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ORDINANCE NO. 2019-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO EMERGENCY MEDICAL SERVICES AND NONEMERGENCY MEDICAL TRANSPORTATION SERVICES; REPLACING CHAPTER 3½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") REPLACING ITS ENTIRETY TO PROVIDE FOR DEFINITIONS; PROVIDING FOR REGULATORY AND LICENSING PROCEDURES AND REQUIREMENTS WHEN OPERATING AS EMERGENCY MEDICAL SERVICE PROVIDER AND NONEMERGENCY MEDICAL TRANSPORTATION SERVICE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Board desires to replace Chapter 3½ of the Broward County Code of Ordinances ("Code"), in order to more efficiently process emergency and nonemergency medical transportation service applications, certificates, and licenses; and

WHEREAS, the Board finds that the revisions to the Code, as set forth herein, are necessary and in the best interest of the residents of Broward County,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Chapter 3½ of the Broward County Code of Ordinances is hereby replaced in its entirety to read as follows:

[Underlining omitted]

**ARTICLE I. ADVANCED LIFE SUPPORT AND BASIC LIFE SUPPORT**

**Sec. 3½-1. Definitions.**

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 As used in Chapter 3½:

2 *Advanced Life Support (ALS)* means treatment of life-threatening medical  
3 emergencies using techniques such as endotracheal intubation, the administration of  
4 drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by  
5 a qualified person, pursuant to Florida laws, rules, and regulations, and local laws, rules,  
6 and regulations.

7 *Advanced Life Support Service (ALS Service)* means any emergency medical  
8 transport or nontransport service that uses advanced life support techniques, pursuant  
9 to Florida laws, rules, and regulations, and local laws, rules, and regulations. The term  
10 ALS shall be inclusive of the provision of BLS Services by an EMS provider.

11 *Air ambulance* means any rotary-winged aircraft used for, or intended to be used  
12 for, air transportation of sick or injured persons likely to require medical attention during  
13 transport.

14 *ALS rescue vehicle* means any privately or publicly owned land, air, or water  
15 vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated  
16 for, and is used for, or intended to be used for, conveying advanced life support  
17 equipment and certified paramedics to persons who are sick, injured, or otherwise  
18 incapacitated.

19 *Basic Life Support (BLS)* means treatment of medical emergencies by a qualified  
20 person through the use of techniques such as patient assessment, cardiopulmonary  
21 resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of  
22 oxygen, application of medical antishock trousers, administration of a subcutaneous  
23 injection using a premeasured autoinjector of epinephrine to a person who may be  
24 suffering an anaphylactic reaction, and other techniques described in the Emergency

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1 Medical Technician Basic Training Course Curriculum of the United States Department  
2 of Transportation. Basic life support also includes other techniques that have been  
3 approved and are performed under conditions as approved by the State of Florida.

4 *Basic Life Support Service (BLS Service)* means any emergency medical transport  
5 or nontransport service that uses basic life support techniques, pursuant to Florida laws,  
6 rules, and regulations, and local laws, rules, and regulations.

7 *Board* means the Board of County Commissioners of Broward County, Florida.

8 *Broward County* means the incorporated and unincorporated areas of Broward  
9 County.

10 *Certificate* means a certificate of public convenience and necessity issued  
11 pursuant to this chapter.

12 *Communications center* means a public safety answering point or dispatching  
13 center designated by the County Administrator.

14 *County* means Broward County, a political subdivision of the State of Florida.

15 *County Administrator* means the Broward County Administrator or designee.

16 *Emergency call* means the response of an EMS provider to the scene of a reported  
17 medical emergency under conditions that warrant travel with flashing lights and sirens  
18 operating pursuant to the request of a communications center, a public safety agency, or  
19 as otherwise provided by rules and regulations promulgated pursuant to this chapter.

20 *Emergency Medical Service (EMS) provider* means any person, firm, corporation,  
21 association, local government, or other entity that holds a certificate and advertises or  
22 engages in the business of providing ALS or BLS services.

23 *EMS transport vehicle or ambulance* means any privately or publicly owned land,  
24 rotary-winged air or water vehicle that is designed, constructed, reconstructed,

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1 maintained, equipped, or operated for, and is used for, or intended to be used for, air,  
2 land, or water transportation of sick or injured persons requiring or likely to require medical  
3 attention during transport.

4 *Emergency Medical Technician* or *EMT* means any person who is trained in basic  
5 life support and who is certified to perform such procedures in emergency situations in  
6 accordance with Florida law.

7 *Environmental and Consumer Protection Division (ECPD)* or *Division* means the  
8 County Division assigned to enforce this chapter.

9 *License* means a license issued to a nonemergency medical transportation service  
10 provider pursuant to this chapter.

11 *Nonemergency medical transportation service* means any privately or publicly  
12 owned service employing a land, air or water vehicle that is designed, constructed,  
13 reconstructed, maintained, equipped, or operated for, and is used for, or intended to be  
14 used for, air, land, or water transportation of persons who are confined to wheelchairs or  
15 stretchers and whose condition is such that these persons do not need, nor are likely to  
16 need, immediate medical attention during transport.

17 *Paramedic* means any person who possesses a valid paramedic certificate issued  
18 in accordance with Florida law.

19 *Patient* means any person who needs emergency or nonemergency medical  
20 treatment or transportation.

21 *Prehospital air ambulance service* means any publicly or privately owned service  
22 that operates rotary-winged aircraft in conjunction with a community emergency medical  
23 ALS or BLS first response system.

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1            *Response time* means the interval of time between the moment the certificate  
2 holder's dispatch center receives a call requesting a response to the moment the  
3 certificate holder's ambulance arrives at the requested location of the pickup. Response  
4 time for routine transfers shall mean the interval of time between such routine transfer  
5 scheduled pickup time and the moment the certificate holder's ambulance arrives at the  
6 requested location of the pickup.

7            *Routine transfer* means the transportation by ambulance of stretcher patients  
8 under nonemergency conditions pursuant to this chapter. A routine transfer refers to  
9 either an interfacility medical transfer between two (2) facilities licensed by the State of  
10 Florida or a transfer that originates or terminates at a patient's residence.

11            **Sec. 3½-2. Certificates required.**

12            Every person, firm, corporation, association, local government, or other entity that  
13 provides ALS Service or BLS Service within Broward County must obtain a certificate of  
14 public convenience and necessity from the Board, pursuant to the provisions of this  
15 chapter, and the appropriate license issued by the State of Florida pursuant to  
16 Chapter 401, Florida Statutes.

17            **Sec. 3½-3. Exemptions.**

18            The following vehicles and ambulances are exempt from the provisions of this  
19 chapter:

- 20            (a) Vehicles or ambulances exempt under Section 401.33, Florida Statutes;  
21            (b) Government-owned or -operated vehicles not ordinarily used for the  
22 treatment of life-threatening medical emergencies or the transportation of persons who  
23 are sick, injured, or otherwise incapacitated;

1 (c) Vehicles used to transport patients during major catastrophes or  
2 emergencies when ambulances holding County certificates and state licenses are  
3 insufficient in number to render the services needed as determined by the County, the  
4 communications center, or a public safety agency;

5 (d) Ambulances based outside Broward County that are licensed in  
6 accordance with the ambulance originating jurisdiction requirements and that:

7 (1) Pick up patients within Broward County for transportation to a location  
8 outside Broward County; or

9 (2) Pick up patients outside Broward County for transportation to a location in  
10 Broward County;

11 (e) Ambulances owned or operated by the State of Florida or the United  
12 States;

13 (f) Fire department vehicles used as an integral part of a fire suppression  
14 response unit, which vehicles may be used from time to time to transport firefighters in  
15 need of medical attention; however, basic or advanced life support units are not exempt  
16 under this section;

17 (g) Wheelchair transport service vehicles provided by any organization or  
18 person , if:

19 (1) The service is a public bus system;

20 (2) The service is a public or private school bus system, the principal business  
21 of which is to transport school children to and from school or school-related  
22 activities; or

23 (3) The service is provided as an uncompensated courtesy;

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1 (h) Wheelchair accessible vehicles regulated under Chapter 22½ of the  
2 Broward County Code of Ordinances;

3 (i) Vehicles used by hospitals to transport patients to or from the hospital or  
4 other medical facilities, if the hospitals do not charge a fee for this service, or that are  
5 used to transport nonemergency patients whose medical condition is such that they are  
6 confined to a wheelchair or to a stretcher but who do not need, nor are likely to need,  
7 medical attention during transport; and

8 (j) Fixed-wing aircraft used for or intended to be used for air transportation of  
9 sick or injured persons who may need medical attention during transport.

10 **Sec. 3½-4. Classifications of service.**

11 (a) A certificate must be obtained from the County prior to performing the  
12 applicable service below.

13 (1) *Class 1 - ALS rescue:* A governmental EMS provider with the capability  
14 of rendering on the scene prehospital ALS Service and BLS Service and  
15 that may or may not elect to transport a patient. A governmental EMS  
16 provider holding a Class 1 - ALS rescue certificate may provide the  
17 applicable level of service within its jurisdictional boundaries. A  
18 governmental EMS provider may contract with one (1) or more EMS  
19 providers for ALS rescue services. An EMS provider rendering this level  
20 of medical service for a governmental entity, pursuant to an agreement  
21 with the governmental entity, must operate under the Class 1 - ALS rescue  
22 certificate held by the governmental entity.

23 (2) *Class 2 - ALS transfer:* An EMS provider providing ALS routine transfers.  
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- a. An EMS provider that is awarded a Class 2 - ALS transfer certificate must not respond to an emergency call and provide ALS Service unless:
  - 1. the EMS provider is a governmental entity holding a Class 1 ALS rescue certificate; or
  - 2. the EMS provider is called upon by a governmental entity to provide emergency backup service or contracts with a governmental entity to provide Class 1 - ALS rescue services. When the EMS provider is a nongovernmental entity, it must operate under the Class 1 - ALS rescue certificate of the governmental entity requesting such emergency backup service or contracting for the provision of Class 1 - ALS rescue services.
- b. A nongovernmental EMS provider that holds a Class 2 - ALS transfer certificate may provide ALS routine transfers within Broward County, not restricted by emergency call zones.
- c. A governmental EMS provider that holds a Class 2 - ALS transfer certificate may provide Class 2 - ALS transfer services within its jurisdictional boundaries or where a patient resides within its jurisdictional boundaries. A governmental entity may contract with one (1) or more EMS providers that hold a Class 2 - ALS transfer certificate for routine transfers that originate or terminate within the governmental entity's jurisdictional boundaries or where the patient resides within its jurisdictional boundaries.

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1 (3) *Class 3 - BLS transport:* An EMS provider with the capability of rendering  
2 BLS Service and transporting patients.

3 a. Nongovernmental BLS transport certificate holders must provide  
4 emergency BLS transport services within one (1) or more  
5 emergency call zones identified in Section 3½-5 below and  
6 assigned by the Board.

7 b. A nongovernmental EMS provider that holds a Class 3 - BLS  
8 transport certificate may provide BLS routine transfers within  
9 Broward County, not restricted by emergency call zone.

10 c. A governmental EMS provider that holds a Class 2 - ALS transfer  
11 certificate may provide Class 3 - BLS transport services within its  
12 jurisdictional boundaries or where a patient resides within its  
13 jurisdictional boundaries. A governmental entity may contract with  
14 one (1) or more EMS providers that hold a Class 3 - BLS transport  
15 certificate for BLS routine transfers or BLS transports that originate  
16 or terminate within the governmental entity's jurisdictional  
17 boundaries, or where the patient resides within its jurisdictional  
18 boundaries.

19 (4) *Class 4 - ALS air rescue (rotary-winged aircraft):* A governmental EMS  
20 provider with the capability of providing prehospital air ALS transport  
21 services.

22 (b) Routine transfers are restricted exclusively to EMS providers that hold a  
23 Class 2 - ALS Transfer and/or Class 3 - BLS Transport certificate and are limited to the  
24 provision of ALS Services and/or BLS Services as authorized by the certificate.

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1 (c) Municipalities holding the applicable certificate may provide ALS Services  
2 or BLS Services only (i) within their municipal boundaries except when providing mutual  
3 aid, automatic aid, or closest unit response to surrounding areas on a per-call basis, or  
4 (ii) when a governmental entity enters into an interlocal agreement with another  
5 governmental entity to provide ground ALS or BLS Services to areas within the other  
6 entity's boundaries.

7 **Sec. 3½-5. Emergency call zones.**

8 (a) The emergency call zones for nongovernmental EMS providers that hold  
9 a Class 3 - BLS transport certificate are as follows:

10 (1) *Zone No. 1:* Zone 1 comprises the following cities and unincorporated  
11 areas: Lighthouse Point, Deerfield Beach, Pompano Beach, Coconut  
12 Creek, Sea Ranch Lakes, Lauderdale-By-The-Sea, and Hillsboro Beach.  
13 Zone 1 is bounded on the north by the Broward County/Palm Beach  
14 County boundary line from State Road 7 to the Atlantic Ocean; on the  
15 south along and including McNab Road from the Florida Turnpike to the  
16 Intracoastal Waterway south along the waterway to the Fort  
17 Lauderdale/Lauderdale-By-The-Sea boundary line; on the east along the  
18 Atlantic Ocean from the Broward County/Palm Beach County boundary  
19 line to the Fort Lauderdale/Lauderdale-By-The-Sea boundary line; on the  
20 west along State Road 7 but not including Margate, North Lauderdale, and  
21 Tamarac to McNab Road;

22 (2) *Zone No. 2:* Zone 2 comprises the following cities and unincorporated  
23 areas: Parkland, Coral Springs, Margate, Tamarac, North Lauderdale,  
24 Sunrise, Conservation Area 2-A, and the unincorporated area at the vertex

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1 of State Road 7 and the Florida Turnpike. Zone 2 is bounded on the north  
2 by the Broward County/Palm Beach County boundary line from State  
3 Road 7 to the Conservation Area 2-A; on the south by the City of  
4 Lauderdale/Plantation boundary line from State Road 7 to the Conservation  
5 Area 2-B; on the east along and including State Road 7, including the  
6 areas of Margate, North Lauderdale, and Tamarac situated east of State  
7 Road 7 from the Broward County/Palm Beach County boundary line to  
8 Commercial Boulevard; on the west along the Conservation Area 2-A from  
9 the Broward County/Palm Beach County boundary line to the  
10 Sunrise/Davie boundary line;

11 (3) *Zone No. 3:* Zone 3 comprises the following cities and unincorporated  
12 areas: Davie, Cooper City, Pembroke Pines, Miramar, Plantation,  
13 Weston, Southwest Ranches, and Conservation Areas 2-B and 3-A, also  
14 known as the Everglades. Zone 3 is bounded on the north by the  
15 Plantation/Sunrise city boundary line from State Road 7 to Conservation  
16 Area 2-B; on the west along Conservation Area 2-A to the Hendry  
17 County/Broward County boundary line; on the south along the Broward  
18 County/Miami-Dade County boundary line from State Road 7 to the Collier  
19 County/Broward County boundary line; on the east along the Seaboard  
20 Railroad tracks from State Road 84 to Stirling Road, along but excluding  
21 State Road 7 from Stirling Road to the Broward County/Miami-Dade  
22 County boundary line and excluding that section of Hollywood situated  
23 west of State Road 7 along the Broward County/Collier-Hendry County  
24 boundary line from the Broward County/Miami-Dade County boundary line

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1 to the Broward County/Palm Beach County Conservation Area 2-A  
2 boundary line;

3 (4) *Zone No. 4:* Zone 4 comprises the following cities and unincorporated  
4 areas: Fort Lauderdale, Oakland Park, Wilton Manors, Dania Beach, Lazy  
5 Lake, Lauderdale Lakes, and Lauderhill. Zone 4 is bounded on the north  
6 along and to exclude McNab Road from the Florida Turnpike to the  
7 Intracoastal Waterway south along the waterway to the Fort  
8 Lauderdale/Lauderdale-By-The-Sea boundary line; on the south from  
9 State Road 7 along and inclusive of State Road 84 to I-95; on the south  
10 along the Seaboard Railroad tracks to Stirling Road, following the City of  
11 Hollywood boundary line from Stirling Road inclusive of Port Everglades  
12 to the Atlantic Ocean; on the east along the Atlantic Ocean from Port  
13 Everglades entrance to Lauderdale-By-The-Sea boundary line; on the  
14 west along and including State Road 7 including the areas of Lauderdale  
15 Lakes/Lauderhill from Commercial Boulevard to State Road 84 and  
16 excluding that portion of Tamarac situated east of State Road 7; and

17 (5) *Zone No. 5:* Zone 5 comprises the following cities and unincorporated  
18 areas: Hollywood, Hallandale Beach, West Park, and Pembroke Park.  
19 Zone 5 is bounded on the north by the City of Hollywood boundary line from  
20 Davie Road extension to the Atlantic Ocean including Stirling Road and  
21 Sheridan Street but excluding Port Everglades; on the south along the  
22 Broward County/Miami-Dade County boundary line from State Road 7 to  
23 the Atlantic Ocean; on the east along the Atlantic Ocean from the Broward  
24 County/Miami-Dade County boundary line to Port Everglades; on the west

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1 along the western boundary line of Hollywood along and including State  
2 Road 7 from the southern boundary line of Hollywood to the Broward  
3 County/Miami-Dade County boundary line.

4 (b) A map of the emergency call zones is attached hereto and made a part  
5 hereof as Exhibit A.

6 (c) A nongovernmental EMS provider that holds a Class 3 - BLS transport  
7 certificate may provide emergency backup service outside of its respective emergency  
8 call zone pursuant to a contract with a governmental entity.

9 (d) The nongovernmental EMS provider must station a vehicle within the  
10 serviced emergency zone.

11 **Sec. 3½-6. Applications and Certificates for ALS Service and BLS Service.**

12 (a) All potential EMS providers (individually referred to as "applicant" within this  
13 section) desiring to hold a County certificate must obtain a certificate from the Board  
14 pursuant to the provisions herein and subject to such rules and regulations as may be  
15 promulgated by the County.

16 (b) An applicant desiring to obtain a County certificate must submit an  
17 application to the County Administrator using the forms required by the County and  
18 accompanied by a nonrefundable application fee in the amount established by resolution  
19 of the Board.

20 (c) *Applications.* All applications for ALS Service and BLS Service must include  
21 the following information:

22 (1) The specific geographic area or emergency zone ("area") and approximate  
23 population of the area that the applicant desires to serve;  
24

- 1 (2) The name under which the applicant will operate the ALS Service or BLS  
2 Service;
- 3 (3) The date of incorporation or formation of the local government, firm,  
4 corporation, association, or other entity;
- 5 (4) The name, address, telephone number, e-mail address, and title of the  
6 appropriate government official or, as applicable, the general manager,  
7 owners, officers, and directors of the firm, corporation, association, or other  
8 entity seeking a certificate;
- 9 (5) If applicant is a governmental entity, the amount of money that the applicant  
10 has budgeted for the classification of services for which the application is  
11 submitted;
- 12 (6) Financial information of a nongovernmental applicant to ensure its financial  
13 ability to provide and continue to provide service to the area in a safe,  
14 comfortable, and reliable manner. Financial information includes, but is not  
15 limited to:
- 16 a. The applicant's most recent two (2) years of Medicare audits, if any;
- 17 b. The most recent three (3) years of audited financial statements of the  
18 entity and its parent company or holding company, if any. For  
19 purposes of this subsection, a parent company or holding company  
20 means any person or entity holding, owning, or in control of more  
21 than ten percent (10%) of the stock or ownership interest in the  
22 applicant's entity;
- 23 c. If the applicant is a corporation, the type and number of shares  
24 outstanding and the name and address of all shareholders; and

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- d. The financial responsibility of the applicant to maintain insurance for the payment of personal injury, death, and property damage claims;
- (7) Certificates of insurance or certificates of self-insurance in compliance with this chapter;
- (8) The length of time the applicant has been providing EMS services in Broward County, if the applicant is seeking a renewal certificate;
- (9) The addresses of the applicant's present and proposed base station and all substations;
- (10) The year, model, type, Florida Department of Health permit number, mileage, vehicle license number, Federal Aviation Administration (FAA) registration number, passenger capacity, and air hours of each EMS transport vehicle and air ambulance used by the applicant;
- (11) A description of the applicant's telephone and radio communications system including, but not limited to its assigned frequency, call numbers, and hospital communications capabilities;
- (12) The number of units that are in-service fully equipped, staffed, and operational twenty-four (24) hours a day, the number of units that are fully equipped, but reserved for emergency response, and the maximum number of units that would be placed in the area requested to respond to emergency calls and routine transfers;
  - a. Applicants for Class 1 - ALS rescue must identify the minimum number of vehicles used for the provision of ALS rescue (transport and nontransport) on a twenty-four (24) hour per day, seven (7) day per week basis;

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1 b. Applicants for Class 2 - ALS transfer must identify which vehicles will  
2 be used for this type of service;

3 (13) The names and certification numbers of all EMTs and paramedics  
4 employed by the applicant;

5 (14) Written evidence that the applicant has employed or contracted with a  
6 medical director if required by Florida law;

7 (15) A statement from an applicant seeking to perform ALS Services and signed  
8 by its medical director attesting that all the applicant's EMTs and  
9 paramedics are certified, qualified, and authorized to perform basic and  
10 advanced life support;

11 (16) Other information as may be deemed necessary by the County  
12 Administrator or designee;

13 (17) A sworn statement signed by the applicant or its authorized representative  
14 stating that all the information provided by the applicant is true and correct  
15 under the penalty of perjury; and

16 (18) For new applicants, subsections (6)d, (7), (8), (9), (10), (11), (12), (12)b,  
17 and (14) of Section 3½-6(c) must be identified in the application as  
18 proposed items because such items are not requirements until such time  
19 that the applicants are awarded a certificate by the Board.

20 (d) Subsequent to receiving the application and application fee, the County will  
21 consider the following information, as applicable, for a certificate:

22 (1) The application submitted by the applicant.

23 (2) The approximate number of monthly emergency calls within the applicable  
24 area.

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1 (3) The response times of existing EMS providers, excluding Class 1 - ALS  
2 rescue and Class 4 - ALS air rescue, as compared with the benchmark  
3 response times as stated in each EMS provider's most recent application.

4 (4) The past performance and service record of the applicant obtained from  
5 sources such as hospitals, local public safety agencies, and the State of  
6 Florida, Emergency Medical Services Section.

7 (5) A County-conducted survey of the community's needs for Class 2 - ALS  
8 transfer and Class 3 - BLS transport classifications.

9 (6) The overall need for the proposed service in the area.

10 (7) Other information the County may deem necessary.

11 (e) The EMS Review Committee, as established in Section 3½-7 below, must  
12 review all new applications for certificates, consider the items in Section 3½-6(d), and  
13 make recommendations for approval or denial to the Board through the County  
14 Administrator. The EMS Review Committee will review renewal applications for  
15 certificates in accordance with Section 3½-8 and make recommendations for approval or  
16 denial to the Board through the County Administrator. Based upon the information  
17 received in the applications and the recommendation of the EMS Review Committee, and  
18 after completion of any appropriate investigation, the County Administrator shall  
19 recommend to the Board the granting or denial of certificates reviewed by the EMS  
20 Review Committee.

21 (f) Subsequent to receiving the recommendation of the County Administrator,  
22 the Board must hold a public hearing to consider pending applications for certificates.  
23 The County Administrator must provide thirty (30) days' written notice of the public hearing  
24 by U.S. mail, or e-mail, or facsimile when authorized, to all applicants, current certificate

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1 holders, as applicable based on the classification of service, and the mayors and city  
2 managers of each municipality in Broward County, of the date, time, and place of the  
3 public meeting.

4 (g) *Public Hearing for Certificates.* At the public hearing, the Board must  
5 determine whether the public convenience and necessity of the residents of Broward  
6 County would be best served by granting or by denying such applications. In making its  
7 determination, the Board will consider the items in Section 3½-6(d), above, and the  
8 following:

- 9 (1) The recommendations of the County Administrator or designee and the  
10 County's local trauma agency;
- 11 (2) Except for Class 1 - ALS rescue and Class 4 - ALS air rescue classifications,  
12 the adequacy of the management plan of the applicant;
- 13 (3) The benefits that will accrue to the public interest from the proposed service  
14 including, but not limited to the community's need for additional service.  
15 Except for Class 1 - ALS rescue and Class 4 - ALS air rescue classifications,  
16 the applicant has the burden of proving that there is such a need by  
17 providing verifiable documents and other evidence;
- 18 (4) The results of a County-conducted survey of the community's needs;
- 19 (5) Any recommendations from municipalities within Broward County;
- 20 (6) All relevant matters presented at the public hearing; and
- 21 (7) Other matters deemed to be in the best interests of the public health, safety,  
22 welfare, convenience, and necessity of the residents of Broward County.
- 23 (h) Upon making a determination, the Board must grant or deny the certificate.

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1 (i) If the Board denies a certificate, the Division may not accept the same or  
2 substantially the same application for a period of twelve (12) months after the date of the  
3 denial by the Board. The Board may waive this Section 3½-6(i) if it determines that  
4 accepting an application is in the best interests of the County.

5 (j) Subsequent to the Board's approval of, but prior to the issuance of, a  
6 certificate by the County Administrator, the EMS provider must pay to the County a  
7 certificate fee in the amount set by resolution of the Board. The fee will be used to defray  
8 the cost of monitoring compliance with this chapter and the rules and regulations  
9 promulgated by the County Administrator.

10 (k) A certificate for ALS rescue, ALS transfer, and ALS air rescue granted by  
11 the Board is valid for the time period established by the Board but not to exceed five (5)  
12 years, unless otherwise revoked, suspended, or modified.

13 (l) A certificate for BLS transport granted by the Board is valid for the time  
14 period established by the Board but not to exceed five (5) years, unless otherwise  
15 revoked, suspended, or modified. The County, in its sole discretion, may elect to extend  
16 the certificate for additional five (5) year terms upon a finding that the EMS provider has  
17 substantially complied with the requirements of this chapter, all applicable rules and  
18 regulations, and any contract that the County enters into with the EMS provider. The  
19 County must furnish the EMS provider with written notice, at least ninety (90) days prior  
20 to the end of the applicable period, of the County's intent to extend the certificate for an  
21 additional five-year term.

22 **Sec. 3½-7. EMS Review Committee.**

23 (a) The EMS Review Committee is a standing committee established by the  
24 Broward Regional Emergency Medical Services Council ("EMS Council") to review new

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1 applications for certificates, and if the Division has investigated or received a complaint  
2 against the EMS provider within the past certificate period, renewal applications. The  
3 recommendations of the EMS Review Committee must be based on the factors set forth  
4 in Section 6½-6(d) and the rules and regulations promulgated by the County pursuant to  
5 this chapter.

6 (b) The EMS Review Committee shall be composed of seven (7) members  
7 from the EMS Council as follows:

8 (1) A representative from the Broward County Sheriff's Office, Fire Rescue  
9 Department;

10 (2) A representative from a municipal EMS provider;

11 (3) A representative from a nongovernmental EMS provider;

12 (4) A physician or nurse; and

13 (5) Any three (3) other members of the EMS Council.

14 (c) A quorum for the EMS Review Committee shall be four (4) members.

15 **Sec. 3½-8. Renewal of certificates.**

16 (a) Applications for renewal of certificates must be submitted to the Division  
17 using the forms required by the County and accompanied by a nonrefundable application  
18 fee in the amount established by resolution of the Board. Applications will not be  
19 processed prior to receipt of the applicable fee.

20 (b) The Division will review renewal applications for certificates. If the Division  
21 has not received any complaints against a current EMS provider within the past certificate  
22 period and has investigated the application pursuant to Section 3½-6(d) above, the  
23 Division must renew the certificate. If the Division has received a complaint against a  
24 current EMS provider within the past certificate period, the Division must forward the

1 renewal application to the EMS Review Committee for its review and recommendation to  
2 the Board, through the County Administrator. Subsequent to receiving the  
3 recommendation of the County Administrator, the Board must hold a public hearing in  
4 accordance with Section 3½-6 to consider the renewal application.

5 **Sec. 3½-9. Transfer or assignment of certificate.**

6 (a) Certificates issued pursuant to this chapter are not assignable or  
7 transferable except upon approval by the Board and subject to the same application,  
8 investigation, fees, and public hearing as original applications for certificates.

9 (b) A change in a majority of the ownership or a controlling interest of the EMS  
10 provider will be deemed a transfer or assignment. This section does not apply to  
11 governmental EMS providers.

12 **Sec. 3½-10. Insurance.**

13 (a) Every nongovernmental EMS provider must carry bodily injury and  
14 property damage insurance with an insurance carrier or company qualified as an  
15 insurance company authorized to transact insurance in the State of Florida to secure  
16 payment for any loss or damage resulting from any occurrence arising out of or caused  
17 by the operation or use of any of the provider's EMS transport vehicles. Each EMS  
18 transport vehicle, including owned, hired, and nonowned vehicles, must be insured for  
19 a minimum of One Million Dollars (\$1,000,000) for each occurrence, combined single  
20 limit bodily injury, death, or property damage liability. Each EMS provider that employs  
21 medical personnel must maintain malpractice insurance in an amount not less than One  
22 Million Dollars (\$1,000,000) per person. If an EMS provider does not employ medical  
23 personnel, the provider must provide the County with satisfactory evidence of  
24

1 malpractice insurance in the amount of One Million Dollars (\$1,000,000) from the entity  
2 providing the medical personnel.

3 (b) Every insurance policy or contract for insurance must provide for the  
4 payment and satisfaction of any financial judgment entered against the provider or  
5 against any person driving a vehicle of the provider. Certificates of insurance or certified  
6 copies of such policies must be filed with the Division. All such insurance policies,  
7 certificates of insurance, and certified copies of such insurance policies shall provide for  
8 a thirty (30) day notice of cancellation to the County. All such certificates of insurance  
9 must show the County as a certificate of insurance holder and that the County is listed  
10 and endorsed as an additional insured on all policies required under this section. Thirty  
11 (30) days prior to the policy's expiration date, the EMS provider must provide the County  
12 with a renewal certificate of insurance.

13 (c) Every governmental provider must either furnish evidence of bodily injury,  
14 property damage, and malpractice insurance in an amount equal to that for which it  
15 would be liable pursuant to the provisions of Section 768.28, Florida Statutes, as  
16 amended from time to time, or such governmental provider may furnish a certificate of  
17 self-insurance evidencing that it has established an adequate self-insurance plan to  
18 cover such risks and that the Florida Department of Insurance has approved the plan.  
19 A certificate of self-insurance issued by the Florida Department of Highway Safety and  
20 Motor Vehicles is not acceptable evidence of insurance.

21 **Sec. 3½-11. Rates.**

22 (a) All certificate holders must provide the Division with a schedule of the rates  
23 that they charge for services rendered to patients as part of their application and when  
24 new rates are proposed.

1 (b) All certificate holders must itemize all amounts charged for services  
2 rendered when billing or notifying users of their services.

3 **Sec. 3½-12. Rules, regulations, and reporting.**

4 (a) EMS providers must comply with all applicable laws, rules, and regulations  
5 set forth in Florida law, the Florida Administrative Code, the Broward County Code of  
6 Ordinances, and the Broward County Administrative Code.

7 (b) *Personnel.*

8 (1) An EMS provider must submit in writing the name, level of certification,  
9 and expiration date of such certification for each of its employees to the  
10 Division and provide written updates of any personnel changes on an  
11 annual basis.

12 (2) No EMS provider will permit an EMT, paramedic, or driver to provide  
13 patient care if the EMT, paramedic, or driver has pled guilty or nolo  
14 contendere or has been convicted, even if adjudication was withheld, of a  
15 misdemeanor or felony involving murder, manslaughter, sexual battery,  
16 grand theft, or the sale or possession of illegal drugs and has not been  
17 discharged from probation or parole or released from incarceration within  
18 the past five (5) years. Any person who meets the criteria of a habitual  
19 offender under Section 775.084, Florida Statutes, shall not be employed  
20 by any EMS provider awarded a certificate by the Board.

21 (3) An EMS provider's personnel records, books, and other records pertaining  
22 to its operations must be available for inspection by County  
23 representatives at all reasonable times during business hours.  
24

1 (4) An EMS provider's personnel must follow and comply with all applicable  
2 Florida law, the Florida Administrative Code, and the Broward County  
3 Code of Ordinances. In addition, no EMT or paramedic employed by an  
4 EMS provider shall:

5 a. Fail or refuse, after responding to a call, to promptly attend or  
6 transport any sick or injured person to the appropriate medical  
7 facility;

8 b. Demand or receive compensation other than the established and  
9 prescribed fee for service or fail to give a receipt for monies  
10 received;

11 c. At any time induce or seek to induce any person engaging an  
12 ambulance to patronize or retain the services of any hospital,  
13 convalescent home, mortuary, cemetery, attorney, accident  
14 investigation agency, nurse, medical doctor, or other service  
15 occupation or profession;

16 d. At any time use sirens or emergency lighting unless in route to an  
17 emergency call or in transit to a medical care facility with a patient  
18 whose condition warrants rapid transportation; or

19 e. Use abusive or obscene language or fail to act in a professional  
20 manner.

21 (c) *General Operations.*

22 (1) A patient must not be transported from the scene of an emergency call  
23 prior to the arrival of a local ALS rescue provider except as directed by a  
24 communications center.

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1 (2) Each EMS transport vehicle must be equipped with the medical and  
2 emergency equipment required by Florida law and the Florida  
3 Administrative Code and have available any additional equipment  
4 reasonably required by the County Administrator.

5 (3) An EMS provider's EMS transport vehicles, excluding an EMS provider  
6 with a Class 1 - ALS rescue certificate or Class 4 - ALS air rescue  
7 certificate, will be inspected, at a minimum, once yearly or as may be  
8 deemed necessary by the Division to ensure compliance with all  
9 applicable laws, rules, and regulations set forth in Florida law, the Florida  
10 Administrative Code, the Broward County Code of Ordinances, and the  
11 Broward County Administrative Code.

12 (4) An EMS transport vehicle will be removed from service if it is found to be  
13 in an unsafe condition. If any EMS transport vehicle is removed from  
14 service for a safety or equipment violation, it will not be placed back in  
15 service until approval is granted by the Division.

16 (5) No person may be aboard an ALS rescue ground transportation vehicle or  
17 BLS Service ground transportation vehicle while such vehicle is engaged  
18 in emergency or routine calls except:

- 19 a. Drivers, paramedics, and EMTs;
- 20 b. Patients;
- 21 c. Parents of patients who are minors;
- 22 d. Relatives or friends of a patient at the discretion of paramedics and  
23 EMTs;
- 24 e. Physicians and specified nurses;

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- f. Persons in an observing capacity who are being trained as paramedics or EMTs; and
  - g. Officials authorized by the EMS provider.
- (6) All governmental EMS providers' books and records related to their operations must be kept in accordance with generally accepted accounting principles and are required to be open for inspection by the County's authorized representative upon request. Financial statements must contain the following information as applicable:
- a. A balance sheet, income statement, and statement on changes in financial position; and
  - b. Supplemental schedules including detail of revenue expenditures for emergency services; detail of revenues and expenditures for nonemergency service; current period provisions for bad debts and method of write off for receivables, the standards of which are established in the American Institute of Certified Public Accountants (AICPA) Statement on Standards for Accounting and Review Services; loans to or from an entity; and changes of more than ten percent (10%) ownership.
- (d) *Standards and Requirements for EMS Providers Providing ALS Services.*
- (1) Each ALS rescue vehicle (other than an air ambulance) must be staffed with a minimum of two (2) State licensed paramedics. When ALS is being performed on a patient whose medical condition is so unstable that there is a significant risk of the patient's condition deteriorating while in route to

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1 an emergency facility, the patient compartment of the ALS rescue vehicle  
2 must be staffed by at least one (1) paramedic or licensed physician and  
3 either an EMT, an additional physician, or an additional paramedic during  
4 transportation to an emergency facility.

5 (2) EMS providers must employ or contract with a medical director.

6 (3) The EMS providers' medical directors must develop and issue standing  
7 orders that are provided to all of the EMS providers' paramedics and all  
8 emergency departments to which the entities routinely transport patients,  
9 and must be maintained in each of the EMS providers' ALS ground rescue  
10 vehicles.

11 (4) EMS providers must immediately notify the Division, in writing, of any  
12 change in their ALS capability if such change causes the EMS providers  
13 to be out of compliance with this chapter or Florida law. The written notice  
14 must be submitted at least thirty (30) days after an unanticipated change.

15 (5) EMS providers must maintain accurate records of the emergency care and  
16 transportation provided to each patient as required by Florida law and the  
17 Florida Administrative Code.

18 (6) ALS communications:

19 a. EMS providers must provide continuous telephone access to the  
20 public, including telephone communications between the location  
21 where they operate or receive calls and the local communications  
22 center;

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underscored type are additions.

1 b. EMS providers must provide and maintain the capability for two-  
2 way radio communication between the location where they operate  
3 or receive calls and each of their transport vehicles;

4 c. EMS providers must provide and maintain the capability for UHF  
5 two-way radio communication between each of their ALS rescue  
6 vehicles and Broward County hospitals in accordance with Florida  
7 and County Emergency Medical Service Communication Plans, as  
8 well as any additional communication devices as may be  
9 reasonably required by the County Administrator or  
10 Section 401.015, Florida Statutes; and

11 d. EMS providers must maintain the capability to communicate  
12 medical information as needed with local and regional hospitals as  
13 required by Section 401.015, Florida Statutes.

14 (e) *Standards and Requirements for EMS Providers Providing BLS Services.*

15 (1) All emergency calls must be processed in the following manner:

16 a. All pertinent information must be obtained from the caller. At a  
17 minimum, the information required to be obtained is the name of the  
18 caller, location of the patient, nature of the emergency, and a call-  
19 back number; and

20 b. Upon receipt of the information, it must be relayed to the applicable  
21 communications center.

22 All emergency calls answered by an EMS provider must be documented,  
23 including but not limited to, time clock documentation of the time the call  
24 was received and submitted upon request to the Division.

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underscored type are additions.

1 (2) If circumstances arise that prevent an EMS provider from promptly  
2 responding to an emergency backup ambulance call due to unavoidable  
3 reasons, the EMS provider's dispatcher must immediately advise the  
4 applicable communications center that the requested unit cannot respond.  
5 The communications center will dispatch an appropriate emergency  
6 backup unit.

7 (3) EMS providers must maintain a sufficient number of ambulances to  
8 provide prompt routine service.

9 (4) Each ambulance that is used for BLS Service must be staffed with a  
10 minimum of one (1) State of Florida certified EMT or paramedic and a  
11 driver. The driver must either be a State of Florida certified EMT or  
12 paramedic or must enroll in a State of Florida certified EMT program within  
13 ninety (90) days after commencement of employment or in the first  
14 available offered course, and must successfully complete the course to  
15 remain eligible to be counted toward the staffing requirement.

16 (5) BLS communications:

17 a. EMS providers shall provide continuous telephone access by and  
18 to the public including telephone communications between the  
19 location where they operate or receive calls and the local  
20 communications centers;

21 b. EMS providers must provide and maintain the capability for two-  
22 way radio communications between the location where they  
23 operate or receive calls and each of their ambulances; and  
24

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1 c. EMS providers must maintain the capability to communicate  
2 medical information, as needed, between each of their ambulances  
3 and all local and regional hospitals in accordance with  
4 Section 401.015, Florida Statutes, the State and County  
5 Emergency Medical Services Communications Plans, and any  
6 additional communication devices as may be reasonably required  
7 by the County Administrator.

8 (f) The County Administrator is authorized to prepare rules and regulations,  
9 as approved by the Board, to carry out the purposes of this chapter relative to the  
10 following subject matters:

- 11 (1) Central place of business for each provider;
- 12 (2) Communication equipment;
- 13 (3) Personnel qualifications, vehicle, and financial record keeping;
- 14 (4) Levels of service;
- 15 (5) Personnel staffing and riding in transport vehicles;
- 16 (6) Response time;
- 17 (7) Procedures for response to calls;
- 18 (8) Emergency zone service and regulations;
- 19 (9) Specifications for emergency zones; and
- 20 (10) Such other matters that are in the interest of the public health, safety,  
21 welfare, convenience, and necessity of the citizens of Broward County.

22 (g) *Reporting.* All EMS providers must report the following information  
23 electronically to the Broward County Office of the Medical Examiner and Trauma  
24 Services on a semiannual basis for each applicable certificate:

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- 1 (1) The total number of calls;
- 2 (2) The total number of patients transported;
- 3 (3) The total number of routine transfers;
- 4 (4) For each routine transfer, the origination point, end point, and the length of
- 5 time of the trip. For example, from hospital to hospital, hospital to home,
- 6 assisted living facility to hospital, etc.;
- 7 (5) Response times; and
- 8 (6) Other information as the County Administrator or designee may deem
- 9 necessary, as approved by the Board.

10 **Sec. 3½-13. Issuance of temporary certificates.**

11 (a) In the event that any certificate holder, for any reason or cause, ceases or  
12 refuses to provide EMS service within any area or emergency call zone within Broward  
13 County, the Board may immediately issue or direct the County Administrator to issue  
14 one (1) or more temporary certificates for a period of time not to exceed ninety (90)  
15 days, upon such emergency conditions as the Board may require. This time period may  
16 be extended for an additional ninety (90) days for any applicant who agrees to make  
17 prompt application to become licensed as a State ALS or BLS Service, subject to Board  
18 determination that there is no other EMS provider holding the required certificate for that  
19 area or emergency call zone, and that the public interest, health, safety, welfare, or  
20 convenience will be served by such extension. As a condition for the issuance of a  
21 temporary certificate, the applicant must promptly initiate and take the necessary steps  
22 to obtain a certificate in accordance with the provisions of this chapter.

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underscored type are additions.

1 (b) In the event there is no reasonably satisfactory applicant for a temporary  
2 certificate, the Board may direct the County Administrator to cause the County to  
3 perform the necessary ambulance service in compliance with Florida law.

4 **Sec. 3½-14. Extensions to certificates.**

5 The County Administrator is authorized to grant extensions to certificates for a  
6 definite period not to exceed one hundred twenty (120) days.

7 **Sec. 3½-15. Complaints, Violations, Penalties, Hearings.**

8 (a) *Complaints.* The Division will investigate, in its sole discretion, any and all  
9 complaints received concerning the services of EMS providers operating in Broward  
10 County.

11 (b) *Violations.* The following are violations of this chapter:

- 12 (1) Failing to comply with any provision of this chapter or any rules and  
13 regulations promulgated pursuant to this chapter;
- 14 (2) Operating, providing, representing to the public, or participating in the  
15 business of providing ALS Service or BLS Service without first obtaining  
16 the applicable certificate from the County;
- 17 (3) Operating an air ambulance, ALS rescue vehicle, or EMS transport vehicle  
18 to provide ALS Service or BLS Service if the vehicle does not meet the  
19 requirements of this chapter and any rules and regulations promulgated  
20 pursuant to this chapter;
- 21 (4) Obtaining a certificate by omitting or falsely stating any material fact on  
22 the application for the certificate;
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- (5) Obstructing, barring, or otherwise interfering with an inspection, assessment, or review conducted under this chapter or any rules and regulations promulgated pursuant to this chapter;
- (6) For an EMS provider or its agent to demand money or other compensation in excess of that established in the schedule of fees filed with the Board pursuant to this chapter;
- (7) For an EMS provider that provides BLS Service to violate the terms and conditions of the contract between the County and the EMS provider.
- (8) For an EMS provider to fail or neglect to provide service authorized by the certificate;
- (9) For an EMS provider to not serve the public convenience and necessity.
- (c) *Penalties.*
  - (1) Violations of this chapter or any rules and regulations promulgated pursuant to this chapter may result in suspension, revocation, or modification of a certificate.
  - (2) In addition to other remedies provided in this chapter, violations of this chapter or any rules and regulations promulgated by this chapter may be enforced as provided by Chapter 8½ of the Broward County Code of Ordinances.
  - (3) Notwithstanding the provisions of this section, the County may seek to enforce this chapter by any legal action necessary, including but not limited to seeking injunctive relief or other appropriate relief in court.
- (d) *Hearings.*

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1 (1) Hearings will be conducted in accordance with Chapter 8½ of the Broward  
2 County Code of Ordinances.

3 (2) At the conclusion of the hearing, the hearing officer must issue an order  
4 stating whether the greater weight of the evidence supports a finding that  
5 a violation has occurred and whether revocation, suspension,  
6 modification, or a fine is warranted. If a violation is not supported by the  
7 greater weight of the evidence, the hearing officer must issue an order  
8 stating that no violation has been proven.

9 (3) A hearing officer's final determination is reviewable by filing a petition for  
10 writ of certiorari to the Circuit Court of the Seventeenth Judicial Circuit in  
11 and for Broward County within thirty (30) days after the date of rendition  
12 of the hearing officer as provided by and in accordance with the Florida  
13 Rules of Appellate Procedure.

## 14 **ARTICLE II. NONEMERGENCY MEDICAL TRANSPORTATION**

### 15 **Sec. 3½-16. License required.**

16 Every person, firm, corporation, association, local government, or other entity  
17 desiring to provide nonemergency medical transportation must obtain a license from the  
18 Division pursuant to the provisions herein and subject to such rules and regulations as  
19 may be promulgated by the County Administrator pursuant to this chapter, except for  
20 vehicles that are exempt from this chapter under Section 3½-3.

### 21 **Sec. 3½-17. Application and license for nonemergency medical** 22 **transportation.**

23 (a) All potential nonemergency medical transportation service providers  
24 (individually referred to as "applicant" within this section) desiring to hold a license must

1 obtain a license from the Division pursuant to the provisions herein and subject to such  
2 rules and regulations as may be promulgated by the County.

3 (b) An applicant desiring to obtain a license or renew a license in Broward  
4 County must submit an application to the Division on the forms required by the County  
5 and accompanied by a nonrefundable application fee in the amount established by  
6 resolution of the Board. Applications will not be processed prior to the receipt of the  
7 applicable fee.

8 (c) Throughout the application process, the applicant must maintain at least  
9 one (1) business office located in Broward County at which mail can be received and  
10 daily telephone communication is available with an agent of the applicant. If a license is  
11 approved, the licensee must maintain one (1) or more business offices in Broward  
12 County while providing nonemergency medical transportation service.

13 (d) *Applications.* All applications for licenses must include the following  
14 information:

- 15 (1) The geographic area that the applicant desires to serve;
- 16 (2) The name under which the applicant will operate the nonemergency  
17 medical transportation service;
- 18 (3) The date of incorporation or formation of the local government, firm,  
19 corporation, association, or other entity;
- 20 (4) If the applicant is a corporation, the type and number of shares outstanding  
21 and the name and address of all shareholders;
- 22 (5) The name, address, telephone number, e-mail address, and title of the  
23 appropriate government official or, as applicable, the general manager,  
24

1 owner, officers, and directors of the firm, corporation, association, or other  
2 entity seeking a license;

3 (6) For nongovernmental applicants, completed state and local criminal  
4 background checks of all owners, officers, and directors of the firm,  
5 corporation, association, or other entity;

6 (7) The length of time the applicant has been providing nonemergency  
7 medical transportation in Broward County, if the applicant is seeking a  
8 renewal license, and the previous five (5) years' business experience if the  
9 applicant is seeking a new license;

10 (8) The addresses of the applicant's present and proposed business office  
11 location and vehicle storage location;

12 (9) The year, model, type, passenger capacity, mileage, vehicle license  
13 number, and vehicle identification number of each vehicle used by the  
14 applicant;

15 (10) The name and driver's license number of all personnel employed by the  
16 applicant, along with copies of a current Broward County Chauffeur's  
17 Registration for all drivers and attendants for the previous five (5) years in  
18 accordance with the requirements of Chapter 22½ of the Broward County  
19 Code of Ordinances;

20 (11) The type and condition of the applicant's dispatching and communications  
21 equipment and system;

22 (12) The type and condition of the telephone communications system and  
23 equipment used in handling trip requests, cancellations, and other like  
24 services;

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underscoring type are additions.

1 (13) The financial information of a nongovernmental applicant to ensure its  
2 financial ability to provide and continue to provide service in a safe,  
3 comfortable, and reliable manner to the area. Financial information  
4 includes, but is not limited to:

5 a. The applicant's most recent two (2) years of Medicare audits, if any;

6 b. The most recent three (3) years of audited financial statements of  
7 the entity and its parent company or holding company, if any. For  
8 purposes of this subsection, a parent company or holding company  
9 shall mean any person or entity holding, owning, or in control of  
10 more than ten percent (10%) of the stock or ownership interest in  
11 the applicant's entity;

12 c. If the applicant is a corporation, the type and number of shares  
13 outstanding and the name and address of all shareholders; and

14 d. The financial ability of the applicant to pay or have paid any valid  
15 claims for personal injury, death, and property damage, including  
16 but not limited to providing certificates of insurance or self-  
17 insurance in compliance with this chapter;

18 (14) Other information as may be deemed necessary by the County  
19 Administrator or designee;

20 (15) A sworn statement signed by the applicant or its authorized representative  
21 stating that all information provided by the applicant is true and correct  
22 under the penalty of perjury; and

23 (16) For new applicants, subsections (8), (9), and (10) of Section 3½-17 must  
24 be identified in the application as proposed items because such items are

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1 not requirements until such time that the applicant is awarded a license by  
2 the Division.

3 (e) Subsequent to receiving the application and application fee, in deciding  
4 whether to issue a license, the Division will consider the following:

5 (1) The application submitted by the applicant;

6 (2) The type and condition of the equipment and vehicles the applicant  
7 utilizes;

8 (3) The past performance and service record, if any, of the applicant;

9 (4) The benefits that will accrue to the public interest from the proposed  
10 service;

11 (5) Other matters deemed to be in the best interests of the public health,  
12 safety, and welfare of the residents of the County; and

13 (6) Other information as the County may deem necessary.

14 (f) The Division must review all new and renewal applications for licenses and  
15 must either approve or deny the license based upon the application and the rules and  
16 regulations promulgated pursuant to this chapter.

17 (g) Subsequent to the Division's approval of the license, but prior to the  
18 issuance of the license, the nonemergency medical transportation service provider must  
19 pay to the County a license fee in the amount established by resolution of the Board.  
20 Such fee will be used to defray the cost of monitoring compliance with this chapter and  
21 any rules and regulations promulgated by the County.

22 (h) The license granted by the Division is valid for a definite period of time,  
23 not to exceed three (3) calendar years unless otherwise revoked, suspended, or  
24 modified.

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underscored type are additions.

1 (i) An applicant may appeal the denial of a license. The appeal of a license  
2 denial must be in writing and delivered to the Division within ten (10) calendar days after  
3 the denial of the license, and must state the factual basis for the appeal. The County  
4 Administrator, or designee, must provide a decision on the appeal within thirty (30) days  
5 after receipt.

6 **Sec. 3½-18. Transfer or assignment of license.**

7 (a) Licenses issued pursuant to this chapter are not assignable or transferable  
8 except upon written approval by the Division, and such assignment or transfer is subject  
9 to the same application, investigations, fees, and process as original applications for  
10 licenses.

11 (b) A change in a majority of the ownership or a controlling interest in the  
12 nonemergency medical transportation provider constitutes a transfer or assignment.

13 **Sec. 3½-19. Insurance.**

14 (a) Every nonemergency medical transportation service provider must carry  
15 bodily injury and property damage insurance with an insurance carrier or company  
16 qualified as an insurance company authorized to transact insurance in the State of  
17 Florida to secure payment for any loss or damage resulting from any occurrence arising  
18 out of or caused by the operation or use of any of the nonemergency medical  
19 transportation service provider's vehicles. Each transporting vehicle, including owned,  
20 hired, and nonowned vehicles, must be insured for a minimum limit of Five Hundred  
21 Thousand Dollars (\$500,000) for each occurrence, combined bodily injury and property  
22 damage liability. Nonemergency medical transportation service providers are not  
23 required to carry malpractice insurance.

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1 (b) Every insurance policy or contract for insurance must provide for the  
2 payment and satisfaction of any financial judgment entered against the provider or  
3 against any person driving a vehicle of the service. Such insurance must be obtained,  
4 and certificates of insurance or certified copies of such policies must be filed with the  
5 Division. All such insurance policies, certificates of insurance, and certified copies of  
6 such insurance policies must provide for a thirty (30) day notice of cancellation to the  
7 County. All such certificates of insurance must show the County as a certificate of  
8 insurance holder and that the County is listed and endorsed as an additional insured on  
9 all policies required under this section. Thirty (30) days prior to the policy's expiration  
10 date, the nonemergency medical transportation service provider must provide the  
11 County with a renewal certificate of insurance.

12 **Sec. 3½-20. Rules, regulations, and reporting.**

13 (a) Nonemergency medical transportation service providers must comply with  
14 all applicable laws, rules, and regulations set forth in Florida law, the Florida  
15 Administrative Code, the Broward County Code of Ordinances, and the Broward County  
16 Administrative Code.

17 (b) *Personnel.*

18 (1) Nonemergency medical transportation service providers must ensure that  
19 each person employed to drive a nonemergency medical transportation  
20 service vehicle is trained, experienced, and otherwise qualified to drive the  
21 vehicle.

22 (2) Nonemergency medical transportation service providers must document  
23 that each of their drivers of a nonemergency medical transportation  
24 vehicle:

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- a. Is at least eighteen (18) years old;
- b. Certifies under oath that the driver is not addicted to alcohol or any controlled substance;
- c. Certifies under oath that he or she is free from any physical or mental defect or disease that might impair the driver's ability to drive a nonemergency medical transportation service vehicle;
- d. Has not, within the past three (3) years, pled guilty or nolo contendere or has been convicted of reckless driving, or driving under the influence of alcohol or controlled substances, and has not had a driver's license suspended under the point system provided for in Chapter 322, Florida Statutes;
- e. Possesses a valid Florida driver's license issued under Chapter 322, Florida Statutes, and a valid Broward County Chauffeur's Registration;
- f. Is trained in the appropriate and correct use of special equipment required for wheelchair and stretcher transport;
- g. Is trained in the National Safety Council's Defensive Driving course or an equivalent defensive driving course;
- h. Possesses a valid American Red Cross Standard First Aid and Personal Safety Card or an equivalent first aid and personal safety card; and
- i. Possesses a valid American Red Cross or American Heart Association Cardiopulmonary Resuscitation card.

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1 (3) Nonemergency medical transportation service vehicles must be staffed by  
2 personnel sufficient for safe loading and unloading of passengers, and an  
3 attendant must be present in the passenger compartment at all times when  
4 transporting a passenger who is incapacitated or who is on a stretcher or  
5 other device in a reclining position.

6 (c) *Vehicles.*

7 (1) Prior to issuing a license or a renewal license for the provision of  
8 nonemergency medical transportation services and on at least an annual  
9 basis, the Division must inspect each vehicle to determine whether it  
10 meets all requirements of vehicle design, construction, communications,  
11 equipment and supplies, and sanitation in accordance with this chapter.  
12 Vehicle permits shall be issued by the Division for vehicles successfully  
13 passing such inspections. A vehicle will be removed from service if it is  
14 found to be in an unsafe condition. If any vehicle is taken out of service for  
15 a safety or equipment violation, it will not be placed back into service until  
16 approval is granted by the Division.

17 (2) *Maintenance and Sanitation.* All nonemergency transportation service  
18 vehicles must:

- 19 a. Have interior equipment that is smooth and easily cleaned;  
20 b. Have all electrical systems functioning properly;  
21 c. Be free of all hazards including, but not limited to slippery floors,  
22 sharp edges, unpadded interior door head clearances, cleaning  
23 supplies, and vehicle fluids;  
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- d. Be free of dents and rust that interfere with the safe operation of the vehicles;
- e. At all times meet the requirements of all motor vehicle and traffic laws and regulations of the State of Florida;
- f. Have all equipment in the passenger compartment safely and adequately secured;
- g. Have all doors, latches, and handles in proper working order;
- h. When transporting passengers on stretchers, have enough clean blankets, linens, or disposable sheets to be used for each passenger; and
- i. Always be maintained in a sanitary manner.

(3) *Vehicle Design.* Nonemergency medical transportation service vehicles are required to comply with vehicle design criteria for accessibility under the Americans with Disabilities Act (ADA) as required by federal laws, rules, and regulations, and any other criteria established by Broward County pursuant to ordinance or resolution.

- a. Nonemergency medical transportation service vehicles intended to be used for, or that are used for, the transportation of individuals in wheelchairs shall be designed and equipped as follows:
  - 1. Each vehicle must have a lift with enough capacity to safely and smoothly lift passengers into the vehicle and meet wheelchair lift/ramp requirements under the ADA;
  - 2. Each vehicle, for each passenger transported, must have two (2) positive means of securely latching or locking the

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wheelchair to the vehicle. The latching or locking device must be designed to prevent any lateral, longitudinal, or vertical motion of the passenger during transport;

3. Each vehicle must have, for each passenger transported, restraining belts or straps designed to securely confine the passenger to the wheelchair;
4. Each vehicle must have, in addition to the rear-view mirror required by Chapter 316, Florida Statutes, an inside rear-view mirror that will enable the driver to view the entire passenger compartment;
5. Vehicle entry and exit doors must be equipped with latching devices that prevent doors from closing on passengers during loading or unloading from the vehicle. Striker plates shall be used in conjunction with latching devices;
6. Each vehicle must have a smooth floor that has a minimum of voids or pockets at the floor to side wall areas where water or moisture can become trapped;
7. The floor covering of the vehicle must be seamless, one (1) piece, permanently applied material and shall extend the full length and width of the passenger compartment. Where side panels and covering meet at the joints and side walls, they shall be sealed and bordered with rustproof, corrosion-resistant cove molding;

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8. Each vehicle must carry in the driver's compartment a 1A:10B:C fire extinguisher readily accessible, and charged; and

9. The passenger compartment of the vehicle must provide a minimum of fifty inches (50") height, measured from the finished floor to the finished ceiling.

b. Nonemergency medical transportation service vehicles intended to be used for, or that are used for, the transportation of individuals on a stretcher must comply with Sections 3½-20(c)(3) a.4-9 in addition to the following:

1. Crash-stable side or center mounting style stretcher fasteners specifically designed and manufactured for the stretcher used; and

2. At least three (3) strap-type restraining devices shall be provided per stretcher to prevent longitudinal or transverse dislodgment of the passenger during transit.

(d) *Transportation by Stretcher.*

(1) Prior to transporting a passenger by stretcher, a nonemergency medical transportation service provider is required to obtain from the passenger who requires transport a written certification by a State of Florida licensed physician, physician assistant, or medical director for a State of Florida licensed ALS Service with emergency medical dispatching that the passenger does not need, nor is likely to need, medical attention during transport.

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1 (2) A nonemergency medical transportation service provider is prohibited from  
2 transporting other persons when it transports a passenger on a stretcher,  
3 unless the other persons are accompanying the stretcher passenger.

4 (e) *Nonemergency Medical Transportation Service Communications.*

5 (1) A nonemergency medical transportation service provider must provide  
6 continuous telephone access for the public.

7 (2) A nonemergency medical transportation service provider must provide and  
8 maintain the capability for two-way communications between the location  
9 from which it operates or receives calls and each of its transportation  
10 vehicles. This may be accomplished with the use of cellular telephones.

11 (f) *Advertising.* All advertising or other solicitation for business by a  
12 nonemergency medical transportation service provider must emphasize in a  
13 conspicuous manner that the service does not provide medical attention, and that the  
14 service provided is designed for those persons whose physical impairments render it  
15 impractical to use regular common carrier or taxi services. The term "ambulance" cannot  
16 be used to identify any nonemergency medical transportation service vehicle or service  
17 or be used in any service advertisement.

18 (g) *Records.*

19 (1) Nonemergency medical transportation service providers must maintain in  
20 a readily accessible format the following information:

- 21 a. Current personnel records for each employee indicating the date of  
22 employment and qualifications held by each employee with yearly  
23 updates for criminal and traffic-related background checks as  
24 provided for in this chapter;

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- 1           b.     Records of each nonemergency medical transportation service  
2           vehicle operated containing vehicle registration, vehicle  
3           maintenance records, and the Division's inspection records;
- 4           c.     A trip report for each transport recording the time, place, origin,  
5           name of passenger, and destination. The trip report must include  
6           whether the passenger was transported by stretcher and the written  
7           certification by the passenger's physician, physician assistant, or  
8           medical director for a state licensed ALS Service with emergency  
9           medical dispatching that the individual's condition is such that the  
10          passenger did not need medical attention during transport; and
- 11          d.     Each nonemergency medical transportation service provider must  
12          retain and preserve all daily trip records for no less than three (3)  
13          years. Such records must be available for inspection by the Division  
14          upon request, during normal working hours.

15          (f)     The County Administrator is authorized to prepare rules and regulations,  
16 as approved by the Board, to carry out the purpose of this chapter as provided in  
17 Section 3½-12.

18          (g)     All nonemergency medical transportation service providers must report the  
19 following information electronically to the Office of the Medical Examiner and Trauma  
20 Services on a semiannual basis for each applicable license:

- 21           (1)     The total number of calls;
- 22           (2)     The total number of patients transported;
- 23           (3)     Response times; and
- 24

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1 (4) Other information as the County Administrator or designee may deem  
2 necessary, as approved by the Board.

3 **Sec. 3½-21. Complaints, Violations, Penalties, Hearings.**

4 (a) *Complaints.* The Division will investigate, in its sole discretion, any  
5 complaints it receives concerning the services of nonemergency medical transportation  
6 providers operating in Broward County.

7 (b) *Violations.* The following are violations of Article II, Nonemergency  
8 Medical Transportation, of this chapter:

9 (1) Failing to comply with any provision of Article II of this chapter or the rules  
10 and regulations promulgated pursuant to this chapter;

11 (2) Operating, providing, representing to the public, or participating in the  
12 business of providing nonemergency medical transportation services  
13 without first obtaining a license from the County;

14 (3) Operating a vehicle providing nonemergency medical transportation  
15 services if the vehicle does not meet the requirements of Article II of this  
16 chapter and the rules and regulations promulgated pursuant to this  
17 chapter;

18 (4) Obtaining a license by omitting or falsely stating any material fact on the  
19 application for the license;

20 (5) Obstructing, barring, or otherwise interfering with an inspection,  
21 assessment, or review conducted under Article II of this chapter or the  
22 rules and regulations promulgated pursuant to this chapter;



1 (6) For a nonemergency medical transportation services provider or its agent  
2 to demand money or other compensation in excess of the schedule of fees  
3 filed with the Board pursuant to Article II of this chapter; and

4 (7) For a nonemergency medical transportation provider to fail or neglect to  
5 provide service authorized by the license.

6 (c) *Penalties.*

7 (1) Violations of this chapter or the rules and regulations promulgated  
8 pursuant to this chapter may result in suspension, revocation, or  
9 modification of a license.

10 (2) In addition to other remedies provided in this chapter, violations of this  
11 chapter or the rules and regulations promulgated by this chapter may be  
12 enforced as provided by Chapter 8½ of the Broward County Code of  
13 Ordinances.

14 (3) Notwithstanding the provisions of this section, the County may seek to  
15 enforce this chapter by any legal action necessary including, but not  
16 limited to seeking injunctive relief or other appropriate relief in court.

17 (d) *Hearings.*

18 Hearings and review of a hearing officer's order for nonemergency medical  
19 transportation providers will be conducted in the same manner as described in  
20 Section 3½-15.

21 Section 2. Severability.

22 If any court determines that any portion of this Ordinance is invalid, the invalid  
23 portion will be stricken, and such striking will not affect the validity of the remainder of this  
24 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be

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1 legally applied to any individual, group, entity, property, or circumstance, such  
2 determination will not affect the applicability of this Ordinance to any other individual,  
3 group, entity, property, or circumstance.

4 Section 3. Inclusion in the Broward County Code of Ordinances.

5 It is the intention of the Board of County Commissioners that the provisions of this  
6 Ordinance become part of the Broward County Code of Ordinances as of the effective  
7 date. The sections of this Ordinance may be renumbered or relettered and the word  
8 "ordinance" may be changed to "section," "article," or such other appropriate word or  
9 phrase to the extent necessary in order to accomplish such intention.

10 Section 4. Effective Date.

11 This Ordinance is effective as of the date provided by law.

12

13 ENACTED

14 FILED WITH THE DEPARTMENT OF STATE

15 EFFECTIVE

16

17 Approved as to form and legal sufficiency:  
18 Andrew J. Meyers, County Attorney

19 By /s/ (in italics) 00/00/19  
20 Adam Katzman (date)  
Senior Assistant County Attorney

21 By /s/ (in italics) 00/00/19  
22 René D. Harrod (date)  
Deputy County Attorney

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