

CHAPTER 7.3 EMERGENCY MEDICAL TRANSPORTATION SERVICES

Section 7.3-1. Authority, Purpose and Scope.

- (1) The purpose of this Chapter is to promote the health, safety, and welfare of residents of Clay County in need of emergency medical services by establishing standards for issuing certificates of public convenience and necessity for emergency and nonemergency prehospital services, advanced life support services, basic life support services, emergency interfacility medical transport services, and nonemergency interfacility medical transport. This Chapter shall apply and be in force within the incorporated and unincorporated areas of Clay County, Florida, and is promulgated pursuant to Chapter 401, Florida Statutes.
- (2) The Board specifically intends that Clay County Fire Rescue shall be responsible for providing emergency and nonemergency prehospital advanced life support and basic life support transport services within the County.
- (3) The role of private or municipal advanced life support and basic life support services within the County shall be to provide, on request, emergency or nonemergency interfacility transport or transport services, interfacility neonatal critical care transport, and emergency or nonemergency organ/blood transport, including the transport of transplant teams. All Certificate Holders shall be capable of emergency response and service upon request by the Board or the Fire Chief in case of disaster or other event requiring such services which is beyond the normal capabilities of the County. Nothing contained herein shall be interpreted to limit the ability of a private ambulance company or municipality holding the proper certificate of public convenience and necessity issued by the Board from providing stand-by services and transport from a scheduled event.
- (4) References in this chapter to Florida Statutes or the Florida Administrative Code shall include all amendments thereto which may occur from time to time.

Section 7.3-2. Definitions.

As used in this Chapter, the following words and terms shall have the meanings assigned herein:

“Advanced life support” or “ALS” means assessment or treatment by a person qualified under Chapter 401, Florida Statutes, through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, cardiac defibrillation, and other techniques described in the EMT-Paramedic National Standard Curriculum or the National EMS Education Standards, pursuant to rules of the Florida Department of Health.

“Advanced life support service” means any emergency medical transport or nontransport service which uses advanced life support techniques.

“Air Medical Transport” means any privately or publicly owned service based in Clay County that engages in the business of providing aircraft transportation for patients requiring basic or advanced life support.

“Ambulance” or “Emergency Medical Services Vehicle” means any privately or publicly owned land or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated for, and is used for, or intended to be used for, land or water transportation of sick or injured persons requiring or likely to require medical attention during transport.

“Basic life support” or “BLS” means assessment or treatment by a person qualified under Chapter 401, Florida Statutes through the use of techniques described in the EMT-Basic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation and approved by the Florida Department of Health. The term includes the administration of oxygen and other techniques that have been approved and are performed under conditions specified by rules of the Florida Department of Health.

“Basic life support service” means any emergency medical transport or nontransport service which uses only basic life support techniques.

“Board” means the County's Board of County Commissioners.

“Certificate” or “COPCN” means a certificate of public convenience and necessity issued by the Board.

“Certificate Holder” means any person, firm, corporation, association or governmental entity that has been issued a Certificate by the Board.

“County” means the incorporated and unincorporated areas within the territorial limits of Clay County, Florida.

“Deficiency Correction Notice” means a notice issued by the Fire Chief of Clay County Fire Rescue, notifying a Certificate Holder of any infraction with the infraction specified, the remedial action required, and a specified time period allowed for correction.

“Emergency Medical Call” means any request for medical assistance.

“Emergency Medical Services” or “EMS” means the transportation and/or emergency treatment of persons who are in need of emergency medical attention upon any of the County streets or roads under either ALS or BLS licenses issued or applied for pursuant to Chapter 401, Florida Statutes.

“Emergency Medical Services Provider” means any entity licensed in the state of Florida to provide air, or ground ambulance, whether basic life support (BLS) or advanced life support (ALS), and whether a non-transportation or a transportation service.

“Emergency Medical Technician” or “EMT” means a person who is certified by the Florida Department of Health to perform basic life support pursuant to Chapter 401, Florida Statutes.

“Facility” means a facility licensed pursuant to Chapter 393, 395 or 400, Florida Statutes.

“Fire Chief” means the Fire Chief of Clay County Fire Rescue or his designee.

“Inspection” means the routine or periodic examination and audit of the business records, personnel, ambulances, and staffing of the Certificate Holder.

“Interfacility Transfer or Transport” means the transportation of a patient by a medical transportation service as may be provided by Florida Statutes, Florida Administrative Code and standards, and rules and regulations promulgated by the Board.

“Interfacility Medical Transport or Transport Service” means the ALS or BLS transportation of a patient by ambulance between two (2) facilities, or from the facility to the patient's home, or from the patient's home to the facility. It does not include the transportation of patients who have accessed the 911 emergency system to summon an emergency response by the Class A Certificate Holder.

“Medical Director” means the licensed physician under contract with a Certificate Holder, pursuant to Section 401.265, Florida Statutes, who provides medical supervision to and established medical protocols, including appropriate quality assurance (not including administrative and managerial functions) for daily operations and training for emergency medical services personnel including paramedics and emergency medical technicians.

“Municipality” means any municipal corporation within the boundaries of the County.

“Non-Transport Provider” means any privately owned, publicly or municipality owned ALS or BLS service providing first response treatment and therapy for the intent of stabilizing a patient's condition on an emergency scene, but not intended to provide transport service.

“Paramedic” means a person who is certified by the Florida Department of Health to perform basic and advanced life support pursuant to Chapter 401, Florida Statutes.

“Patient” means any person where subjective and / or objective signs and / or symptoms or a complaint results in evaluation and / or treatment and /or who may need emergency medical transportation.

“Patient Care Record” means the record used by each Certificate Holder to document patient care, treatment and transport activities that at a minimum includes the information required under Chapter 401, Florida Statutes and the Florida Administrative Code.

“Rescue Unit” means an advanced life support transport unit operated by Clay County Fire Rescue and / or a municipal based fire and rescue service, for responding to any medical call and which may or may not be equipped with fire suppression equipment or capability.

“Service Area” means the geographical area listed on a Certificate Holder's Certificate

“Standing Committee” means the committee designated by the Board to which fire rescue business is assigned.

“State” means the State of Florida.

“Total Response Time” means the total elapsed time from initial call reported or notification to arrival at the scene by the Rescue Unit/or Ambulance vehicle.

“Transfer” or “Transport” means air, land or water vehicle transportation, by vehicles not exempted under Section 401.33, Florida Statutes, of sick or injured persons requiring or likely to require medical attention during such transportation.

Section 7.3-3 - Certificates required.

1) Every person, firm, corporation, association or governmental entity that advertises or engages in the business of operation of an advanced life support service, or basic life support service in the County must first obtain a certificate of public convenience and necessity from the Board.

2) Every person, firm, corporation, association or governmental entity that routinely or regularly operates an ALS or BLS permitted emergency medical services ambulance or aircraft in the County for the purpose of engaging in the business of providing advanced life support or basic life support service must first obtain a certificate of public convenience and necessity from the Board.

3) Clay County Fire Rescue, in its function outlined in 7.3-1(2) will be issued a Class A Certificate. Clay County Fire Rescue will be exempt from the application process and will operate under a Class A Certificate indefinitely with a perpetual renewal.

Section. 7.3-4. - Classification of Certificates.

There shall be six (6) categories of Certificates:

1) Class A: Certificate for Clay County Fire Rescue to provide ALS rescue units or ambulances, to conduct emergency and nonemergency prehospital, interfacility, neonatal and / or organ/blood transport, including the transport of transplant teams, or other medical services at the ALS or BLS service level or those requiring on-board clinical capabilities which may exceed those of a conventionally equipped and staffed ALS rescue unit.

2) Class B: Certificates for private or municipal providers of ambulances to conduct emergency or nonemergency interfacility medical transport or transport services at the ALS or BLS level.

3) Class C: Certificates for private or municipal providers of ambulances to conduct emergency or nonemergency interfacility medical transport or transport services requiring on-board clinical capabilities which may exceed those of a conventionally equipped and staffed ALS ambulance which services originate within the County pursuant to a physician's order.

4) Class D: Certificates for private or municipal providers of ambulances to conduct emergency or nonemergency interfacility medical transport or transport services, interfacility neonatal transport and

emergency or nonemergency organ/blood transport, including the transport of transplant teams or other emergency or nonemergency interfacility medical transport services at the ALS or BLS level between two (2) establishments licensed as hospitals pursuant to Chapter 395, Florida Statutes

5) Class E: Certificates for Municipalities providing ambulances or rescue units to conduct emergency and nonemergency prehospital medical transport or transport services, at the ALS or BLS level to a defined geographical area in the County

6) Class F: Certificates for Municipalities providing ambulances or rescue units to conduct emergency and nonemergency prehospital medical non-transport or non-transport services, at the ALS or BLS level to a defined geographical area in the County.

Section. 7.3-5. - Application for Certificate.

Each application for a Certificate shall be accompanied by a nonrefundable fee in the amount of one hundred fifty dollars (\$150.00) per classification desired, payable to the Board to cover costs and expenses incurred by the Board in processing the application. The fee is waived for Clay County Fire Rescue and any municipality application.

Any applicant for an initial Certificate from the Board shall apply to the Fire Chief in writing and provide the following information:

1) The name and address of the applicant; if the applicant is a partnership, the business name of the partnership and name and address of each partner; if the applicant is a corporation, the names and addresses of all officers, directors, and stockholders of the applicant and a statement that the corporate applicant is in good standing in the State of Florida; if the applicant is a municipality, the name of the municipality and the name and addresses of all senior administrative officials to include but not limited to mayor, manager, council members, senior administrative fire chiefs and any management personnel to be contacted in the event of emergencies;

2) The service area which the applicant desires to serve to include the approximate population of the area and documentation of the need for the service and benefits of such service. For municipality applicants, the following additional documentation shall be provided:

a. The approximate number of monthly emergency calls within the area applied for;

b. The current average total response time of each emergency medical service provider that previously provided, or is currently providing, in the areas applied for, and whether the total response time is adequate to serve the public health and safety;

c. How many ambulances or rescue units, if any, would have to be left in operation in order to support the area that would be covered under the approved COPCN;

d. A fractile total response time for the immediate area effected by the COPCN, the surrounding areas, and the second due response provided into the effected COPCN from an agency outside of the applicant's; and

e. Information as to the probable financial implications to the County if the COPCN application is approved including what modifications would be necessary to the current County EMS operation.

3) The financial ability of the applicant to render safe and quality services to include the following information:

a. The ability to maintain or place the equipment required by the state and by this Chapter, specifically including operation of 2 fully staffed operating ambulances with at least 1 spare ambulance;

b. The ability to maintain insurance for the payment of personal injury, death and property damage claims; and

c. the financial completeness and stability of the applicant's EMS administrative and operational plan.

5) The location and description of the place or places from which the applicant will operate to include any proposed locations or substations as well as the maximum number of units the applicant proposes to place at the locations and whether the locations will provide additional coverage or improved total response times;

6) Copy of applicant's application for State of Florida EMS license including the names and certification numbers of all EMTs and paramedics utilized by the applicant to provide emergency medical services and the record of compliance with vehicle inspection standards under the applicable Florida Administrative Code for Chapter 401, Florida Statutes.

a. If applicable, the past performance or service record of the applicant, obtained from sources such as, but not limited to, hospitals, local public safety agencies and Clay County Fire Rescue.

7) The name and address of Medical Director along with a copy of the proposed contract, an executed copy of which shall be provided prior to the Certificate issuance date;

8) A description, type and condition of the applicant's telephone and radio communication system, including its assigned frequency, call number, mobiles, portables, range and hospital communications ability to determine if such systems are adequate or compatible with other systems that may interact with the applicant;

9) A description of the geographical area including the name of any municipalities that the applicant has previously been authorized to serve within the County as well as all other counties and municipalities within Florida or any area outside the State of Florida;

10) An agreement by the applicant to file, in the event that a Certificate shall be granted and prior to the Certificate's issuance date, copies of policies of public liability, property damage and malpractice insurance as required by the applicable Florida Administrative Code for Chapter 401, Florida Statutes and this Chapter, naming the Board as an additional named insured;

a. A private applicant shall additionally provide a willingness to hold harmless and indemnify the Board and County for the service provided under any Certificate approved.

11) A copy of the applicant's EMS standard operating procedures which shall include all general and/or specific instructions to personnel as to the exact nature of the duties, when applicable, and under what conditions;

12) An agreement that should a temporary situation arise or a declaration of emergency be declared due to a serious or imminent threat to the public health, safety, welfare, or public need and convenience, the applicant shall offer assistance and abide by the orders of the Fire Chief;

14) If the applicant or any officer, principal or owner thereof has been convicted of a felony, information regarding nature and seriousness of the offense and the circumstances under which the felony occurred;

15) Proof that the applicant possesses all required federal and/or State of Florida licenses and permits;

16) A schedule of proposed rates for transportation or treatment of patients;

17) A sworn statement signed by the applicant stating that all the information provided by the applicant in the application is true and correct; and,

18) Such other reasonable information as may be required by the Fire Chief and / or Standing Committee.

Section. 7.3-6. - Application review.

1) After an application has been received by the Fire Chief, the Fire Chief shall cause an investigation to be made of the applicant, including a determination of the public need for the proposed service in the geographical area requested and other pertinent facts which Clay County Fire Rescue may deem relevant in determining the fitness of the applicant to receive a Certificate.

2) Within five (5) business days following receipt of an application, the Fire Chief shall transmit a copy of the application to each municipality in the County and request that each furnish recommendations or comments. Each municipality receiving notice may submit its recommendation and comments in writing to the Standing Committee or in person at the public hearing to be heard before the Standing Committee. The recommendations and comments of the municipalities shall be considered by the Standing Committee prior to the decision on the application.

3) Within five (5) business days following receipt of an application, the Fire Chief shall transmit a copy of the application to the County Medical Director who shall review the applicant's standard operating procedures and medical treatment protocols, providing a written letter of approval to the Fire Chief

4) Within sixty (60) days from receipt of the completed application, the Fire Chief shall schedule a public hearing before the Standing Committee. All applicants, the County Medical Director, all present Certificate Holders, and each municipality shall be notified of the date, time, and place of the public hearing via certified mail, return receipt requested, not less than ten (10) business days prior to the public hearing. The Fire Chief shall cause to be published in a newspaper, at least seven (7) days in advance thereof, a notice of the time, date and location of the public hearing to be held before the Standing Committee.

5) At the public hearing, the Standing Committee shall consider all applications and pertinent information. Each applicant shall be entitled to appear, be heard, be represented by counsel, present witnesses and evidence, cross-examine witnesses, and present argument. Clay County Fire Rescue may also be represented by counsel, present witnesses and evidence, cross-examine witnesses, and present argument. The decision to recommend approving or denying an application shall be based upon all of the factors and information provided as required by Section 7.3-5.

Section. 7.3-7. - Issuance or denial.

1) Following the hearing, the Standing Committee shall make its finding as to each applicant, and shall determine whether the public convenience and necessity of the residents of the County would best be served by granting or denying such applications. The recommendation of the Standing Committee shall be based upon competent, substantial evidence presented at the public hearing. The Standing Committee shall recommend to the Board that a Certificate be issued, subject to such conditions or limitations as the Standing Committee recommends is necessary to protect health, safety, and welfare of the citizens of the County, and designating the classification thereof as provided under Section 7.3-4; otherwise it shall recommend denial.

2) The Fire Chief shall place the recommendation of the Standing Committee on the next available agenda of a regular meeting of the Board for ratification. The Fire Chief shall notify the applicant in writing via certified mail, return receipt requested, of the time, date and place of consideration of the matter by the Board. If the Standing Committee recommends denial of a Certificate or includes conditions or limitations, then the applicant shall be entitled to appear before the Board, be heard, be represented by counsel, present witnesses and evidence, cross-examine witnesses, and present argument. The decision of the Board determining whether to issue the Certificate shall be based upon competent, substantial evidence presented at the hearing. Following the hearing, the Board may approve, disapprove, modify, or amend the findings of the Standing Committee and may take whatever action it deems appropriate under the circumstances.

3) All Certificates shall contain:

- a. The name of the applicant;
- b. The classification of the Certificate;

- c. The dates of issuance and expiration;
- d. The geographic areas of, and any limitations on, operation and service in the County;
- e. A certification that the recommendations of the municipalities in the County were considered;
- f. The signature of the Chairman of the Board attested by its Clerk; and
- g. Any limitations or conditions as the Board may deem necessary or proper in the public interest.

4) A Certificate and all renewals thereof shall be valid for a period of two (2) years from the date of issuance thereof unless earlier suspended, revoked or terminated.

Section. 7.3-8. - Rights and duties upon certification.

Any Certificate issued under this Chapter shall require the Certificate Holder and its employees to comply with or observe the following:

1) Clay County Fire Rescue shall be the only Class A Certificate Holder in the County, and shall be responsible for providing emergency and nonemergency prehospital ALS and BLS services within the County;

2) Certificate Holders of Class B, C, D, E or F Certificates must be capable of emergency response/service upon request of the Board or the Fire Chief in case of disaster or other events beyond the normal capability of Clay County Fire Rescue. Nothing contained herein shall be interpreted to limit the ability of a private ambulance company or a municipality holding the proper certificate of public convenience and necessity issued by the Board from providing stand-by services and transport from a scheduled event;

3) Each Certificate Holder must provide a copy to Clay County Fire Rescue of its EMS standard operating procedures and any amendments thereto, which it will use to give specific instructions to its personnel concerning the nature of their duties and responsibilities;

4) Each Certificate Holder must comply with all lawful directives of the Fire Chief;

5) Each Certificate Holder must provide continuous and uninterrupted service within the service area as well as provide services to adjacent areas or routes, when requested to do so by the Fire Chief;

6) Each Certificate Holder must maintain an appropriate number of ambulances at all times. In no event, however, shall any Certificate Holder operate less than two (2) fully staffed operating ambulances with at least one (1) spare ambulance;

7) Each Certificate Holder must comply with the lights and siren Section set forth in section 7.3-18. The Board, in order to protect the health, safety and welfare of its citizens and patients requiring transport, has enacted restrictions on lights and siren responses to only those times that they have a positive effect on the patient's condition to justify the additional risk of danger associated with their use. Each Certificate Holder shall ensure that its ambulances are driven in a safe and lawful manner at all times and that its ambulances will use lights and siren only for properly authorized events and in compliance with Section 7.3-18. The Certificate Holders, with the exception of Clay County Fire Rescue and any municipalities, will notify Clay County Fire Rescue, twenty-four (24) hours per day, seven (7) days a week, of all lights and siren responses within the County;

8) In those instances that two (2) Certificate Holders respond to a medical emergency, then the first to arrive in a transport capable vehicle will assume patient care and transport decision responsibilities;

9) It shall be a violation of this Chapter for any Emergency Medical Service Vehicle or Rescue Unit which is not responding to an emergency medical call, or which is not transport capable under this Chapter, to respond using its lights and siren in Clay County. This subsection shall not apply to any Emergency Medical Service Vehicle or Rescue Unit operated by Clay County Fire Rescue;

10) All Certificate Holders shall keep such records as may be required by the federal or state government, or by this Chapter, and shall furnish or make such records available to the Fire Chief for inspection at reasonable times and places. These records shall include ambulance run sheets, billing records, radio logs, and such other operating and patient information as may be required by the Fire Chief for inspection purposes;

11) Certificate Holders shall not advertise by any means the ability to provide services in the County that they are not authorized to provide;

12) Ambulances and Rescue Units operating in Clay County under a Certificate must be able to communicate with Clay County Fire Rescue dispatch and field units utilizing the radio frequencies identified in the State of Florida Communications Plan to include but not limited to the Local Medical Channel and Regional Medical Channel. Those holding a Class A, E or F certificate also are required to be able to communicate on the County's 800 mhz radio system.

13) Each BLS ambulance shall be staffed with a minimum of two (2) Florida certified Emergency Medical Technicians; each ALS ambulance shall be staffed with a minimum of one (1) Florida certified Emergency Medical Technician and one (1) Florida certified Paramedic for ALS service;

14) Assigned staff on board each ambulance shall be readily identified as to the level of certification, either Emergency Medical Technician, or Paramedic, or other certification level as recognized by the Florida Department of Health;

15) All Certificate Holders shall maintain liability insurance in such amounts and with such coverage as specified in Section 768.25(5), Florida Statutes, and Chapter 64J-1, Florida Administrative Code, naming the Board as an additional named insured;

16) Each Certificate Holder shall operate in conformance with all federal, state, or local laws or ordinances, and all rules and regulations, resolutions or policies thereunder and any conditions or limitations imposed by the Board upon issuance of the Certificate; and

17) Each Certificate Holder shall comply with the directives of Deficiency Correction Notices issued by the Fire Chief.

Municipalities within the County are exempt from Section 7.3-8, numbers 7, 9, and 14

Section. 7.3-9. - Certificate renewal.

1) Applications for renewal of existing Certificates shall be made in writing to the Fire Chief. Each such application shall be filed no more than ninety (90) days and no less than sixty (60) days prior to the expiration date of the Certificate Holder's Certificate. The Fire Chief, in his sole discretion, may adjust the time requirements of this section.

2) A fifty dollar (\$50.00) per classification renewal fee is required for a renewal application. The Certificates may be recommended for renewal by the Standing Committee on application by the Certificate Holder. Each renewal application shall contain the same information required for an initial application, updated as appropriate. Renewal is not automatic and shall be subject to the same procedures for the consideration of an initial application under this Chapter. In the event of a recommendation for denial of a renewal application by the Standing Committee, a hearing before the Board shall follow the same procedures as that for a denied initial application.

Section. 7.3-10. - Certificate revocation, modification and suspension.

1) Every Certificate issued under this Chapter shall be subject to revocation, alteration or suspension by the Board where it shall appear that the Certificate Holder has not complied with the requirements of the Certificate and the public interest so requires. It shall be a violation of this Chapter as well as cause for revocation, modification, or suspension of a Certificate, if it is found that:

a. The Certificate Holder intentionally obstructs, bars or otherwise interferes with an inspection conducted under the purview of this Chapter;

b. The Certificate Holder knowingly, by telephone or otherwise, causes to be placed or places a false emergency or nonemergency transport medical call;

c. The Certificate Holder represents herself, himself, or itself as holding a certification designation which the Certificate Holder does not hold;

d. The Certificate Holder operates an ambulance or non-transport vehicle that does not meet the requirements of Chapter 401, Florida Statutes, Chapter 64J-1, Florida Administrative Code, or this Chapter;

e. The Certificate Holder has failed or neglected to render services in compliance with the Certificate, this Chapter, Chapter 401, Florida Statutes, or Chapter 64J-1 Florida Administrative Code;

f. The Certificate Holder knowingly makes an omission of a material fact or a false statement in any application, renewal application or other document filed with the Fire Chief;

g. The Certificate Holder or any officer, principal or owner thereof has been convicted of a felony; provided, that in determining whether to revoke, suspend or modify a Certificate Holder's Certificate hereunder, the Standing Committee shall consider both the nature and seriousness of the offense and the circumstances under which the felony occurred;

h. The Certificate Holder has failed or neglected for a period of thirty (30) consecutive days during any calendar year to provide all services authorized by its Certificate;

i. The Certificate Holder has permitted any motor vehicle to be operated in violation of law;

j. The Certificate Holder has failed to comply with any of the provisions of this Chapter, Chapter 401, Florida Statutes, or Chapter 64J-1, Florida Administrative Code;

k. The public interest will best be served by revocation, alteration or suspension of any Certificate upon good cause shown;

l. The Certificate Holder has without sufficient justification failed or refused to furnish emergency care and/or transportation promptly for a sick or injured person;

m. The Certificate Holder or the Certificate Holder's agent has been adjudicated guilty of malpractice or negligence by a court of competent jurisdiction in the operation of the Certificate Holder's services;

n. The Certificate Holder uses lights and sirens to respond to a medical call in violation of Section 7.3-18;

o. The Certificate Holder falsifies the nature of the medical call to justify the use of an emergency response involving lights and sirens;

p. The Certificate Holder has failed to comply with a Deficiency Correction Notice issued by the Fire Chief;

q. The Certificate Holder has been found by a court of competent jurisdiction guilty of any criminal offense involving moral turpitude;

r. The Certificate Holder has had its state license revoked or suspended; or

s. The Certificate Holder has received its fourth Deficiency Correction Notice; or.

t. The Certificate Holder fails to follow a lawful order of the Fire Chief or his designee.

2) A separate and distinct offense shall be deemed to occur per prohibited act, per day, for as long as the offense is not corrected.

3) Complaints about the services of a Certificate Holder must be in writing and shall be directed to and received by the Fire Chief, or may be generated in-house by Clay County Fire Rescue. The Fire Chief

shall record the receipt of the complaint, and shall then direct Clay County Fire Rescue staff to investigate the same and make a recommendation as to what action, if any, should be taken within fifteen (15) days thereof. Copies of the complaint shall be sent to the Certificate Holder. Clay County Fire Rescue staff shall be provided access to the Certificate Holder's business, personnel, and documents to assist in an investigation. The Fire Chief shall forward a copy of the investigation and enforcement action, if ultimately taken, to the Certificate Holder.

4) If the Fire Chief finds that a violation of this Chapter has occurred, then the Fire Chief shall issue a Deficiency Correction Notice stating the facts upon which it is based, providing a time within which the violation must be corrected, and the ramifications for failure to do so. This notice shall be delivered by certified mail, return receipt requested, or by hand delivery.

5) Upon the occurrence of events necessitating the delivery of the fourth Deficiency Correction Notice to the Certificate Holder, the Fire Chief shall promptly notify the Certificate Holder and the Standing Committee, in writing, that the Certificate is subject to revocation, suspension or modification as a result and provide a time, date and place of a public hearing before the Standing Committee regarding same. The hearing shall not be set any sooner than seven (7) business days after notice thereof is given to the Certificate Holder, via certified mail, return receipt requested, or by hand delivery. The Fire Chief shall cause to be published in a newspaper, at least seven (7) days in advance thereof, a notice of the time, date and location of the public hearing to be held before the Standing Committee.

6) The Standing Committee shall conduct a hearing on the revocation, suspension or modification of the Certificate. The Certificate Holder shall be entitled to appear, be heard, be represented by counsel, present witnesses and evidence, cross-examine witnesses, and present argument. Clay County Fire Rescue may also present witnesses and evidence, cross-examine witnesses, and present argument.

7) Following the hearing, the Standing Committee shall make findings regarding whether the Certificate Holder's Certificate should be revoked, suspended or modified. The standing committee's recommendation to the Board shall be based upon competent, substantial evidence presented at the hearing.

8) The Fire Chief shall place the recommendation of the Standing Committee on the next available agenda of a regular meeting of the Board for ratification. The Fire Chief shall notify the Certificate Holder in writing via certified mail, return receipt requested, of the time, date and place of consideration of the matter by the Board. If the Standing Committee recommends an adverse result, then the Certificate Holder shall be entitled to appear before the Board, be heard, be represented by counsel, present witnesses and evidence, cross-examine witnesses, and present argument. Clay County Fire Rescue may also present witnesses and evidence, cross-examine witnesses, and present argument. The decision of the Board shall be based upon competent, substantial evidence presented at the hearing. Following the hearing, the Board shall approve, disapprove, modify, or amend the recommendation of the Standing Committee and may take whatever action it deems appropriate under the circumstances.

Section. 7.3-11. - Inspection.

1) The Fire Chief may perform an Inspection of each applicant prior to issuance of a Certificate and thereafter as a continuing part of the Certificate process to determine continuing compliance with this Chapter, Chapter 401, Florida Statutes, and Chapter 64J-1, Florida Administrative Code.

2) Inspections may be conducted periodically and may be conducted with or without notice to the Certificate Holder at reasonable times and whenever such Inspection is deemed necessary by the Fire Chief. Inspections shall be conducted without impeding patient care.

3) If, during the course of an Inspection, a situation is found which, in the determination of the Fire Chief, will jeopardize the safety or welfare of the service personnel or patient care, the Fire Chief shall issue a Deficiency Correction Notice to the Certificate Holder.

4) If, during the course of an Inspection, it is found that an ambulance is unsafe or fails in use to conform to the requirements of this Chapter, or Chapter 401, Florida Statutes, or Chapter 64J-1, Florida

Administrative Code, the Fire Chief may order that the ambulance immediately be taken out of service and that a Deficiency Correction Notice be issued to the Certificate Holder.

Section. 7.3-12. - Transfer or assignment.

1) No Certificate issued under this Chapter shall be assignable or transferable by the Certificate Holder, except upon approval by the Board in the same manner and subject to the same application, investigation, and public hearing as original applications for Certificates. Any majority transfer of shares of stock or controlling interest of any person in the Certificate Holder so as to cause a change in the directors, officers, majority shareholders, managers or principals of such Certificate Holder shall be deemed to require an application for a new Certificate.

2) No Certificate Holder with Certificates B, C, D, E or F can subcontract services identified by the Certificate.

Section. 7.3-13. - Turning in a False Alarm.

1) Whoever, without reasonable cause, by telephone or otherwise, summons any Ambulance or reports that such a Emergency Services Vehicle or Rescue Unit is needed when such person knows or has reason to know that the services of such vehicles are not needed shall be guilty of a second degree misdemeanor, punishable as provided in Florida Statutes.

2) Citizens acquiring electronic medical alarms shall be required to obtain an exterior "key box" as specified by Clay County Fire Rescue, to allow for rapid access to the patient in the event of an emergency. A medical history form shall be provided by Clay County Fire Rescue and completed by the occupant. This form shall be enclosed within the key box.

Section. 7.3-14. - Nonduplication of County vehicle identification.

1) The Board has adopted a unique two-tone paint scheme with an atypical gold striping arrangement for the sole purpose of having Clay County Fire Rescue Emergency Medical Services Vehicles readily identifiable and not easily confused by the public. Existing or future private Certificate Holders may not duplicate this unique identification on their Ambulances operating within the County. Copies of the paint scheme shall be made available upon request by Clay County Fire Rescue. It is the intent of the Board to allow the public to easily differentiate between the Board's Ambulances and Rescue Units and other Certificate Holders Ambulances or Rescue Units. To accomplish this objective, beyond its adoption of the current paint scheme, other applicants desirous of obtaining Certificates and existing private Certificate Holders shall not utilize red paint schemes which would make their Ambulances appear to be Rescue Units or Ambulances operated by Clay County Fire Rescue. Private or Municipal Certificate Holders shall have their service name clearly marked on their Ambulances and Rescue Units, along with identifying vehicle numbers on all sides of the Ambulances and Rescue Units.

Section 7.3-15 - Exemptions.

The following vehicles or ambulances are exempt from the provisions of this article:

1) A government owned or operated vehicle not ordinarily used for the treatment or transport of life threatening medical emergencies or transportation of persons who are sick, injured or otherwise incapacitated.

2) Vehicles used for transporting a patient pursuant to the Florida Good Samaritan Act, Florida Statutes Section 768.13, or its successors.

3) A vehicle used to transport patients in the event of a major catastrophe or emergency, when County certified and state permitted ambulances pursuant to Chapter 401, Florida Statutes are insufficient in number to render the services needed.

- 4) Ambulances based outside the County that:
 - a. Pick up a patient within the County for transportation back to a private residence or medical facility outside the County; or
 - b. Pick up patients outside the County for transportation into the County.
- 5) Ambulances owned or operated by the state or the United States.
- 6) A fire department vehicle which is used as an integral part of a fire suppression response unit, which vehicle may from time to time be used to transport fire fighters in need of medical attention, as a direct result of their firefighting duties; however, BLS or ALS transport and non-transport units shall not be exempt under this section.
- 7) A privately owned vehicle not ordinarily used in the business of transporting persons who are sick, injured, wounded, incapacitated or helpless.
- 8) Any vehicle exempted by state statute.
- 9) Any organization or person which provides wheelchair transport services, if:
 - a. The service is a public transportation system; or
 - b. The service is a public or private school bus system whose major business is that of transporting school children to and from school or school related activities.
- 10) A vehicle under the direct supervision of a licensed physician used as an integral part of a private industrial safety, emergency or disaster plan within a privately owned and controlled area, which vehicle may from time to time be used to transport persons in need of medical attention, but which is not available to the general public and which does not routinely transport patients.

Section. 7.3-16. - Penalties.

Any person, firm, corporation, association, or governmental entity who: knowingly makes false or fraudulent claims to procure, attempt to procure, or renew a Certificate; uses or attempts to use a Certificate that has been suspended, revoked, or terminated; violates any part of this Chapter; or knowingly conceals information relating to violation(s) of this Chapter, is guilty of a first degree misdemeanor punishable as provided in Florida Statutes, Sections 775.082 or 775.083.

Section. 7.3-17. - Civil remedies.

1) The Board may cause to be instituted a civil action in circuit court for preliminary or permanent injunctive relief to remedy or prevent a violation of this Chapter.

2) If the Board has probable cause to believe that any person, firm, corporation, association or governmental entity not issued a Certificate by the Board has provided prehospital or interfacility advanced life support or basic life support procedures or transportation services in the County not authorized, the Board may issue and deliver to such person, firm, corporation, association or governmental entity a notice to cease and desist from such services. For the purpose of enforcing a cease and desist order, the Board may file a petition, in the name of the County, seeking issuance of an injunction or a writ of mandamus against any person, firm, corporation, association or governmental entity who violates any provisions of such order.

3) In addition to or in lieu of any remedy provided in paragraph 2, the Board may seek the imposition of a civil penalty by the circuit court for any violation for which the Board may issue a notice to cease and desist under paragraph 2). The civil penalty must be no less than \$500 and no more than \$5,000 for each offense. The court may, in addition to any other remedy it finds appropriate, award to the prevailing party court costs and a reasonable attorney's fee, and, if the Board prevails, the court may also award reasonable costs of investigation.

Section. 7.3-18. – Use of Lights and Sirens During Operations.

1) The purpose of this section is to reduce the risk of accident or injury which occurs when fire and rescue units and ambulances respond with speed using lights and sirens (a Code 3 response) when the nature of the medical or trauma call does not warrant such response for patient safety and care. This section is not intended to delay care or other services in the event of true emergencies. For the majority of responses, there is little difference in total response time between Code 1 (normal driving, no lights/sirens) and Code 3 (speed, lights/sirens). For nonemergency requests for assistance, the hazard to the public and Certificate Holder personnel created by a Code 3 response, considering the nonemergency nature of the medical or trauma call, does not justify the use of the Code 3 response. This section does not apply to Clay County Fire Rescue and municipalities holding Certificates.

2) It is the intention of Clay County Fire Rescue, as the Class A Certificate Holder in the County, to respond to all emergency medical calls generated in the County. At times, however, Clay County Fire Rescue may need to request the assistance of other Certificate Holders in emergency situations. In order to reduce the risk of accident or injury in the County stemming from a response, Clay County Fire Rescue Communications shall direct the response code and if necessary the need to stage.

3) The situation may arise where a patient's status requires a change to a Code 3 response by a B, C, or D Certificate Holder. In this circumstance, the ambulance shall so respond but must advise Clay County Fire Rescue of the ambulance designation, patient's status, whether additional assistance is needed and its location, route and destination.

4) Code 1 must be utilized on all patient transports unless a delayed transport will be detrimental to the patient's condition. In these cases the notification process in paragraph 3 above must be followed.

5) Not all types of incidents or specifics can be detailed in this Section. When the situation is outside the above guidelines personnel must use their discretion by comparing the risk of injury to the public, property and personnel versus the gain of speed with a Code 3 response.