

ORDINANCE NO. 2023- ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING CLAY COUNTY ORDINANCE NO. 2018-23, AS AMENDED, WHICH IS CODIFIED AS CHAPTER 7.3 OF THE CLAY COUNTY CODE, ENTITLED “EMERGENCY MEDICAL TRANSPORTATION SERVICES”, BY AMENDING THE FOLLOWING SECTIONS OF THE CODE: SECTION 7.3-2., DEFINITIONS; SUBSECTION (16) OF SECTION 7.3-5., APPLICATION FOR A CERTIFICATE; SUBSECTIONS (b), (d), (f), AND (g) OF SECTION 7.3-6., APPLICATION REVIEW; SECTION 7.3-7., ISSUANCE OR DENIAL; SUBSECTION (b) OF SECTION 7.3-9., CERTIFICATE RENEWAL; AND SUBSECTIONS (a)(7), (e), (f), (g), AND (h) OF SECTION 7.3-10., CERTIFICATE REVOCATION, MODIFICATION AND SUSPENSION/PROCEEDINGS TO REFLECT THE DELETION OF THE NEED FOR A STANDING COMMITTEE TO CONSIDER CERTIFICATES (COPCNS) ISSUED BY THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Section 7.3-2., Definitions, of Chapter 7.3 of the Clay County Code, being the codification of Clay County Ordinance 2018-23, as amended, is hereby amended, with changes shown in strike through and underline, as follows:

Section 7.3-2. Definitions.

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

Section 2. Subsection (16) of Section 7.3-5., Application for certificate, of Chapter 7.3 of the Clay County Code, being the codification of Clay County Ordinance 2018-23, as amended, is hereby amended, with changes shown in strike through and underline, as follows:

Section. 7.3-5. - Application for certificate.

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

Section 3. Subsections (b), (d), (f), and (g) of Section 7.3-6., Application Review, of Chapter 7.3 of the Clay County Code, being the codification of Clay County Ordinance 2018-23, as amended, is hereby amended, with changes shown in strike through and underline, as follows:

Section. 7.3-6. - Application review.

(b) 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 Fire Chief ~~Standing Committee~~ or in person at the public hearing to be heard before the Board ~~Standing Committee~~. The recommendations and comments of the municipalities shall be considered by the Board ~~Standing Committee~~ prior to the decision on the application.

...

(d) Within five (5) business days following receipt of an application, the Fire Chief shall request from the County's OMB Director an analysis of any financial implications to the County if the COPCN application is approved, including what modifications would be necessary to the current County EMS operation, such analysis to be considered by the Board ~~Standing Committee~~.

...

(f) Within sixty (60) days from receipt of the completed application, the Fire Chief shall schedule a public hearing before the Board ~~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 Board ~~Standing Committee~~.

(g) At the public hearing, the Board ~~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 Board's decision ~~Standing Committee's recommendation to the Board~~ shall be based upon all of the factors and information provided as required by Section 7.3-5.

Section 4. Section 7.3-7., Issuance or denial, of Chapter 7.3 of the Clay County Code, being the codification of Clay County Ordinance 2018-23, as amended, is hereby amended, with changes shown in strike through and underline, as follows:

Section. 7.3-7. - Issuance or denial.

(a) Following the public hearing, the Board ~~Standing Committee~~ shall make its finding as to each applicant, including whether the public convenience and necessity of the residents of the County would best be served by granting or denying such applications. The ~~Standing Committee shall then recommend to the Board~~, based upon competent, substantial evidence presented at the public hearing, shall determine one (1) of the following: 1. that a Certificate be issued, subject to such conditions or limitations as the Board ~~Standing Committee recommends~~ determines are 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; ~~a, or 2.~~ that a Certificate be denied; ~~or that a public hearing be held before the Board on the application, including any conditions or limitations to the issuance of a Certificate that the Standing Committee recommends.~~

~~(b) The Fire Chief shall place the recommendation of the Standing Committee on the next available agenda of a regular meeting of the Board for consideration. 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 along with its recommendation of issuance of a Certificate, 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.~~

~~(b~~e~~) 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.~~

~~(c~~d~~) 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 5. Subsection (b) of Section 7.3-9., Certificate renewal, of Chapter 7.3 of the Clay County Code, being the codification of Clay County Ordinance 2018-23, as amended, is hereby amended, with changes shown in strike through and underline, as follows:

Section. 7.3-9. - Certificate renewal.

(b) A fifty dollar (\$50.00) per classification renewal fee is required for a renewal application. The Certificates may be recommended for renewal by the Board ~~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 6. Subsections (a)(7), (e), (f), (g) and (h) of Section 7.3-10., Certificate revocation, modification and suspension/proceedings, of Chapter 7.3 of the Clay County Code, being the codification of Clay County Ordinance 2018-23, as amended, is hereby amended, with changes shown in strike through and underline, as follows:

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

(a)(7) 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 Board Standing Committee shall consider both the nature and seriousness of the offense and the circumstances under which the felony occurred;

...

(e) 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 Board 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 Board 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 Board Standing Committee.

(f) The Board 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.

(g) Following the hearing, the Board Standing Committee shall make findings regarding whether the Certificate Holder's Certificate should be revoked, suspended or modified. The decision of standing committee's recommendation to the Board shall be based upon competent, substantial evidence presented at the hearing and the Board may take whatever action it deems appropriate under the circumstances.

~~(h) 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. Except as expressly amended herein, the provisions of Chapter 7.3 of the Clay County Code, being the codification of Clay County Ordinance 2018-23, as amended, shall remain in full force and effect.

Section 8. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 9. This Ordinance shall become effective as prescribed by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of January, 2023.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

BY: _____
Betsy Condon, Its Chairman

ATTEST:

Tara S. Green
Clay County Clerk of Court and Comptroller
Ex Officio Clerk of the Board