

## RESOLUTION R-19-126

### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING RENEWAL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO WEST MANATEE FIRE RESCUE; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute § 125.01 and Chapter 401, Part III, Florida Statutes, authorizes Manatee County (the County) to furnish ambulance services to the citizens of the County either directly and/or through the use of private firms; and

**WHEREAS**, Florida Statutes § 401.25(1) requires that every private firm or governmental entity providing prehospital or inter-facility advanced life support services or basic life support transportation services must be licensed by the State of Florida as a basic life support (BLS) service or an advanced life support (ALS) service before offering such service to the public; and

**WHEREAS**, as a prerequisite to obtaining a state license, Florida Statutes § 401.25(2)(d) provides that an applicant for state licensure must first obtain a Certificate of Public Convenience and Necessity (COPCN) from the governing bodies of each county in which the applicant will provide ALS and/or BLS services; and

**WHEREAS**, Florida Statutes § 401.25(6) provides that the governing body of a county may adopt ordinances that provide reasonable standards for COPCNs for BLS or ALS services and air ambulance services; and

**WHEREAS**, pursuant to this authority, the County adopted Ordinance 17-041, which was subsequently codified as Article IV of Chapter 2-13 of the Manatee County Code; and

**WHEREAS**, Manatee County Code § 2-13-55(a) requires every firm or governmental entity seeking to provide these services in the County to submit an application for a COPCN; and

**WHEREAS**, complete applications are reviewed for approval by the Board at a duly noticed public hearing; and

**WHEREAS**, at the hearing, Manatee County Code § 2-13-55(c) provides that in deciding whether to issue a COPCN, the Board's consideration shall include the complete application, the Director of Public Safety's report and recommendation, any other matters presented to it at the public hearing at which the application is considered; and

**WHEREAS**, upon a determination that an applicant satisfies the criteria provided for in Manatee County Code § 2-13-55(c), the Board is authorized to issue a COPCN; and

**WHEREAS**, the County has received a complete COPCN renewal application from West Manatee Fire Rescue a private ambulance company that does business in Manatee County; and

**WHEREAS**, the Public Safety Department has reviewed and independently verified the information provided for in the COPCN renewal application submitted by West Coast Southern Medical Services, Inc.; and

**WHEREAS**, the Director of Public Safety recommends that the Board approve the COPCN renewal application submitted by West Coast Southern Medical Services, Inc.; and

**WHEREAS**, the Board finds that West Manatee Fire Rescue has the technical, legal and financial ability to perform ALS Non-Transport services within the County and is qualified under the County's standards to receive a COPCN.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:**

**Section 1.** West Manatee Fire Rescue is hereby issued a non-exclusive COPCN for the provision of ALS Non-Transport Services within Manatee County. This COPCN is non-exclusive and the County reserves its right to grant similar COPCNs as authorized by law.

**Section 2.** The COPCN authorized herein shall remain valid for the period of time provided below based upon continued compliance by West Manatee Fire Rescue with the following provisions:

- A. Calls for services which West Manatee Fire Rescue is not authorized to provide under this resolution shall be immediately directed to the County's Emergency Communication Center.

**Section 3.** The COPCN issued pursuant to this Resolution shall have a term of no longer than two (2) years unless its state license expires before that term or unless sooner revoked, suspended, extended, or renewed as provided by state law or County Code.

**Section 4.** Assignment, sale or transfer of the COPCN authorized herein shall be governed by the terms of Manatee County Code § 2-13-59. Nothing contained herein is intended to convey any license or right to perform non-emergency medical transportation services or inter-hospital transportation services in derogation of any licensure requirement established by the State of Florida.

**Section 5.** Pursuant to and subject to the pre-conditions of Manatee County Code § 2-13-55(d)(1), the Director of Public Safety is authorized to execute COPCNs conforming to the terms of this Resolution.

**Section 6.** If any section, sentence, clause, or other provision of this Resolution shall be 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 sections, sentences, clauses, or provisions of this Resolution.

**Section 7.** This Resolution shall take effect immediately upon its adoption.

**ADOPTED** with a quorum present and voting this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

By: \_\_\_\_\_  
Chairperson

Date: \_\_\_\_\_

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk