

Amy Stephens

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Friday, February 28, 2014 10:21 AM
To: Amy Stephens
Cc: County Ordinances
Subject: RE: Hernando County Ordinances
Attachments: Hernando20140228_Ordinance2014_5_Ack.pdf

From: Amy Stephens [<mailto:astephens@co.hernando.fl.us>]
Sent: Friday, February 28, 2014 10:07 AM
To: County Ordinances
Subject: Hernando County Ordinances

Sender Full Name:	Amy Stephens
Sender Phone number:	352-540-6399
County Name:	Hernando
Ordinance Number:	2014-05

Kindest Regards,

Amy Stephens

*Hernando County Clerk's Office, Deputy Clerk
Jury Services & Administrative Services*

*20 N. Main St., Rm. 241
Brooksville, FL 34601
352/540- 6399 phone
352/540- 4327 fax
astephens@hernandocounty.us
www.hernandoclerk.com*



Don Barbee Jr.
Clerk of Court & Comptroller
Hernando County, Florida
(352)540-6246

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 28, 2014

Honorable Don Barbee Jr.
Clerk of the Circuit Court
Hernando County
Room 131, 20 North Main Street
Brooksville, Florida 34601-2800

Attention: Ms. Shannon Andrews, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2014-5, which was filed in this office on February 28, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

Enclosure

ORDINANCE NO. 2014-5

AN ORDINANCE AMENDING ORDINANCE SECTION 21-165 TO CLARIFY THE APPLICATION OF FLORIDA'S ADMINISTRATIVE CODE TO THE HOLDER OF A CERTIFICATE FOR ADVANCED LIFE SUPPORT TRANSPORT SERVICE; SECTION 21-167 TO CLARIFY PROCEDURE FOR SETTING REQUIRED LIABILITY INSURANCE COVERAGE AMOUNT(S); AMENDING SECTION 21-169 TO STATE VALIDITY OF CERTIFICATE SHALL BE FOR TWO (2) YEARS; AND TO REQUIRE RENEWAL APPLICATIONS BE SUBMITTED NINETY DAYS BEFORE THE EXPIRATION DATE AND TO ALLOW FOR BOARD REVIEW SIXTY DAYS BEFORE EXPIRATION; AMENDING SECTION 21-170 TO INCORPORATE CHAPTER 401 OF THE FLORIDA STATUTES DEFINING AND CLARIFYING WHAT CONSTITUTES AN ASSIGNMENT OR TRANSFER OF A CERTIFICATE; AMENDING SECTIONS 21-171 (6) AND (7); 21-173 AND 21-174 TO DELETE REFERENCES TO 10D-66 F.A.C. AND SUBSTITUTE THE NEWLY NUMBERED CODE SECTION OF 64J-1 F.A.C. AS THE CURRENT APPLICABLE CODE SECTION; AMENDING SECTION 21-172 TO CHANGE THE TIME PERIOD TO PRESERVE DAILY LOGS FROM TWO (2) TO FIVE (5) YEARS AS REQUIRED IN THE FLORIDA ADMINISTRATIVE CODE, SECTION 64J-1.014; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hernando County, by and through its Board of County Commissioners, previously adopted Ordinance Chapter 21, Article X cited as AMBULANCE TRANSPORTATION SERVICES to provide rules and regulations for those providers who administer and provide such services to the citizens of Hernando County; and

WHEREAS, the Ordinance needs to be updated, clarified and modified; and

WHEREAS, the Florida Administrative Code (F.A.C.) that pertains to AMBULANCE TRANSPORTATION SERVICES has been renumbered from 10D-66 to the current Section now found in Chapter 64J-1 of the F.A.C.; and

WHEREAS, there have also been substantive changes to those sections of the Florida Administrative Code and Chapter 401 of the Florida Statutes such that it would be beneficial to clarify and have consistency between this Ordinance and those regulations;

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

SECTION 1: Paragraphs (a) and (b) of Section 21-165, Certificate Required, of Hernando County Ordinance titled under Article X as AMBULANCE TRANSPORTATION

SERVICES is hereby amended to add references to Chapter 64J-1 of the Florida Administrative Code to read as follows:

(a) 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, and/or Chapter 64J-1 of the Florida Administrative Code, as amended from time to time, 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 of such certificate shall be in 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.

(b) 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 Chapter 64J-1 of the Florida Administrative Code~~ and all other applicable State or Federal Laws.

SECTION 2: Section 21-167, Investigation of applicant's insurance, of Hernando County Ordinance titled under Article X as AMBULANCE TRANSPORTATION SERVICES is hereby amended to add Hernando County as an additional insured and establish a procedure to set a insurance policy limit and shall be amended to read as follows:

Upon receipt of an application for any certificate under this article, 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. The amount of all insurance policy coverage must be in an amount acceptable to the County's current insurance carrier and must name Hernando County as an additional insured. All such insurance policies shall provide for a 30 day cancellation notice to be sent to the board.

SECTION 3: Section 21-169(b), Form and contents, of Hernando County Ordinance titled under Article X as AMBULANCE TRANSPORTATION SERVICES is hereby amended to only delete and replace the valid time period from 3 years to 2 years for a renewal certificate and shall be amended to read as follows:

(b) The certificate and any and all renewals thereof shall be valid for a period of two ~~(2) three (3)~~ years from the date thereof unless earlier suspended, revoked or terminated.

(c) The application for renewal must be submitted to the County Attorney's Office no later than ninety days before expiration and the board shall review all certificates within sixty ~~(60) 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.

SECTION 4: Section 21-170, Transfer of assignment, of Hernando County Ordinance titled under Article X as AMBULANCE TRANSPORTATION SERVICES is hereby amended to add references to Chapter 64J-1 of the Florida Administrative Code and to incorporate Chapter 401 of the Florida Statute to read as follows:

No certificate issued under this article 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 article and subject to the same rules and regulations as any other transfer or assignment. Further, and in addition to this definition of an event constituting a transfer, any action as stated under Chapter 401 which defines an assignment and/or transfer shall be deemed by the board to, in fact, be such a Transfer of Assignment.

SECTION 5: Paragraphs (6) and (8) of Section 21-171, Grounds for revocation, alteration or suspension, of Hernando County Ordinance titled under Article X as AMBULANCE TRANSPORTATION SERVICES is hereby amended to remove references to 10D-66, F.A.C. and replace them with and reference to Chapter 64J-1 of the Florida Administrative Code to read as follows:

(6) The operator has failed to comply with any of the provisions of this article, chapter 401, Florida Statutes, or ~~10D-66, F.A.C.~~ Chapter 64J-1 of the Florida Administrative Code and as amended from time to time;

(8) The operator knowingly allows his agents or employees to violate the provisions of this article, Chapter 401, Florida Statutes or ~~10D-66, F.A.C.~~ Chapter 64J-1 of the Florida Administrative Code as amended from time to time and/or any other applicable State or Federal Law(s).

SECTION 6: Section 21-172, Daily record, of Hernando County Ordinance titled under Article X as AMBULANCE TRANSPORTATION SERVICES is hereby amended to change the time period for maintaining daily logs from two (2) years to five (5) years as mandated under the Chapter 64J-1 of the Florida Administrative Code (64J-1.014) to read as follows:

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 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)~~ five (5) 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 7: Section 21-173, Suitable vehicle, of Hernando County Ordinance titled under Article X as AMBULANCE TRANSPORTATION SERVICES is hereby amended to change the reference from the prior numbered Florida Administrative Code of 10D-66 to the current numbered Chapter 64J-1 of the Florida Administrative Code to read as follows:

Each vehicle shall be suitable for transportation of persons requesting service, 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.~~ Chapter 64J-1 of the Florida Administrative Code.

SECTION 8: Section 21-174, Records, of Hernando County Ordinance titled under Article X as AMBULANCE TRANSPORTATION SERVICES is hereby amended to change the reference from the prior numbered Administrative Code of 10D-66 to the current numbered Chapter 64J-1 of the Florida Administrative Code to read as follows:

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 ~~e~~Chapter 401, Florida Statutes and 10D-66, F.A.C. Chapter 64J-1 of the Florida Administrative Code.

SECTION 9: Severability.

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 10: Providing for Severability.

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance if for any reason held unconstitutional or invalid the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 11: Inclusion in the Code.

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

SECTION 12: Conflicting Provisions Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 13: Effective Date.

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA in Regular Session this 25 day of February 2014.



BY: Donald C. Barbree, Jr.
DONALD C. BARBEE, JR., CLERK
AND COMPTROLLER

BOARD OF COUNTY COMMISSIONERS,
HERNANDO COUNTY, FLORIDA

BY: Wayne Dukes
WAYNE DUKES, CHAIRMAN

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY: [Signature]
County Attorney's Office