

ORDINANCE NO. 17-041

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING THE AUTHORIZATION OF LIFE SUPPORT TRANSPORT AND NON-TRANSPORT SERVICES WITHIN THE COUNTY; AMENDING AND RESTATING ARTICLE II OF CHAPTER 2-13 OF THE MANATEE COUNTY CODE OF ORDINANCES; MAKING RELATED FINDINGS; DEFINING CERTAIN TERMS; REQUIRING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR LIFE SUPPORT TRANSPORT AND NON-TRANSPORT SERVICES; PROVIDING EXEMPTIONS; ESTABLISHING THE AUTHORITY OF THE COUNTY EMS MEDICAL DIRECTOR; ESTABLISHING STANDARDS FOR APPLICATIONS, RENEWALS AND AMENDMENTS OF CERTIFICATES; PREVENTING DISCONTINUATION OR INTERRUPTION OF LIFE SUPPORT TRANSPORT AND NON-TRANSPORT SERVICES; PROVIDING FOR INSURANCE REQUIREMENTS; REGULATING RATES; ESTABLISHING RIGHTS AND DUTIES GRANTED BY CERTIFICATION; REQUIRING VEHICLE PERMITS FOR AMBULANCES AND AIR AMBULANCES; ESTABLISHING CONDITIONS OF VEHICLE OPERATING PERMITS FOR AMBULANCES AND AIR AMBULANCES; PROVIDING FOR RESPONSE IN A STATE OF EMERGENCY OR DISASTER; PROVIDING FOR VIOLATIONS, PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR APPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the Board of County Commissioners (“Board”) to promote the health, safety and welfare of its citizens, residents and visitors, by providing for the regulation of life support services thereby promoting the development and maintenance of safe, healthy, efficient and service-oriented life support transport and non-transport services for Manatee County (“County”); and

**WHEREAS**, the County has established rules and regulations for the provision of life support transport and non-transport services, set forth as Article II of Chapter 2-13 of the County Code of Ordinances (“Code”); and

**WHEREAS**, the Board finds that due to the Town of Longboat Key’s unique location in both Manatee and Sarasota County, that Longboat Key Fire Rescue has been providing advanced life support transport services to the County for over thirty years pursuant to a longstanding County certificate of public convenience and necessity (“certificate”), and that Longboat Key Fire Rescue is subject to regulation by Sarasota County for these same services, the Board finds that it is reasonable and appropriate that the certificate granted to the Town of Longboat Key prior to the adoption of this Ordinance shall be exempt from the requirements of Article II of Chapter 2-13; and

**WHEREAS**, the Board finds that it is in the best interests of protecting the health, safety and welfare of the citizens of the County and its visitors to amend and restate Article II of Chapter 2-13 of the Code as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:**

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in Chapter 401, Florida Statutes, as amended.

Section 2. Findings. The Board relies upon the following findings in the adoption of this Ordinance:

- A. Pursuant to Section 401.25, Florida Statutes, the Board is authorized to establish and enforce reasonable rules and regulations for providers applying for and maintaining a Certificate of Public Convenience and Necessity (“certificate”) from the County.
- B. Chapter 2-13 of the Code sets forth the policies and rules regarding the regulations for providers applying for and maintaining a certificate.
- C. It is in the interest of the public health, safety and welfare to amend and restate Chapter 2-13 of the Code, as set forth in this Ordinance for the purposes of prescribing and enforcing reasonable rules and regulations for the issuance of a certificate.

Section 3. Article II of Chapter 2-13 of the Code is hereby amended and restated to read in its entirety as follows:

**ARTICLE IV. - LIFE SUPPORT TRANSPORT AND NON-TRANSPORT SERVICES**

**Sec. 2-13-50. - Definitions.**

As used in this article, the following words and terms shall have the following meanings:

- (a) *Advanced life support (ALS)* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.
- (b) *Advanced life support (ALS) service* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.
  - (1) *Transport.* ALS service maintained or operated with the intention of providing emergency, non-emergency or inter-facility patient transportation on a regular basis as a matter of established operational policy.
  - (2) *Non-transport.* ALS service maintained or operated with the intention of accessing, assessing, treating and stabilizing patients at the scene of medical emergencies and not providing patient transportation as a matter of established operational policy.
- (c) *Air ambulance* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.
- (d) *Ambulance or emergency medical services vehicle* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.
- (e) *Ambulance service* shall mean any service whereby any private, public, or governmental entity offers to provide or provides, for compensation or as a courtesy, basic life support or advanced life support to sick or injured persons being transported from one location to another upon the roads within Manatee County or in the airspace above Manatee County.
- (f) *Basic life support (BLS)* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.
- (g) *Basic life support (BLS) service* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.
- (h) *Certificate* shall mean a certificate of public convenience and necessity issued by the county.
- (i) *Emergency medical technician (EMT)* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.

- (j) *EMS medical director* shall mean a board-certified emergency physician who meets the requirements of the Florida Department of Health, Bureau of Emergency Medical Services and who provides clinical oversight, medical protocols and policy development, quality assurance and quality improvement services.
- (k) *Governmental entity* shall mean any county or municipality, or special fire control district of the State of Florida.
- (l) *Interfacility transfer* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.
- (m) *Intra-county* shall mean the receiving and delivering of patients within Manatee County.
- (n) *Non-governmental entity* shall mean any entity including, but not limited to, a corporation, partnership, limited liability company, or sole proprietorship that is not affiliated, through ownership or control, with a governmental entity.
- (o) *Paramedic* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.
- (p) *Permit* shall have the meaning provided for in Section 401.23, Florida Statutes, as amended.
- (q) *Vehicle operating permit* shall mean the vehicle operating permit issued in accordance with section 2-13-60.

**Sec. 2-13-51. - Certificates of public convenience and necessity.**

- (a) Every person, non-governmental entity, 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 of the business or services described in this article shall first obtain a certificate from the county, except for the provision of basic life support non-transport services by a governmental entity.
- (b) Providers of ambulance service having no headquarters or other facilities within the county shall be required to obtain a certificate from the county and to otherwise comply with this article if they provided intra-county ambulance service within the county at least twice in any prior twelve-month period.

**Sec. 2-13-52. - Classifications of certificates.**

- (a) The classification of certificates are as follows:
  - (1) *Basic Life Support (BLS), Interfacility Transfer;*
  - (2) *Advanced Life Support (ALS) Non-Transport Services;*
  - (3) *Advanced Life Support (ALS) Transport Services;*
  - (4) *Advanced Life Support (ALS) Interfacility Transfer; and*
  - (5) *Advanced Life Support (ALS) Air Ambulance Services (rotor and fixed).*

- (b) Providers of services granted a certificate(s) in accordance with this article are limited to providing the level of service indicated on each certificate issued by the county to the provider. Applicants may apply for more than one classification at the same time, but must provide the information and application responses required of each certificate sought.

**Sec. 2-13-53. - Exemptions.**

- (a) Per Section 401.33, Florida Statutes, as amended, the following are exempt from the provisions of this article:
  - (1) Fixed wing air ambulances used or intended to be used for air transportation of sick or injured persons who may need medical attention during transport;
  - (2) Any ambulance owned and operated by the federal government or sovereign Indian tribe;
  - (3) Vehicles used for transporting a patient pursuant to Section 768.13, Florida Statutes, known as the Good Samaritan Act;
  - (4) A vehicle used to transport patients in the event of a major catastrophe or local or state declared emergency when ambulances with current certificates and state licenses are insufficient in number to render the services needed as determined by the Public Safety Director or designee;
  - (5) A privately-owned vehicle not ordinarily used in the business of transporting persons who are sick, injured, wounded, incapacitated, or helpless; and
  - (6) Any state licensed hospital utilizing its own vehicles in transporting, to or from a hospital or a medical facility, nonemergency patients whose medical condition is such that they are confined to a wheelchair or to a stretcher but who do not need, nor are likely to need, medical attention during transport if the hospital does not charge a fee for this service.
- (b) The Town of Longboat Key shall be exempt from the provisions of this article so long as it is operating under a certificate issued prior to April 25, 2017 (the date of the amendment and restatement of this article via Ordinance 17-041) and its Sarasota County certificate for these services is valid.

**Sec. 2-13-54. – County EMS Medical Director.**

In addition to the authority and responsibilities provided for in Section 401.265, Florida Statutes, and Section 64J-1.004, Florida Administrative Code, the county EMS medical director shall have the ultimate decision-making authority for any paramedics and EMTs that practice under his or her supervision. The county EMS medical director has the right to suspend the practicing privileges of any paramedic or EMT operating under his or her supervision.

**Sec. 2-13-55. - Applications for certificates, renewals and amendments.**

- (a) *Application.* Every application for a certificate, renewal of a certificate or an amendment to a certificate shall be filed with the county's Public Safety Department, on a form approved by the county and include all the required supporting information identified in the application. The application shall include the requisite nonrefundable application fee as set by resolution. Upon the complete filing of an application, a notice of the application shall be transmitted by the county to all current certificate holders in Manatee County.
- (b) *Administrative review of application.* The Public Safety Director shall review the application and the attached documents.
- (1) The investigation and review of the application for a non-governmental entity shall include the following:
- a. The financial responsibility of the applicant;
  - b. The applicant's past performance and service record, if any, in providing services within Manatee County;
  - c. Local and state criminal records;
  - d. Except for applications for ALS non-transport services, a current version of the certificate holder's Medical and Trauma Transport Protocols;
  - e. Except for applications for ALS non-transport services, documentation of academic credentials, the most current medical director contract, medical director's current Florida license, and a Drug Enforcement Agency certification; and
  - f. Any other facts the applicant has submitted for consideration.
- (2) The investigation and review of the application for a governmental entity shall include the following:
- a. A copy of the applicant's most recent Comprehensive Annual Financial Report (CAFR);
  - b. Except for applications for ALS non-transport services, a current version of the certificate holder's Medical and Trauma Transport Protocols;
  - c. Except for applications for ALS non-transport services, documentation of academic credentials, the most current medical director contract, medical director's current Florida license, and a Drug Enforcement Agency certification; and
  - d. Any other facts the applicant has submitted for consideration.

If the application is missing information, the information or supporting documentation is untrue or falsified, the applicant failed to include all required supporting information, or if the required fees have not been paid, the Public Safety Director may reject the application.

- (c) *Board consideration of applications.* Complete applications shall be reviewed by the Board of County Commissioners ("Board") at a duly noticed public hearing. At the hearing, the Board shall consider the application, the Public Safety Director's report on the factors referenced in Section 2-13-55(b) and recommendation, and all matters presented at the public hearing. These factors shall include the following criteria:

- (1) For an applicant that is a non-governmental entity:
- a. The financial responsibility of the applicant to maintain safe, comfortable services, maintain or replace medical equipment, and maintain all insurance coverage required under this article based on the following criteria:
    - 1. Audited financial statements or federal tax returns or, for newly formed corporations, personal audited financial statements from the principal(s);
    - 2. Pro forma statements;
    - 3. Credit and bank references;
    - 4. A current official credit report; and
    - 5. Disclosure of all pending liabilities;
  - b. The adequacy of the standard operating procedures of the applicant;
  - c. The past performance and service record of the applicant;
  - d. The number and type(s) of service(s) currently being provided to the area;
  - e. The effect of the proposed services on the quality of existing life support transport or non-transport services;
  - f. The effect of the proposed service on the overall cost of life support transport and non-transport services to the County;
  - g. The community's need for the proposed service. The applicant shall bear the burden of proving there is a need for the proposed service. The basis for determination shall include:
    - 1. A computation of the ratio of estimated annual requests for service in the certificate category, to the current number of ambulances satisfying requests;
    - 2. A computation of the ratio of ambulances per 1,000 population; and
    - 3. A benchmark comparison with other entities of similar size and geography providing emergency medical services;
  - h. The extent to which the applicant and all proposed equipment and personnel conform to the requirements of Chapter 401, Florida Statutes, any amendments thereto, and any rules promulgated thereunder; and
  - i. Any other facts the applicant submitted for consideration.
- (2) For an applicant that is a governmental entity, the Board shall approve the application for

a certificate upon the applicant's complete submittal of the following information:

- a. A completed form application and documentation submitted in support of the application;
- b. The application fee, if applicable;
- c. EMS policy and procedures as approved by the County EMS medical director; and
- d. An annual report of its services, to include information as to the ALS and BLS service time per permitted vehicle.

(d) *Issuance of certificate.* After consideration of the criteria set forth in subsection (c) of this article, if the Board finds that public convenience and necessity will be promoted by the approval of the application, then the application shall be approved, subject to any limitations or restrictions reasonably required by the Board.

- (1) Following Board approval, the Public Safety Director shall issue the applicant a certificate. Services approved by the Board shall not begin until the county's receipt of the following from the certificate holder:
  - a. Documentation of operational approval by all appropriate state agencies;
  - b. An estimated number of drivers, emergency medical technicians, and paramedics;
  - c. A list of all permitted vehicles by the Department of Health;
  - d. Documentation that the insurance required by this article is current;
  - e. Documentation that the certificate holder has passed all the inspections required by Chapter 401, Florida Statutes;
  - f. Documentation that the certificate holder has passed county inspection of ambulances and air ambulances; and
  - g. Documentation that the certificate holder has received vehicle operating permits as required by Section 2-13-60 for its ambulance and air ambulances authorized by the certificate (if applicable).
- (2) A certificate holder may elect to phase in the operation of the total number of authorized ambulances so long as no less than two (2) ambulances are active at all times. If a certificate holder elects to phase into operation the number of ambulances approved by the Board, the certificate holder is required to have county vehicle operating permits on all Board-approved active and reserve ambulances, on or before two (2) years following the date of approval of the certificate.
- (3) If the applicant fails to comply with the requirements of this subsection within one hundred twenty (120) days after notification of Board approval, such approval shall be automatically revoked and a certificate shall not be issued. For good cause shown, the Public Safety Director may extend this time frame so long as the total time period does not exceed one hundred and eighty (180) days.
- (4) Certificates shall be issued for a term not to exceed two (2) years. The two (2) year term shall begin to run on the date of receipt of the items specified in (d)(1) of this section.



(e) *Certificate forms.* Each certificate shall contain, at minimum:

- (1) The name and address of the applicant;
- (2) The maximum number of active ambulances authorized to operate;
- (3) The maximum number of reserve ambulances or air ambulances permitted to serve as temporary replacement for active vehicles;
- (4) The date on which the certificate expires;
- (5) The boundaries of the territory to be served, and if the certificate holder is a governmental entity, such certificate shall include the governmental entity's jurisdiction and any areas in which the governmental entity has an automatic aid or mutual aid agreement for fire and emergency medical services or in accordance with a closest unit response agreement; and
- (6) Such additional terms, conditions, provisions, and limitations as were authorized in the approval process.

The certificate holder must recognize that a permitted ALS non-transport vehicle may operate as a BLS vehicle when the vehicle is not staffed by a certified paramedic or licensed physician in accordance with Rule 64J-1.003, Florida Administrative Code, as amended, provided the vehicle service time is 70% ALS non-transport services annually.

(f) *Renewal of certificates.* The renewal of certificates shall follow the same process as set forth in this section, using such renewal application forms as may be promulgated by the county Public Safety Director.

- (1) Application for renewals shall be submitted no later than ninety (90) days prior to the expiration of the current certificate(s), and shall be accompanied by the applicable fee.
- (2) No formal application for renewal shall be required for governmental entities that have been granted a certificate prior to the adoption of this Ordinance. The certificate issued shall stay in effect throughout the governmental entity's licensure period, including all renewals.

(g) *Amendment of certificates.* Following a minimum of six (6) months in operation, a non-governmental entity certificate holder may submit the county's ambulances addition form and a letter to the Public Safety Director stating the need and reason for the increase in active ambulances.

- (1) An increase shall not be authorized unless the certificate holder submits verifiable documentation which demonstrates that the certificate holder's trips-to-car ratio is equivalent to or exceeds five (5) trips per active vehicle, per average weekday, for the sixty (60) consecutive weekdays (Monday through Friday) preceding the date of application. The 5:1 trips-to-car ratio shall be calculated as follows: total number of trips where a patient is transported for the sixty (60) weekdays, divided by sixty (60) weekdays, divided by the number of authorized ambulances.

- (2) The Public Safety Director shall only authorize the number of additional active ambulances necessary to lower the applicant's average weekday trips per active ambulances vehicle ratio below the 5:1 threshold.
- (3) All increases in the number of active ambulances shall be reported to the Public Safety Director on a semiannual basis. The applicant may also request a proportional increase in reserve ambulances or air ambulances in accordance with the provisions of this article.

**Sec. 2-13-56. - Preventing discontinuation or interruption of life support services.**

- (a) A certificate holder shall not discontinue or interrupt service in any part of the county or during any part of the certificate holder's term without express prior written approval of the Public Safety Director for good cause shown. If a certificate holder has knowledge that discontinuation or interruption of service may occur, the certificate holder shall immediately provide the Public Safety Director with written notice of such occurrence.
- (b) Where there is an actual or threatened discontinuation or interruption of life support services, the Public Safety Director may take the following action:
  - (1) Authorize another certificate holder or any other qualified person or entity to provide temporary life support services;
  - (2) Initiate proceedings to terminate the certificate of the certificate holder that failed to provide service;
  - (3) Advertise for a new certificate holder; and
  - (4) Take such other actions as may be necessary to protect the health, safety or welfare of the county and ensure the continuation of service.

**Sec. 2-13-57. - Insurance requirements.**

- (a) A certificate holder shall carry insurance as set forth in this section to secure payment for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the certificate holder's ambulances, air ambulances or vehicles. Every insurance policy or contract for such insurance shall provide for the payment and satisfaction of any financial judgment entered against the certificate holder or any person operating an ambulance, air ambulance or vehicle on behalf of the certificate holder.
- (b) Prior to commencing operations within the county, the certificate holder shall furnish to the county certificate(s) of insurance, or at the request of the county, full certified copies of required insurance policies, which shall indicate that insurance coverage has been obtained which meets the requirements set forth in this section.
- (c) Non-governmental entity certificate holders—Ambulances and air ambulances:
  - (1) Each ambulance or air ambulance shall be insured in an amount not less than one million dollars (\$1,000,000.00) per occurrence combined single limit for bodily injury and property damage.

- (2) Each certificate holder shall maintain medical malpractice insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence.
- (d) Insurance certificates shall be endorsed to provide for no modification or material change, cancellation, or expiration without thirty (30) days written notice by registered mail to the county. No policy shall be accepted for a shorter period than six (6) months.
- (e) All insurance policies required in this section shall be issued by companies authorized to do business in Florida, with a management and financial strength rating approved by the county's risk manager.

**Sec. 2-13-58. - Rates.**

- (a) *Disclosure and assessment of rates.* Rates charged by certificate holders shall be assessed in a uniform manner throughout the incorporated and unincorporated parts of the county. Each certificate holder shall maintain an internet website containing a listing of its rates within the county and each ambulance and air ambulance shall have a rate schedule posted in a place that is readily visible to patients. It shall be unlawful for any certificate holder to charge, demand, request, or accept any rate for services unless that rate has been established pursuant to the following:
  - (1) Federal or state law;
  - (2) Countywide emergency and non-emergency ambulance service and non-emergency medical transportation vehicle service contracts between one or more private ambulance providers and the county; or
  - (3) A lower uniform rate to provide private inter-facility transfer of indigent or Medicaid patients to or from a state-designated and licensed rural hospital, as defined in Section 395.602, Florida Statutes, as amended, where said rate has been negotiated by the hospital and a private certificate holder.
- (b) *Ambulance rates charged by county.* Notwithstanding the foregoing, all ambulance rates charged by the county's EMS service shall be set by resolution.

**Sec. 2-13-59. – Rights and duties granted by certification.**

All certificate holders operating within the county shall comply with the following operating standards as applicable to the issued certificate:

- (a) Operate in conformance with this article, all federal and state laws, as well as applicable administrative codes;
- (b) No certificate issued pursuant to this article shall be assignable or transferable, except upon approval by the Board in the same manner and subject to the same application process, applicable fee(s) and public hearing(s) for an original application for a certificate. For non-governmental entities, any majority transfer of shares of stock or interest of any person or operator that causes a change in the directors, officers, majority shareholders or managers of such person or operator shall be deemed a transfer or assignment as contemplated in this article;

- (c) Obtain and maintain a valid license with the Florida Department of Health for the classification of certificate issued by the county;
- (d) Keep such records as may be required by the federal or state government or by the Board and make such records available to the Public Safety Director for inspection recognizing that information that is protected by the Health Insurance Portability and Accountability Act (HIPAA) and Florida Information Protection Act (FIPA), as amended, may not be disclosed to the County unless an agreement addressing HIPAA and FIPA has been executed between the certificate holder and county. Operational and financial records shall be maintained for up to two (2) years beyond the end of a certificate holder's fiscal year
- (e) Submit electronic patient care report (ePCR) data to Florida's Prehospital Emergency Medical Services Tracking and Reporting System;
- (f) Maintain a central place of business in the county where all records related to the certificate holder's operations within the county shall be available for inspection or audit by the county during normal business office hours recognizing that information that is protected by HIPAA and FIPA, as amended, may not be disclosed to the County unless an agreement addressing HIPAA and FIPA has been executed between the certificate holder and county;
- (g) Provide the Public Safety Director with a current list of telephone numbers and addresses of responsible management personnel to be contacted in the event of emergencies;
- (h) Provide continuous, prompt and uninterrupted services to the extent authorized by the certificate(s);
- (i) Each permitted ambulance or air ambulance shall respond to all calls for service, as indicated by the Medical Priority Dispatching Software;
- (j) A certificate holder shall not self-dispatch to medical calls;
- (k) When present, Manatee County Emergency Medical Services (MCEMS) shall maintain medical authority on all medical and trauma scenes;
- (l) Providers of transport services shall load and transport patients without being subject to unreasonable delays and without regard to a patient's financial ability to pay;
- (m) Maintain a twenty-four-hour public access telephone number for receiving calls for service;
- (n) The transportation of more than one patient in one ambulance shall be prohibited, with the exception of transportation terms pursuant to a contract between a certificate holder and the county;
- (o) Certificate holders shall have direct two-way communications with a central dispatcher at all times. Radio communications shall be operated on a platform capable of communicating on

the countywide radio system. Radio communications capability shall remain compliant for the duration of the certificate;

- (p) Electronically record all radio and telephonic service related conversations received through the communications center requesting ambulance service. Said recordings shall be maintained for a minimum of sixty (60) days. Copies of specific recordings shall be maintained for longer periods if requested by the Public Safety Director;
- (q) Inform complainants of their right to redress unresolved grievances by providing the name, mailing address, and telephone number of the Public Safety Director;
- (r) The certificate holder shall conduct a criminal background check upon hiring all drivers, emergency medical technicians, and paramedics and require that such persons notify the certificate holder of any criminal offense during their employment. All employees of the certificate holder shall meet the requirements set forth in Chapter 401, Florida Statutes, and Chapter 64J, Florida Administrative Code;
- (s) Comply with the conditions of the vehicle operating permit;
- (t) Each certificate holder shall submit and provide the following information to the Public Safety Director upon amendment or update to the following:
  - (1) A complete version of the certificate holder's Medical and Trauma Transport Protocols.
  - (2) Documentation of academic credentials, the most current medical director contract, medical director's current Florida license, and a Drug Enforcement Agency certification.
- (u) In addition, providers of ALS non-transport services shall also:
  - (1) Utilize the county's EMS medical director;
  - (2) Participate in EMS system quality assurance activities as directed by the county EMS medical director;
  - (3) Comply with the county EMS medical director's credentialing standards for EMTs and paramedics;
  - (4) Abide by the county's Medical and Trauma Transport Protocols and standard operating medical procedures promulgated by the county EMS medical director;
  - (5) Utilize major medical equipment as approved by the county EMS Medical Director and Medical Protocols, to include cardiac monitors/defibrillators, medications, and cervical collars;

- (6) Utilize the same ePCR software as the Public Safety Department to promote a seamless transmission of patient information;
- (7) Relinquish patient care to MCEMS, a county contracted provider or a county certified transport provider upon their arrival to the scene, unless otherwise directed by the charge paramedic or higher MCEMS medical authority;
- (8) Not submit a bill for service to a patient or the County for the cost of performing ALS non-transport services; and
- (9) Not use ambulances or other patient transport-capable vehicles when providing ALS non-transport services. Permitted vehicles shall consist of fire engines or fire suppression apparatus that are ordinarily used in the business of fire extinguishment or fire prevention services for the protection of life and property.

**Sec. 2-13-60. - Vehicle operating permits for ambulances and air ambulances.**

- (a) Before any ambulances or air ambulance is operated under the authority of the certificate, the certificate holder shall make a separate application to the Public Safety Director for a vehicle operating permit for each ground or air ambulance to be operated pursuant to said certificate.
- (b) Upon payment of the annual permit fee and compliance with this article, the Public Safety Director shall issue the applicant an annual vehicle operating permit.
- (c) A certificate holder shall notify the county in writing within seven (7) days of adding, deleting, or replacing any active or reserve ambulances or aircraft. Before a certificate holder adds, removes or replaces an active or reserve ambulances or air ambulances, the certificate holder shall notify the county within seven (7) days and shall apply for an additional vehicle operating permit.
- (d) Before September 30th of each year, each certificate holder shall attest to the number of ambulances or air ambulances in operation on a form provided by the county.
- (e) A vehicle operating permit shall expire September 30th of each year, and may be renewed upon payment of the fee set by separate resolution.
- (f) It shall be unlawful to operate any ambulances or air ambulance required to have a vehicle operating permit without a current valid vehicle operating permit displayed within the vehicle. Such permit shall be available for inspection by any authorized personnel or police officer.
- (g) Permits issued hereunder shall not be transferable or assignable.

**Sec. 2-13-61. - Conditions of vehicle operating permit for ambulances and air ambulances.**

- (a) All ambulances must remain compliant with Chapter 64J, Florida Administrative Code, as amended.

- (b) Certificate holders shall have each ambulance annually inspected by the county for compliance with safety and sanitation requirements pursuant to Florida Statutes. A provider of air ambulance services shall comply with the inspection requirements of the state. Within thirty (30) days of a state inspection, air ambulance certificate holders shall provide a copy of the most recent state inspection report form and any other inspection-related documentation to the county.
- (c) Permitted ambulances are subject to random inspections by the Public Safety Director. Ambulances and air ambulances shall be inspected for compliance in accordance with the applicable provisions of the Florida Administrative Code.
- (d) A certificate holder's ambulances and air ambulances must meet the following criteria/standards:
  - (1) All ambulances used in the transportation of patients must be equipped with all items required by the Florida Department of Health, Division of Emergency Medical Operations;
  - (2) Any ambulance used by the certificate holder for transporting patients shall conform to all standards as promulgated and defined by the county EMS medical director, and all rules and regulations promulgated and set forth in any state and local ordinance; and
  - (3) Each ambulance must permanently display the name of or other suitable corporate identification number.
- (e) A certificate holder shall not operate more than the specified number of authorized ambulances and air ambulances.

**Sec. 2-13-62. - State of emergency or disaster.**

- (a) Where a state of emergency has been declared, the county administrator is authorized to suspend any of the provisions of this article.
- (b) Each certificate holder shall make available ambulance resources to the county during periods of abnormal ALS call activity periods of peak call volume when county resources are depleted.

**Sec. 2-13-63. - Violations, enforcement and penalties.**

- (a) It shall be unlawful for any governmental or non-governmental entity to violate any provision of this article or certificate issued hereunder, or to provide or hold itself out as providing ambulance services within the county without a current certificate of public necessity.
- (b) *Grounds for probation, suspension or revocation.* Any certificate issued under this article may be subject to probation, suspension or revocation if the following occurs:
  - (1) The certificate holder has failed to render services as required by the certificate, this article, Chapters 316, 322, 395, 401, Florida Statutes, as amended, or Chapter 64J, Florida Administrative Code, as amended;

- (2) The certificate holder has failed to comply with the requirements of state law regarding the standards for ambulances, air ambulances, vehicles, equipment, and personnel as provided for in Chapters 316, 322, 395, 401, Florida Statutes, as amended, or Chapter 64J, Florida Administrative Code, as amended;
  - (3) The certificate holder has been found guilty of or entered a plea to a felony charge;
  - (4) The certificate was obtained by an application in which any material fact was omitted or stated falsely;
  - (5) The certificate holder has demanded money or compensation other than that established in accordance with this article or established by separate resolution;
  - (6) The certificate holder has failed to load and promptly transport patients with a medical emergency regardless of ability to pay; or
  - (7) The certificate holder or any of its employees has induced or sought to induce a change of destination to or from a hospital or another facility other than the destination specified by the patient unless specifically warranted by protocol or the patient's medical condition.
- (c) *Probation.* The Public Safety Director has the authority to place a certificate holder on probation if he or she has reasonable cause to believe that a violation of any of the conditions listed in subsection 2-13-63(b) has occurred.
- (1) The certificate holder shall be served a copy of the probation notice by certified mail with the violation(s), the probation period, and corrective action, if any, specified in the notice.
  - (2) The probation period shall not exceed 120 days.
  - (3) If the certificate holder corrects all or some of the violation(s) identified in the notice of probation prior to the expiration of the probationary period and notifies the Public Safety Director of such corrective action, the Public Safety Director may terminate the probation at any time or proceed with other enforcement action as provided in this section.
  - (4) If the certificate holder fails to correct the violation(s) identified in the notice of probation prior to the expiration of the probationary period, or fails to notify the Public Safety Director of such corrective action, the Public Safety Director may proceed with the applicable enforcement actions provided in this section.
- (d) *Suspension.* For a substantial violation or a repeat violation, the Public Safety Director has the authority to immediately suspend a certificate if he or she has reasonable cause to believe that a violation of any of the conditions listed in subsection 2-13-63(b) has occurred.
- (1) The certificate holder shall be served a copy of the suspension notice with the violation(s), the period of the suspension, and corrective action, if any, specified by certified mail at least ten (10) days before the effective suspension period.
  - (2) If the certificate holder corrects the violation(s) identified in the notice of suspension prior to the expiration of the time period provided therein and notifies the Public Safety Director of such corrective action, the Public Safety Director may reinstate the certificate.



- (3) If the certificate holder fails to correct the violation(s) identified in the notice of suspension within the time period provided therein or fails to notify the Public Safety Director of such corrective action, the Public Safety Director may extend the period of suspension and proceed with the applicable enforcement actions provided in this section.
- (e) *Revocation.* For repeat violations of subsection 2-13-63(b) or a certificate holder that fails to correct the violations identified in the probation or suspension notice in the time frame specified therein, a certificate may be subject to revocation or amendment. If the Public Safety Director determines that revocation or amendment of any certificate is warranted, notice shall be sent to the certificate holder by certified mail of such findings and of the date of the public hearing on the matter, not less than ten (10) days prior to the hearing. The Board shall thereupon consider the issues identified in the notice and either revoke, suspend or amend the certificate or dismiss the complaint. The Board shall provide notice of revocation or alteration to the violator by certified mail, at least ten (10) days before the violator must comply with the Board's decision.
- (f) Additional enforcement remedies. In addition to probation, suspension or revocation of a certificate, this article may be enforced as provided by Section 125.69, Florida Statutes, as amended, or by an action in equity, including injunctive or declaratory relief, in a court of competent jurisdiction, in order to prevent or abate violations of this article.

#### **Sec. 2-13-64. Appeal**

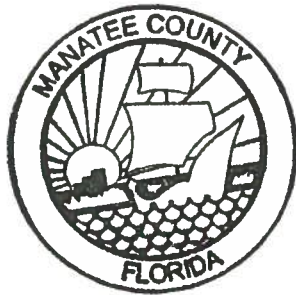
- (a) All decisions rendered by the Public Safety Director shall be appealable by requesting a hearing before a special magistrate.
  - (1) The hearing shall be requested within fifteen (15) days of the date of the decision to be challenged.
  - (2) A hearing date shall not be postponed or continued unless a request for continuance is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the Public Safety Director.
  - (3) The fact-finding determination of the special magistrate shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the Public Safety Director's decision. Based upon this fact-finding determination, the special magistrate shall either affirm or reverse the decision of the Public Safety Director. If the special magistrate affirms the decision of the Public Safety Director, the named party shall have fifteen (15) days from the date of the decision of the special magistrate to comply with the decision of the Public Safety Director unless some other period is agreed to by the county.
- (b) All decisions rendered by the Board or a special magistrate shall be appealable as permitted by Florida Rules of Appellate Procedure, as amended, or Section 162.11, Florida Statutes, as amended.

**Section 4.** The publisher of this County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 into the Code.

**Section 5.** If any clause, phrase, provision, section or sentence of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 6.** This Ordinance shall take effect immediately upon filing with the Department of State.

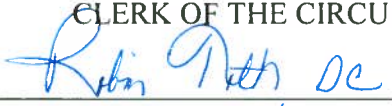
**DULY ADOPTED**, with a quorum present and voting, this 25<sup>th</sup> day of April, 2017.



**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By:   
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By:   
Deputy Clerk

# BRADENTON HERALD


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Published Daily  
Bradenton, Manatee County, Florida

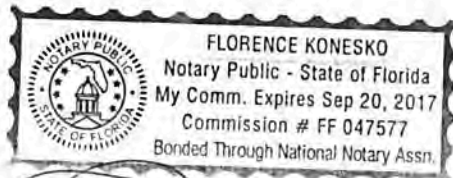
STATE OF FLORIDA  
COUNTY OF MANATEE


Before the undersigned authority personally appeared Michael G. Stinson, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Public Hearing, Manatee County** was published in said newspaper in the issue(s) **3/23/17**.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
\_\_\_\_\_  
(Signature of Affiant)

Sworn to and subscribed before me this  
23 Day of March 2017



  
SEAL & Notary Public  
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in chambers at the Manatee County Administrative Center, 1112 Manatee Avenue West, 1st Floor, Bradenton, Florida, on the **4th day of April 2017, at 9:00 a.m.**, or soon thereafter to consider, act upon, adopt, or reject the following ordinance:

### ORDINANCE NO. 17-041

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING THE AUTHORIZATION OF EMERGENCY MEDICAL TRANSPORTATION AND NON-TRANSPORTATION SERVICES WITHIN THE COUNTY; AMENDING AND RESTATING ARTICLE II OF CHAPTER 2-13 OF THE MANATEE COUNTY CODE OF ORDINANCES; MAKING RELATED FINDINGS; DEFINING CERTAIN TERMS; REQUIRING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR

EMERGENCY MEDICAL SERVICES; PROVIDING EXEMPTIONS; ESTABLISHING THE AUTHORITY OF THE COUNTY EMS MEDICAL DIRECTOR; ESTABLISHING STANDARDS FOR APPLICATIONS, RENEWALS AND AMENDMENTS OF CERTIFICATES; PREVENTING DISCONTINUATION OR INTERRUPTION OF EMERGENCY MEDICAL SERVICES; PROVIDING FOR INSURANCE REQUIREMENTS; REGULATING RATES; ESTABLISHING RIGHTS AND DUTIES GRANTED BY CERTIFICATION; REQUIRING VEHICLE PERMITS FOR GROUND AND AIR AMBULANCES; ESTABLISHING CONDITIONS OF VEHICLE OPERATING PERMITS FOR GROUND AND AIR AMBULANCES; PROVIDING FOR RESPONSE IN A STATE OF EMERGENCY OR DISASTER; PROVIDING FOR VIOLATIONS, PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR APPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Copies of proposed ORDINANCE 17-041 may be inspected by the public during normal business hours in the Office of the County Attorney, 1112 Manatee Avenue West, Suite 969, Bradenton, Florida. Interested parties may appear at the meeting or public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the above-referenced meeting or public hearing will need a record of the proceedings, and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

MARCH 23, 2017



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 1, 2017

Honorable Angelina Coloneso  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Robin Toth, Deputy Clerk

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of **Manatee County Ordinance No. 17-041, which was filed in this office on May 1, 2017.**

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb