

ORDINANCE NO: 01- 01

**AN ORDINANCE TO REPEAL ORDINANCE 91-8, AND
FURTHER PROVIDING STANDARDS AND NECESSARY
REGULATIONS FOR THE ISSUANCE OF CERTIFICATES
OF PUBLIC CONVENIENCE AND NECESSITY FOR
EMERGENCY MEDICAL TRANSPORTATION SERVICES;
PROVIDING DEFINITIONS;
ESTABLISHING WHEN CERTIFICATES ARE REQUIRED;
ESTABLISHING THE CLASSIFICATION OF CERTIFICATES;
ESTABLISHING CERTIFICATE APPLICATION REQUIREMENTS;
ESTABLISHING CRITERIA FOR REVIEW OF APPLICATIONS;
ESTABLISHING PROCEDURES FOR ISSUANCE OR REFUSAL OF CERTIFICATES;
CREATING RIGHTS AND DUTIES GRANTED BY CERTIFICATION;
ESTABLISHING PROCEDURES FOR REVOCATION, MODIFICATION,
SUSPENSION OR AFFIRMATION OF CERTIFICATES;
ESTABLISHING COMPLAINT PROCEDURES;
ESTABLISHING CIVIL REMEDIES;
REQUIRING APPROVAL FOR TRANSFER OR ASSIGNMENT;
PRECLUDING MUNICIPAL LICENSING;
NON-APPLICABILITY TO GOVERNMENT OWNED/OPERATED AMBULANCES;
PROHIBITING THE TURNING IN OF FALSE ALARMS;
PROVIDING FOR PENALTIES;
PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF BAKER COUNTY, FLORIDA**

SECTION 1: PURPOSE AND SCOPE.

This Ordinance is enacted pursuant to Section 401.25(6), Florida Statutes, for the purpose of providing standards and necessary regulations for the issuance of Certificates of Public Convenience and Necessity for emergency medical transportation services. This Ordinance shall apply and be in force within the incorporated and unincorporated areas of Baker County except as otherwise specified.

SECTION 2: DEFINITIONS

When used in this Ordinance, the following terms shall mean as follows:

All definitions set forth in Section 401.23 Florida Statutes (1983), are hereby incorporated herein by reference.

- Board:** The Board of County Commissioners of Baker County or any designee which the Board of County Commissioners authorizes.
- Certificate:** A Certificate of Public Convenience and Necessity issued by the Board of County Commissioners.
- County:** Means all incorporated or unincorporated areas within the territorial limits of Baker County, Florida.
- EMS System:** The composite of all emergency medical services providers within Baker County, whether such service providers are publicly or privately owned or operated.
- Mutual Aid Agreement:** Means a written agreement between two or more entities whereby the signing parties agree to lend aid to one another under conditions specified in the agreement and as sanctioned by the governing body of each affected county.
- Operator:** Means any person engaged in business as the owner, proprietor, purchaser, or lessee of ambulances, emergency medical services vehicles, air ambulances, or other vehicles intended to be used for advanced life support services or emergency services, transportation services.
- Patient:** Means an individual who is ill, sick, injured, wounded, or otherwise incapacitated and is in need of or can be expected to need medical care.

- Person: Means any individual, firm, association, partnership, corporation, local government, or any other group, combination, or entity acting as a unit.
- Rules/Regulations: Means those specific requirements and guidelines which are promulgated and periodically revised by the Board.
- Vehicle: Includes aircraft, land craft, and water craft.
- Department: Means the Florida Department of Health.
- Permit: Means any authorization issued pursuant to the provisions of Chapter 401, Florida Statutes, for a vehicle to be operated as a transport or non-transport vehicle providing basic or advanced life support as a non-emergency medical transportation vehicle.
- License: Means any license or transfer of license issued by the Department of Health pursuant to Chapter 401, Florida Statutes.

SECTION 3: CERTIFICATES REQUIRED

- A. Every person, firm, corporation, association or governmental entity that advertises or engages in the business of operation of a basic or advanced life support service, or an air medical transportation service in Baker County must obtain a Certificate of Public Convenience and Necessity from the Board.
- B. Every person, firm, corporation, association or governmental agency that routinely or regularly operates a vehicle in Baker County for the purpose of engaging in the business of providing basic or advanced life support, emergency ambulance service, or air medical transportation service must obtain a Certificate of Public Convenience and Necessity from the Board.

SECTION 4: CLASSIFICATION OF CERTIFICATES

Services granted certificates shall operate in accordance with the classification of each service category and sub-category as follows:

- A. Advanced Life Support Service: An ALS transport service maintained or operated with the intention of providing emergency transportation on a regular basis as a matter of established operational policy.
- B. Emergency Ambulance Service: An Emergency Ambulance Service maintained or operated with the intention of providing emergency medical care transportation on a regular basis as a matter of established operational policy.

- C. Air Medical Transportation Service: A non-military service maintained or operated with the intention of providing transportation by aircraft for emergency medical patients as a matter of established operational policy.

SECTION 5: CERTIFICATE APPLICATION REQUIREMENTS

- A. No person, firm, corporation or partnership shall operate any of the services as described in Section 4 unless a Certificate of Public Convenience and Public Necessity is first obtained from the Board. Every application for a certificate under the Ordinance shall be in writing, signed or sworn by applicant and shall be filed with the Board.
- B. The application shall be on a form provided by Board and shall contain the following:
 - 1. The name, age , and address of the applicant and the length of time the applicant has resided in the County if the applicant is an individual;
 - 2. The business name of partnership and the name, age, and address of each partner and the length of time each partner has resided in the County if the applicant is a partnership;
 - 3. The names and residences of officers and directors.
 - 4. The date of incorporation or formation of the business association.
 - 5. The area or areas which the applicant desires to serve.
 - 6. The addresses of the applicant's present and proposed base station location and all sub-stations.
 - 7. The names and certification numbers of all EMT'S, paramedics, drivers, or other attendants, employed by the applicant.
 - 8. The year, model, type, Department of Health permit number, motor vehicle or FAA license number of every ambulance, rescue vehicle, aircraft or other type of transporting or responding vehicle used by the applicant.
 - 9. A description of the applicant's communication system, including its assigned frequency, call number, mobiles, portables, range and hospital communications ability.
 - 10. Proof that the applicant possesses all required Federal or State licenses and permits.

11. The name of the municipalities and description of the geographical area that the applicant has previously been authorized to serve in Baker County, and other counties in Florida or any area outside of the State of Florida.
12. A list of the fees currently charged and to be charged by applicant.
13. A statement from the applicant that each ambulance, rescue vehicle, aircraft, or other type of transporting or responding vehicle to be used within Baker County routinely maintains the minimum levels of equipment and supplies as required by the Department.
14. A sworn statement signed by the applicant or his/her authorized representative stating that all the information provided by the applicant in the application is true and correct.
15. An agreement of the applicant to file, in the event that the application shall be granted and prior to its effectiveness, copies of policies of public liability, property damage and malpractice insurance as provided in this ordinance or a surety bond conditioned for the payment and satisfaction of any final judgment as required by this Ordinance.
16. An agreement of the applicant to file, in event that the application shall be granted and prior to its effectiveness, a copy of standard operating procedures which shall include all general and/or specific instructions to personnel as to the exact nature of the duties, when applicable, under what conditions, to whom and how emergency care shall be reviewed and approved by the Board prior to initiation of service.
17. Proof that the applicant has employed or contracted with a medical director qualified in the manner required by Section 401.265, Florida Statutes (1983), and obligated to fulfill all requirements of that statute.
18. Any other information as may be reasonably required by the Board.
19. An accompanying license fee in accordance with Section 6 of this Ordinance.

SECTION 6: APPLICATION REVIEW CRITERIA

- A. Upon receipt of an application for any certificate under this Ordinance, the Board may cause an investigation to be made of the character and reputation of the applicant as a law-abiding citizen, the financial ability of the applicant to render safe and comfortable service and to maintain or replace the equipment for such service, the financial responsibility of the applicant to maintain insurance for the payment of personal injury, death and property damage claims and of such other pertinent facts which the Board may deem relevant in determining the fitness of the applicant to assume the occupation of an operator.
- B. The purpose of review of applications or determination of applicant's compliance, the Board or its designated representative shall be empowered to perform reasonable inspections of any item pertinent to the requirements of this Ordinance.
- C. Upon receipt, the Emergency Services Director shall transmit one copy of the application to each municipality in the county, and/or to the Medical Director and request that same furnish recommendations thereon prior to the Board's meeting on the matter. The recommendations of the same shall be considered by the Board prior to the decision on the application.
- D. The Emergency Services Director, in conjunction with the county's Medical Director, and the Rescue Chief will review the application in consideration of, but not limited to, the following criteria:
 - 1. The financial responsibility of the applicant to maintain safe, comfortable services, maintain or replace equipment, and maintain required liability and medical malpractice insurance upon the request of the Board and/or the Board's designee.
 - 2. The condition of the vehicles and equipment provided by the service.
 - 3. Inspection and Examination; in accordance with the Florida Statutes, Section 401.31, the Department of Health shall inspect each basic life support, and advanced life support at reasonable times and whenever such inspection is deemed necessary by the Department.
 - 4. The adequacy of the management plan of the applicant upon the request of this service.
 - 5. The past performance and service record of the applicant obtained from sources such as hospitals, nursing homes, local public safety agencies and the local Department of Health EMS representatives.
 - 6. The number and type of services and governmental entities currently providing

emergency basic and advanced life support emergency medical service or air medical transportation services to the area.

7. The basis for determination of need may include a comparison of estimated annual requests for service in the particular certificate category with the current number of vehicles satisfying requests.
 8. The extent to which the applicant, and all proposed equipment and personnel, conform to the standards of Chapter 401, Florida Statutes, any amendments thereto, and any rules promulgated thereunder.
 9. The effect of the proposed services on the quality and cost of any existing medical transportation or rescue services.
- E. The Board may hold a public hearing for the purpose of considering all pending applications for a certificate. All applicants and all present certificate holders shall be notified of the date, time, and place of the public hearing. Said notice shall be sent by Certified Mail, not less than twenty (20) days prior to the public hearing. At such hearing, the Board shall consider all applications and pertinent information and shall make its finding as to each applicant, and shall determine whether the public convenience and necessity of the residents of Baker County would best be served by granting, or denying such applications.
- F. Medical Director Review: within in five days of receipt of any application under this Ordinance, a complete copy thereof shall be forwarded to the county's Medical Director for his review and recommendations. The Medical Director shall prepare a written report within thirty (30) days of receipt of the application, unless an extension of time is agree to by all interested parties or is granted by the Board for good cause.
- G. Municipal Review; within five days of receipt of any application under this Ordinance, a complete copy thereof shall be forwarded to the chief administrative officer of each municipality where the service is to be provided for review and recommendation. The municipality may submit its recommendation to the Board in writing or in person at the public hearing.

SECTION 7: ISSUANCE OR REFUSAL

- A. The board shall consider the application at the next regular meeting following receipt of the recommendations, if it finds that the proposed service meets the public convenience and necessity, issue a certificate, subject to such limitations as the Board deems necessary to protect health, safety, and welfare.
- B. The certificate shall be valid for a period of two years.
- C. The certificate shall not be transferable or assignable, either voluntarily or by operation of law, without the prior written approval of the Board, upon a finding of conformance with all requirements of this Ordinance.
- D. Every certificate issued under this Ordinance shall state the service territory authorized, the minimum requirements for the motor vehicles to be used in the rendition of such service and conditions and limitations as the Board deems necessary in the public interest.
- E. Duration and Form: certificates shall be effective only for two years from date of issuance and shall contain:
 - 1. The name of the service,
 - 2. A statement showing whether the certificate is for ALS, BLS, or both, and whether transport service is included.
 - 3. The dates of issuance and expiration.
 - 4. The geographic areas of, and any limitations on, operation and service in the County.
 - 5. A certification that the recommendations of the municipalities in the County were considered.
 - 6. The signatures of the Chairman of the Board and the Clerk of the Court.
- F. Reconsideration; any person whose application has been denied by the Board may have his application reconsidered once by filing a petition, with the Clerk, which specifically states the grounds for reconsideration within thirty days after the denial.
- G. A certificate shall cease to be valid for a vehicle which is unsafe or which fails in use to conform to the requirements of the Ordinance, or Chapter 401, Florida Statutes.
- H. The certificate and all renewals thereof shall be valid for a period of two (2) years from the date thereof unless earlier suspended, revoked or terminated.
- I. The Board shall review all certificates within ninety (90) days of their expiration and issue renewals in the public necessity.

SECTION 8: RIGHTS AND DUTIES BY CERTIFICATION

Acceptance of the Certificate shall obligate the applicant to:

- A. Provide continuous and uninterrupted services to the extent, and for the area, authorized by the certificate;
- B. Provide services to adjacent areas or routes, when requested to do so by public safety agencies, in emergency situations;
- C. Keep such records as may be required by the Federal or State government or by the Board, pursuant to any rules and regulations adopted by resolution under this Ordinance and furnish or make such records available to the Board, or County Manager, or their designee, for inspection at reasonable time and places.
- D. Every certificate holder shall keep accurate records or receipts from operations, operating and other expenses, capital expenditures and such other operating and patient information as may be required by the Board.
- E. Prompt service required; every call for Emergency Ambulance Service shall be answered promptly. Patients shall be loaded and transported without being subject to unreasonable delays. Those instances where there is a delayed response between receipt of an emergency call and dispatch of an ambulance shall be reported to the county manager with documentation of circumstances which delayed the response.
- F. Twenty-four hour service; every certificate holder shall be required to operate a minimum of two (2) ambulances on immediate call at all times. Further, every certificate holder shall be required to maintain a third ambulance on a standby basis which will be available on notification of need. The minimum number of vehicles requirement of this paragraph does not apply to those operators holding a bonafide certificate at the time this Ordinance becomes effective, but does apply to any new applicant.
- G. All certificates holders shall file with the application a schedule of proposed rates for transportation or treatment of patients. All initial rates and subsequent rate changes are subject to review and approval of the Board.
- H. Daily Manifests; every operator shall provide each driver with a daily manifest upon which shall be recorded the time, place or origin, destination, and charges for each trip made and such other operating and patient information as may be required by the Board. Every operator shall retain and preserve all daily manifests for at least two (2) years, and such manifests shall be available for inspection by the Board upon request of an authorized county official.

- I. Attendant required; each ambulance shall have, in addition to its driver, an attendant who shall continuously attend the patient both at the scene of the accident or medical emergency and during transport.
- J. Suitable vehicle; each ambulance shall be suitable for transportation of patients from the standpoint of health, sanitation, and safety and shall be maintained in suitable premises. Each ambulance shall conform in all aspects to the most recent design criteria as established by the U.S. Department of Transportation except that the minimal overall internal dimensions of the patient area shall be as forth in Section 401.10(d)66), Florida Statutes.
- K. Maintain liability insurance in such amounts and with such coverage as the Board may require upon issuance of the certificate.
- L. Operate in conformance with all Federal, State, or local laws or ordinances, and all rules and regulations, resolutions or policies hereunder and any conditions or limitations imposed by the Board upon issuance of the certificate.
- M. File an application for renewal of its certificate, or a notice of its intent not to seek renewal of its certificate, at least 120 days prior to its expiration.

**SECTION 9: CERTIFICATE REVOCATION, MODIFICATION,
SUSPENSION OR AFFIRMATION**

- A. Every Certificate of Public Convenience and Necessity issued pursuant to this Ordinance is subject to revocation, modification, or suspension when it is found that:
 - 1. The certificate holder has failed or neglected to render services as required by the certificate, or the rules and regulations promulgated under Chapter 401 of the Florida Statutes; or
 - 2. The application by which the certificate was secured contained false representations or omitted material facts; or
 - 3. The certificate holder or its agent has demanded money or other compensation in excess of that established in its schedule of fees or rates filed with the Board; or
 - 4. The certificate holder has been convicted of a felony which renders the certificate holder of such character and conduct which , ail to meet standards of conduct considered appropriate in the licensed activity. In determining whether to revoke, suspend or modify a certificate holder's certificate, the Board shall consider both the nature and seriousness of the offense and the circumstances under which the felony occurred.
 - 5. The operator has failed or neglected for a period of thirty(30)days during any calendar year to render services authorized by his certificates;

6. The operator has permitted any motor vehicle to be operated in violation of law;
 7. The operator has failed to comply with any of the provisions of this ordinance;
 8. The public interest will best be served by revocation alteration or suspension of any certificate upon good cause shown;
 9. The operator has without sufficient justification failed or refused to furnish emergency care and/or transportation promptly for a sick or injured person;
 10. The operator has given or allowed a rebate, commission or any reduced rate discount not provided for in the rates established and prescribed;
 11. The operator or his agent has been adjudicated guilty of malpractice or negligence by a Court of competent jurisdiction in the operation of its service;
- B. Proceedings for revocation, alteration or suspension of a certificate shall be undertaken by the Board in the same manner as proceedings for issuance of a certificate. All complaints shall be investigated within fifteen (15) days and a report thereon made to the Board, together with findings and recommendations.
- C. If revocation, suspension or alteration of certificate appears warranted, the Board shall give five (5) days notice to the operator holding the certificate that the same will be considered at a specific commission meeting, provided the date of such meeting shall not be less than five (5) days from the date of the notice. The Board shall thereupon undertake to consider the complaint and either revoke, suspend or alter the certificate or dismiss the complaint.

SECTION 10: COMPLAINT PROCEDURES

- A. Complaints about the services of a certificate holder shall be directed and received by the County Administrator. The County Administrator shall record the receipt of the complaint, and shall then direct the Emergency Services Director to investigate same and make recommendations as to what action, if any, should be taken.
- B. If the Emergency Services Director finds that revocation, suspension, or modification of a certificate is warranted, the County Administrator shall notify the certificate holder of such findings. This notice shall be delivered by Certified Mail or by hand delivery and shall state the reasons for any findings and shall also set a hearing date.
- C. After due public notice, the Board shall conduct a hearing on the revocation, suspension, or modification of the certificate. The Board may approve, disapprove, modify, or amend the findings of the Emergency Services Director and may take whatever actions it deems appropriate under the circumstances.

SECTION 11: CIVIL REMEDIES

The Board, or any aggrieved person, may have recourse to such remedies by law and in equity as may be necessary to insure compliance with the provisions of this Ordinance, including injunctive relief to enjoin and restrain any person from violating its provisions. If the County prevails in any such litigation, whether by judicial decree or by settlement, it shall be awarded all of its costs and expenses, including a reasonable attorney fees, in addition to any other relief awarded or obtained.

SECTION 12: TRANSFER OR ASSIGNMENT

No certificate issued under this article shall be assignable or transferable by the person, company, or corporation to whom issued, except upon approval by the Board in the same manner and subject to the same application, investigation, fees and public hearing as original applications for certificates.

Any majority transfer of shares of stock or interest of any person or operator so as to cause 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 Ordinance and subject to the same rules and regulations as any other transfer or assignment.

SECTION 13: MUNICIPALITIES NOT TO REQUIRE LICENSE, PERMIT OR PAYMENT OF FEES, EXCEPT OCCUPATIONAL LICENSE AUTHORIZED BY GENERAL OF SPECIAL LAW

A municipality shall not require any operator holding a certificate to obtain any municipal license, certificate or permit nor require the payment of any fees for the right to engage in the ambulance business, except an occupational license authorized by general or special law.

SECTION 14: ORDINANCE NOT APPLICABLE TO GOVERNMENT AMBULANCES

Nothing in this Ordinance is intended to apply to any ambulance which is owned or operated by any agency of state or federal government.

SECTION 15: TURNING IN A FALSE ALARM

Whoever, without reasonable cause, by telephone or otherwise, summons any emergency medical services vehicle pursuant to this chapter or reports that such a vehicle is needed when such person knows or has reason to know that the services of such vehicle are not needed, shall be guilty of violation of this chapter and subject to punishment as provided herein.

SECTION 16: PENALTIES

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed sixty (60) days or both fine and imprisonment.

SECTION 17: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and the unconstitutional, invalid or void provisions shall be deemed to have been severed here from, and the remainder of the Ordinance, after the exclusion of such part or parts, shall be deemed to be valid, as if such part or parts had not been Included herein.

If this Ordinance or any provisions hereof shall be held inapplicable to any person, group of persons, property, or kind of property, circumstances, or set of circumstances, such holdings shall not affect the application hereof to other person, property, or circumstances.

SECTION 18: EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgment from the Department of State that this Ordinance has been filed.

DONE AND ADOPTED in regular session on this _____ day of January, 2001.

BAKER COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

BY: _____
Clifton BARTON
CHAIRMAN

ATTEST:

AL FRASER
CLERK OF THE COURT

As Chairman of the Board of County Commissioner, Baker County, Florida, I do hereby certify that the above and foregoing Ordinance is a true and correct copy of the Ordinance ordained and enacted by the Board of County Commissioners of Baker County, Florida, during a regular meeting at the Baker County Administration Building, Macclenny, Florida, on this day of January _____, 2001.

CLIFTON BARTON
CHAIRMAN

I, Al Fraser, Clerk of the Court of Baker County, Florida, and Clerk to the Board of County Commissions of Baker County, Florida, do hereby certify that the above appearing signature is true and correct and do hereby attest to same.

AL FRASER
CLERK OF THE COURT

Date: _____