arrival of the EMS Provider. In the event of an “urgent” request for inter-facility transport, the EMS Provider must respond within 30 minutes and must be maintained 90% of the time. If the patient is not ready for transport within fifteen (15) minutes of the arrival time, the responding unit may leave. In the event of “routine scheduled” request for inter-facility transport, the EMS Provider must respond within fifteen (15) minutes of the agreed upon time and must be maintained 90% of the time. If the patient is not ready for transport within thirty (30) minutes of the arrival time, the responding unit may leave. The five (5) minute turn out time and response time requirement for Air Ambulance was removed. Language was added to improve data reporting requirements, enhance oversight, and strengthen auditing processes.

Section/Topic	Comments
Sec. 13-31: Complaint Procedure	Complaints filed against a COPCN Holder need to be submitted in writing, signed by the complainant, and legally sufficient.
Sec. 13-33 through 13-37: General Enforcement	If the Administrator finds a violation, there are four options for enforcement: 1. Correction Order 2. Cease and Desist 3. Suspension, Revocation, and Modification 4. Civil Citation Administrator can suspend a vehicle permit or a COPCN by providing written notice. A vehicle permit can be revoked if issue that caused the suspension is not resolved in 30 days. Only the Board can revoke or modify a COPCN. This will be done at a public hearing and decision by the Board is final. Any suspension of COPCN or vehicle permit can be appealed by filing written request with the Administrator.

BUSINESS IMPACT ESTIMATE

Meeting Date: November 4 and December 2, 2025

Proposed Ordinance Title/Reference:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 1 EMERGENCY MEDICAL SERVICES (EMS) ORDINANCE, INCLUDING THE REALTED RULES AND REGULATIONS; AMENDING PALM BEACH COUNTY CODE, CHAPTER 13, ARTICLE II, DIVISION 2 TO RENUMBER RESERVED SECTIONS; AMENDING PALM BEACH COUNTY CODE, CHAPTER 8.5 TO ADD EMS ORDINANCE VIOLATIONS TO THE CODE ENFORCEMENT CITATION ORDINANCE; PROVIDING FOR RECITALS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

Florida Statute Ch 401.25 authorizes Counties to adopt ordinances that provide standards for issuing Certificates of Public Convenience and Necessity (COPCN) for providing advanced life support services, advanced life support and basic life support transportation services, and air ambulance services. The Palm Beach County EMS Ordinance outlines these requirements in accordance with State guidelines and also provides authority to the County to regulate areas and operation of services provided by COPCN holders. The public purpose of this ordinance is to ensure the provision of high-quality Emergency Medical Services to all residents and visitors within Palm Beach County. The last major EMS Ordinance revision took place in 2017. An EMS Ordinance Revision Committee, formed by the EMS Advisory Council, met numerous times to conduct a comprehensive revision of the ordinance.

A summary of changes in this ordinance includes the following:

Throughout the ordinance language and definitions were added to align with State Statutes.

Language was changed to state that only the County or a Municipality can be a Primary Service Provider and there can only be one Primary Service Provider for any area.

Subscription Service programs will no longer be allowed that involve transportation of 911 callers, but current programs will be grandfathered in and allowed to continue. This change does not impact any private provider from having agreements with organizations for other types of medical transport that do not involve 911 calls and/or transport to an emergency room.

There was a change in language that will allow a Fire Department that does not provide Primary Services to apply to become a Special Secondary Service Provider. There was also a change in the definition of "community" that will allow such a Fire Department to operate as a Special Secondary Service Provider for its entire jurisdiction.

The application requirements for a COPCN in the ordinance were aligned to match with the application packet. There are also changes to the requirements for a Secondary Service Provider that will allow a new company to apply that does not have experience. Any experience or audited financial statements will be considered but not required. However, it is a requirement that the General Manager or an Executive Staff member have 3 years' experience in ALS Transport Services.

Language was added to state that if a Primary Service Provider is unable to respond to their area, then a contiguous Primary Service Provider is required to respond.

Data collection requirements were expanded to include average number of fully staffed units each day, and language was added to improve reporting requirements of response times that enhances oversight and strengthens the auditing process of response times. The

standards for response times were modified for Alert, Urgent, and Routine Scheduled.

The Enforcement Section was changed and clarified. The Administrator will have four options for enforcement; Correction Order; Cease and Desist; Suspension, Revocation, or modification; or Civil Citation. The ordinance outlines the parameters for all options as well as the appeal process. Any revocation or modification of a COPCN will be done at a public hearing by the Board and the decision of the Board is final.

There is a non-refundable application fee (rate set by the Board, by Resolution) of \$500. This has not changed from the previous ordinance.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. Estimate of Direct Business Compliance Costs: None
- b. New Charges/Fees on Businesses Impacted: None
- c. Estimate of Regulatory Costs: None

Good Faith Estimate of Number of Businesses Likely Impacted: There are currently 7 private Secondary Service Providers that could be impacted if more providers are added during open application periods. This is not a change from the previous ordinance.

Any Additional Information: