

ORDINANCE NO.: 91-19

AN ORDINANCE PERTAINING
TO AMBULANCE
TRANSPORTATION SERVICES;
PROVIDING FOR DEFINITION;
APPLICATION FOR
CERTIFICATE OF
CONVENIENCE AND
NECESSITY; INVESTIGATION
OF APPLICANTS; HEARING ON
APPLICATIONS; PROVIDING
FOR REVOCATION,
ALTERATION OR SUSPENSION
OF CERTIFICATE AND
SETTING GROUNDS THEREFOR;
PROVIDING FOR PROSECUTION
OF VIOLATIONS; PROVIDING
FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE
DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA.

SECTION I. Short Title.

This Ordinance may be cited as the COUNTY AMBULANCE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ORDINANCE.

SECTION II. Definitions.

A. "Advanced Life Support" means treatment of life threatening medical emergencies through the use of techniques such as endotracheal intubation, the administration of drugs, intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation, by a qualified person, pursuant to rules of the Department.

B. "Advanced Life Support Service" means any emergency medical transport or non-transport service which uses advanced life support techniques as defined in this Ordinance and Chapter 401, Florida Statutes.

C. "Ambulance" or "Emergency Medical Services Vehicle" means any privately or publicly owned land, air, or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated for, and is used for, or intended to be used for, air, land, or water transportation of sick or injured persons who are in need of emergency medical attention during transport.

D. "Applicant" means every person who may make application for a Certificate of Public Convenience and Necessity as hereinafter described.

E. "Basic Life Support" means treatment of life threatening medical emergencies by a qualified person through the use of techniques such as patient assessment, basic cardiopulmonary resuscitation, splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical anti-shock trousers, and other techniques that an EMT is authorized to do pursuant to Chapter 401, Florida Statutes.

F. "Board" means the Board of County Commissioners of Hernando County, Florida.

G. "Certificate" means a Certificate of Public Convenience and Necessity as issued by the Board.

H. "Certification" means any authorization issued pursuant to the provisions of this Ordinance or Chapter 401, Florida Statutes, to a person to act in a capacity regulated by this Ordinance or Chapter 401.

I. "County" means all incorporated and unincorporated areas within the territorial limits of Hernando County, Florida.

J. "Department" means the Department of Health and Rehabilitative Services.

K. "EMS" means emergency medical services.

L. "Operator" means any person owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in a business or service which offers advanced life support or basic life support service.

M. "Person" means and includes any individual, firm, corporation, association, partnership or governmental entity.

N. "Permit" means any authorization issued pursuant to the provisions of Chapter 401, Florida Statutes, for a vehicle to be operated as a transport or a non-transport vehicle providing Advance Life Support Services.

O. "State" means the State of Florida.

SECTION III. Certificate Required.

Every person or operator owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in an advanced life support transport service, basic life support transport service, or any other licensed EMS provider pursuant to Chapter 401, Florida Statutes, within Hernando County shall first obtain a Certificate of Public Convenience and Necessity as an Advance Life Support Service, prior to offering such services to the public. The application for such certificate shall be on a form provided by the Board and shall be in writing, signed and sworn to by the applicant, and shall be filed with the Board.

A. The application shall provide proof that the applicant has met all appropriate requirements and obtained all appropriate certificates, licenses and permits from the State as provided for by Chapter 401, Florida Statutes or other state law.

B. The certificates required hereunder shall be in addition to all certificates, licenses and permits required by Chapter 401.

C. A fee to be set by fee resolution will accompany each application to offset administrative costs incurred in processing the application.

SECTION IV. Application for Certificate.

Every application for a certificate under this Ordinance shall contain the following:

A. The name and business address of the owner or operator of the advanced life support or basic life support service, or proposed service;

B. The name under which the applicant will operate;

C. A list of the names and addresses of all officers, directors and shareholders of applicant;

D. The territory which the applicant desires to serve; number of vehicles; a brief description of the kind or type, passenger capacity, arrangement, size and gross weight of each vehicle;

E. The location and description of each place from which applicant's service is intended to operate;

F. The training and experience of the applicant in the transportation and and care of patients;

G. A description of each vehicle to be used in the applicant's business or service including: the make, model, year of manufacture, mileage and vehicle identification number (VIN); state or federal aviation or marine agency registration number, where applicable; and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's vehicle or vehicles;

H. The names and addresses of at least three (3) residents of the County available as references;

I. An agreement of the applicants to file, in event that the application shall be granted and prior to its effectiveness, copies of public liability, property damage and malpractice insurance or a surety bond conditioned for the payment and satisfaction of any final judgment as required or provided for in this Ordinance and Chapter 401, Florida Statutes;

J. A statement certifying that the applicant will provide continuous service on a twenty-four (24) hour day, seven (7) day week basis, and the minimum level of patient care rendered and/or available will always be advanced life support, with the exceptions of disasters or extraordinary circumstances, (advanced life support applicants only);

K. Such other information as the Board shall deem reasonable and necessary to a fair determination of compliance with this Ordinance.

SECTION V. Investigation of Applicant's Insurance.

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 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.

SECTION VI. Hearings on Applications; Issuance or Refusal.

The Board will schedule a public hearing regarding the initial issuance of any certificate. The Board shall give an applicant and all certificate holders notice of any public hearing affecting certificates prior to the date of the public hearing. At the time and place specified in the notice, the Board shall accord all persons attending an opportunity to be heard. The Board may issue or refuse to issue a certificate as applied for or may modify the terms and conditions of a certificate applied for as the public convenience and necessity may require in the discretion of the Board. After receiving an application for a certificate and after receiving public input at a public hearing and after reviewing financial, technical and character qualifications of the applicant the Board may issue a certificate.

A. Whether existing emergency medical transportation services are adequate to meet reasonable public needs.

B. The present necessity for the certificate in relation to the volume of existing or projected future emergency calls within the area to be served.

C. The financial ability of the applicant to furnish continuous and uninterrupted service at the times required therefore, and to meet the financial obligations of the service which the operator proposes to perform.

D. The effect on existing medical transportation facilities and services of all kinds, and particularly whether the granting of such certificate will or may seriously impair essential public service as provided by existing service operators.

E. The qualifications of the applicant to properly perform the proposed service and to conform to provisions of this ordinance.

F. Any objections received from operators provided notice of

the application as set out herein.

G. Any of the matters set out in Section V of this ordinance.

SECTION VII. Form and Contents.

A. Every certificate issued under this Ordinance shall state the service territory authorized and such conditions and limitation as the Board may deem necessary for protecting the public interest.

B. The certificate and any and all renewals thereof shall be valid for a period of two (2) years from the date thereof unless earlier suspended, revoked or terminated.

C. The Board shall review all certificates within forty-five (45) days of their expiration and, without the necessity of a public hearing, may issue renewals when such renewal is in the public convenience and necessity.

D. Should the Board determine not to renew a certificate it shall notify the holder in writing at least within thirty (30) days of the expiration of the certificate of its intended action and the reasons for that action.

SECTION VIII. Transfer of Assignment.

No certificate issued under this Ordinance shall be assigned or transferred by the person to whom it is issued, except upon approval of the Board of such assignment or transfer. Such approval shall be granted in the same manner and subject to the same application requirements and procedures 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 stockholders or managers of such person or operator shall be deemed a transfer or assignment as contemplated by this Ordinance and subject to the same rules and regulations as any other transfer or assignment.

SECTION IX. Revocation, Alteration or Suspension - Grounds.

A. Every certificate issued under this Ordinance shall be subject to revocation, alteration or suspension by the Board where it shall appear that:

1. The operator has failed or neglected to render all

services authorized by his/her certificate for a period of three (3) consecutive days during any calendar year without reasonable cause;

2. the operator has been convicted of a felony or any criminal offense involving moral turpitude;

3. the certificate was obtained by an application in which any material fact was omitted or falsely stated;

4. the operator has permitted any vehicle to be operated in violation of the laws of Florida or this Ordinance, which violation results in a conviction of the driver or operator of the vehicle of a misdemeanor in the second degree or greater;

5. the operator has permitted any person or employee to provide service under his certificate without that person possessing the appropriate license, certificate or permit as required by this Ordinance and Chapter 401, Florida Statutes;

6. the operator has failed to comply with any of the provisions of this Ordinance, Chapter 401, Florida Statutes, or 10D-66, F.A.C.;

7. the operator, his agents or employees have been found guilty of malpractice or negligence in the operation of the service;

8. the operator knowingly allows his agents or employees to violate the provisions of this Ordinance, Chapter 401, Florida Statutes or 10D-66, F.A.C.;

9. or other good cause, or as provided for otherwise in this Ordinance.

B. Proceedings for investigation and recommending of revocation, alteration or suspension of a certificate, and any hearing to be held based upon this investigation, shall be undertaken by the Board of County Commissioners. All complaints shall be investigated within forty five (45) days and a report thereon made to the Board, together with findings and recommendations. If revocation, alteration or suspension of any certificate appears warranted, the Board shall give fifteen (15) days notice to the operator holding the certificate that the same

will be considered at a specific Board 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, alter or suspend the certificate or dismiss the complaint.

SECTION X. Daily Record.

Every operator shall maintain a daily record upon which shall be recorded the place or origin, time of call, time of dispatch, time of arrival at scene, time left for destination, time of arrival at 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 logs for at least two (2) years, and such logs shall be available for inspection by the Board upon request. Falsification of a record shall be grounds for revocation, alteration or suspension of a certificate.

SECTION XI. Suitable Vehicle.

Each vehicle shall be suitable for transportation of persons requesting service and shall meet the appropriate safety, sanitation and maintenance standards and shall be maintained in suitable premises. Every vehicle shall possess an appropriate communications system, linking the vehicle with the operator's central place of business. Each vehicle shall conform in all respects to the most recent applicable design criteria as required by Chapter 401, Florida Statutes and 10D-66, F.A.C.

SECTION XII. Records.

Each operator shall keep accurate records of receipts for service rendered, operating and other expenses, capital expenditures and such other operating and patient information as may be required by the Board or under the provisions of Chapter 401, Florida Statutes and 10D-66, F.A.C.

SECTION XIII. Administration and Enforcement of Ordinance.

The responsibility of the administration and enforcement of the provisions of this Ordinance is vested in the County Administrator. Failure to comply by the operator will result in a

report to the Board for further action.

SECTION XIV. Violations and Penalties.

Any person, firm or corporation failing to comply with any provision of this Ordinance shall be prosecuted in the same manner as a misdemeanor of the second degree, punishable as provided in Section 775.082 and 775.083, Florida Statutes.

SECTION XV. Severability.

If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

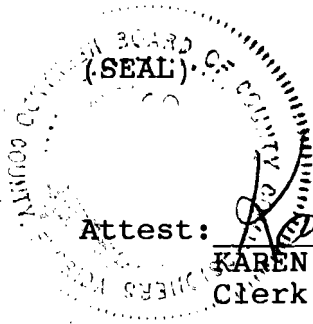
SECTION XVI. Effective Date.

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgement that said Ordinance has been filed.

SECTION XVII. Inclusion in the code.

It is the intention of the Board of County Commissioners of Hernando county, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 16th day of April, 1991, A.D.



Attest: Karen Nicolai
KAREN NICOLAI
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By: Harold D. Varvel
HAROLD D. VARVEL
Chairman