

ARTICLE III. - EMERGENCY MEDICAL SERVICES AND TRANSPORTATION³

Footnotes:

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State Law reference— Emergency medical transportation services, F.S. § 401.2101 et seq.

Sec. 54-56. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advanced life support (ALS) means those emergency medical services as defined by F.S. § 401.23(1).

Ambulance means any vehicle which is equipped to provide advanced life support services, whether privately or publicly owned, which 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 patients.

Ambulance driver means a person who is qualified as provided in F.S. § 401.281 to drive ambulances.

Ambulance service means all transports of patients by an ambulance in the county.

Approved rate schedule means those fees for ambulance services rendered which have been established by the EMS authority.

Certificate of public convenience and necessity means that certificate issued by the board of county commissioners pursuant to F.S. § 401.25(2)(d) or pursuant to Laws of Fla. ch. 80-585 (compiled as art. II of this chapter).

Contractor means that person selected by the authority, pursuant to the request for proposal process, which is awarded the right to provide all ambulance services in the county, except those specifically exempted by this article.

County EMS system means that network of organizations and individuals established to provide emergency medical services to citizens of the county, including citizen CPR training, public education, control center operations, first responder services, all ambulance services, and medical quality control and research.

EMS advisory council means that council established in accordance with Laws of Fla. ch. 80-585.

EMS authority or authority means the board of county commissioners.

Executive director. The "executive director" of the EMS authority is the director of the county EMS administration.

First responder means any municipality which has signed a standardized first responder agreement with the EMS authority and which has been issued a certificate of public convenience and necessity, or an alternative supplier with which the EMS authority may contract for first responder services.

First responder agreement means that standardized contract which has been negotiated by the EMS authority with first responders in the county. The standard first responder agreement has been set forth verbatim in the rules and regulations adopted and promulgated by the EMS authority concurrently with the passage of this article.

Helicopter rescue unit means any rotary wing aircraft equipped to provide advanced life support services and transportation, and which has received a certificate of public convenience and necessity from the EMS authority.

Medical control board means an 11-member board, appointed by the authority, consisting of four licensed physicians specializing in emergency medicine, selected from among the emergency department directors (or their designee) from the acute-care receiving facilities in the county, four administrators from hospitals which are members of Bay Area Hospital Council, Inc., one emergency physician appointed by the county medical society, one emergency physician appointed by the county osteopathic society, and one physician from a trauma center.

Medical director means a licensed physician, or a corporation, association, or partnership composed of physicians which employs a licensed physician for the purpose of providing medical direction to the county EMS system.

Paramedic means a person who is certified to perform advanced life support, as defined by F.S. § 401.23(1), and who is certified by both the state and by the medical control board.

Patient means an individual who is ill, sick, injured, wounded or otherwise incapacitated and is in need of or is at risk of needing medical care during transport to or from a health care facility.

Physician means a practitioner licensed under the provisions of F.S. ch. 458 or 459.

Provider means:

- (1) The contractor awarded the contract by competitive request for proposal to provide ambulance services within the county;
- (2) All first responder services which have signed a first responder agreement and which have received a certificate of public convenience and necessity;
- (3) All helicopters used for medical transportation which have received a certificate of public convenience and necessity;
- (4) All specialized mobile intensive care units which are employed for interhospital transport services and which have received a certificate of public convenience and necessity; and
- (5) All wheelchair services which have received a certificate of public convenience and necessity.

Prudent net worth means unreserved fund balance of not less than 25 percent of the authority's then current total annual budget, including, but not limited to, operating expenses, contractual payments for first responder services, contractual payments to the provider for ambulance services, replacement fund deposits, overhead and all other budgeted costs. The percentage of prudent net worth as a percentage of the authority's then current annual operating budget should be measured as of October 1 each fiscal year.

Response time means the total of elapsed time between the receipt of a request for an ambulance by the contractor until the actual arrival of its ambulance at the scene.

Sound business financial management practices means employment of a business structure and financial management practices in which the functions of fee-for-service billings for ambulance service, and patient accounts management, are the responsibility of the EMS authority and are not a responsibility of the contractor.

Special event means any public event located in the county for which ambulance service is arranged in advance, and for which an ambulance is hired directly by the sponsor of the event, and the only payment for which is by the sponsor of the event, and for which no fee for transport will be charged to the patient.

Subscription membership program means a contract which allows county residents to annually fix price and prepay uninsured portions of medically necessary ambulance services.

Wheelchair vehicle means any privately or publicly owned land, air or water vehicle which is designed, constructed, reconstructed, maintained, equipped or operated, and is used or intended to be used, for transportation of a person in a reclining or nonreclining wheelchair, and whose condition is such that the

person does not need and is not likely to need medical attention during transport, and which has received a certificate of public convenience or necessity.

Wheelchair vehicle service means the transport of persons in a wheelchair vehicle when such persons are not in need of medical care and are not likely to need medical care.

(Ord. No. 88-12, § 1, 5-3-88; Ord. No. 91-12, § 1, 2-26-91; Ord. No. 94-2, § 1, 1-11-94; Ord. No. 11-52, § 1, 12-20-11)

Cross reference— Definitions generally, § 1-2.

Sec. 54-57. - Penalty for violation of article.

Violations of this article are punishable as provided in section 1-8.

Sec. 54-58. - Territory embraced.

All territory within the legal boundaries of the county, including all unincorporated and incorporated areas, shall be embraced by the provisions of this article.

(Ord. No. 88-12, § 12, 5-3-88)

Charter reference— Conflicts between county and municipal ordinances, §§ 2.01, 2.04.

Sec. 54-59. - Exemptions from article.

(a) The following vehicles and/or services are exempt from all provisions of this article:

- (1) A privately owned vehicle not ordinarily used in the business of transporting persons who are sick, injured, wounded, incapacitated or helpless.
- (2) A vehicle rendering service as an ambulance in the event of a major catastrophe or emergency when ambulances with permits based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the service needed.
- (3) Any ambulance owned or operated by the federal or state government.
- (4) Any transport to a location within the county, which transport originated from a point outside the county.
- (5) Mutual aid calls.
- (6) First responder transports, pursuant to a first responder agreement.

(b) The following vehicles and/or services are exempt from this article, so long as all services rendered are provided by an advanced life support (ALS) ambulance operated by a provider which has obtained a certificate of public convenience and necessity from the EMS authority for the provision of all such services:

- (1) 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 or controlled area, which vehicle may from time to time be used to transport persons in need of medical attention, but which does not routinely transport patients.
- (2) Special events coverage.
- (3) Interhospital transports on a contracted basis of nondischarged patients for diagnostic or treatment services not available at the contracting hospital.

- (4) Specialized mobile-intensive care services which require on-board clinical capabilities which exceed those of a conventionally equipped and staffed advanced life support ambulance.

(Ord. No. 88-12, § 2, 5-3-88)

State Law reference— Similar provisions, F.S. § 401.33.

Sec. 54-60. - Medical control board.

- (a) The medical control board shall be responsible for recommending to the EMS authority a medical director for the county EMS system.
- (b) The medical control board shall adopt, by resolution, such rules and regulations as are necessary and/or proper to implement this article, provided that such standards shall not be less stringent than those standards required by the current rules and regulations, or by first responder agreements between the authority and first responders. All rules and regulations proposed by the medical control board shall be submitted for review and comment to the EMS advisory council. The EMS authority may require a hearing before the EMS authority and, pursuant thereto, may amend, alter or revoke any rule or regulation of the medical control board, before or after its adoption. Rules and regulations to be promulgated by the medical control board shall include:
 - (1) Minimum personnel standards for ambulance crew members, first responder personnel, control center personnel, and wheelchair service drivers;
 - (2) Certification provisions for ambulance drivers, paramedics, dispatchers, and wheelchair service drivers;
 - (3) In-service training;
 - (4) On-board equipment and supplies;
 - (5) Medical protocols for first responders and ambulance service providers;
 - (6) Radio protocols;
 - (7) Mass-casualty protocols;
 - (8) Transport protocols;
 - (9) Helicopter services and protocols therefor;
 - (10) Protocols for interaction by first responder services and ambulance personnel;
 - (11) Requirements for uniformity of equipment and supplies;
 - (12) Standards governing the training and conduct of on-line medical control physicians;
 - (13) Standards for control center operations (i.e., telephone protocols, prearrival instructions and protocols for requesting first responder services);
 - (14) Standards for recordkeeping and reporting;
 - (15) Standards for wheelchair vehicle services; and
 - (16) Procedures for issuance, renewal, suspension, and revocation of certifications of ambulance drivers, paramedics, dispatchers or of wheelchair vehicle service drivers, which procedures shall contain due process provisions; all such provisions shall be approved, in advance, by the county attorney.

(Ord. No. 88-12, § 3, 5-3-88; Ord. No. 91-12, § 2, 2-26-91)

Cross reference— Boards, commissions, councils and authorities, § 2-226 et seq.

Sec. 54-61. - Medical director.

The medical director shall serve as the medical director for the county EMS system. The medical director shall be appointed by, and serve at the pleasure of, the authority. The medical director, if he is an individual, or in the case of a corporation, the licensed physician hired by the medical director, shall be board certified in emergency medicine by the American Board of Emergency Medicine or by the American Osteopathic Board of Emergency Medicine. The medical director shall carry out the protocols adopted by the medical control board, and shall present to the authority an annual report, written and oral, on the clinical progress of the county EMS system. The medical director shall not receive or accept any remuneration, financial or otherwise, from any provider.

(Ord. No. 88-12, § 4, 5-3-88; Ord. No. 91-12, § 3, 2-26-91; Ord. No. 96-10, § 1, 1-9-96)

State Law reference— Medical directors, F.S. § 401.265.

Sec. 54-62. - EMS authority, duties and responsibilities.

- (a) The EMS authority shall provide the county with advanced life support ambulance service, such service to comply with all applicable state laws and rules, as well as all rules, regulations, standards and response times as the EMS authority or the medical control board may from time to time promulgate.
- (b) The EMS authority shall provide such ambulance service by the award of a contract to a provider after a competitive request for proposal process. Such competitive request for proposals shall be conducted for the selection of a contractor no less frequently than every 11 years. The contract awarded to the contractor shall require the contractor to provide all ambulance services in Pinellas County, except for those exempted in section 54-59 of this article.
- (c) The EMS authority shall set and adjust an approved rate schedule. The approved rate schedule shall be uniform throughout the county and shall be applicable regardless of whether the transport for which a fee is charged is performed by the contractor or by a first responder.
- (d) The EMS authority shall implement a subscription membership program, unless otherwise prohibited by law.
- (e) The EMS authority shall determine reasonable and customary costs for provision of EMS services in the county, including first responder services. As part of that determination process, the authority shall promulgate rules and regulations which recite the policies for funding the provision of first responder services. Such rules and regulations shall set forth the complete standardized first responder agreement which has been prepared for presentation to all first responders. They shall also contain a provision offering each existing municipal first responder the annual option to continue operating under its standardized first responder agreement, subject to the annually revised compensation level, and a provision that if such existing first responder elects not to exercise its option to continue operating at the new compensation level, the authority shall determine the authority's costs of alternative methods of providing first responder services. In the event that such alternative method of providing first responder services exceeds the level of funding provided in the standardized agreement, the authority shall offer to the municipal first responder service which refused to continue operating under its first responder agreement a right of first refusal to provide first responder services at the alternative cost level as determined by the authority under this subsection. Provided, however, that this right of first refusal shall apply to the proffered agreement in its entirety, and shall not apply to selected first responder stations or units within the provider's jurisdiction.
- (f) The EMS authority shall issue certificates of public convenience and necessity to providers.

(g) The EMS authority shall be responsible for hiring a medical director.

(Ord. No. 88-12, § 5, 5-3-88; Ord. No. 91-12, § 4, 2-26-91)

Sec. 54-63. - EMS advisory council.

The EMS advisory council shall review and comment upon all rules, regulations and procedures that are adopted by the medical control board; provided that such rules, regulations and procedures may be adopted on an emergency basis by the medical control board, without prior review by the EMS advisory council, if in the opinion of the medical director an emergency exists which requires prompt action by the medical control board.

(Ord. No. 88-12, § 1, 5-3-88)

Cross reference— Boards, commissions, councils and authorities, § 2-226 et seq.

Sec. 54-64. - Fiscal policy guidelines.

The board of county commissioners hereby directs that the following fiscal policy guidelines shall govern the financial operations of the county EMS system:

- (1) *Objectives.* The aim of these policies is to establish a long range financial plan for the county EMS system, which plan shall achieve the following objectives:
 - a. To establish sound business controls and long term cost containment incentives throughout the county EMS system;
 - b. To provide adequate funding to upgrade all EMS components to state-of-the-art levels, and to maintain that progress in future years;
 - c. To provide for long term financial stability sufficient to sustain quality EMS operations far into the future;
 - d. To reduce the county EMS system's excessive dependence upon local tax support by developing a more balanced approach to EMS funding; and
 - e. To provide the board of county commissioners with a wider range of EMS financing options than have been available in the past.
- (2) *Methods.* To achieve the objectives listed in subsection (1) of this section, the following fiscal policy guidelines shall guide the financial management of the county EMS system:
 - a. The EMS authority shall adopt sound business financial management practices.
 - b. A long range financial management plan shall be developed that is capable of meeting the objectives of subsection (1) of this section and achieving a prudent net worth.
 - c. At such time as the authority's prudent net worth level has been achieved, a financial report shall be prepared annually, disclosing financial options available to the authority, which shall include, but not be limited to:
 1. Reduction in the approved rate schedule, or reduction in the rate of automatic rate adjustment;
 2. A reduction in the EMS millage level;
 3. A reduction in the subscription program fee; or
 4. Combinations of option 1, 2 or 3, above.

- d. At such time as the authority's prudent net worth level has been achieved, and based upon the financial report received by the authority under subsection (2)d of this section, the authority shall thereafter annually adjust its approved rate schedule, and/or subsidy level, so that the authority maintains as closely as possible an ongoing prudent net worth.

(Ord. No. 88-12, § 6, 5-3-88; Ord. No. 11-52, § 2, 12-20-11)

Sec. 54-65. - Municipalities not to require additional license, permit or payment of fees, except occupational license.

A municipality shall not require a provider holding a certificate of public convenience and necessity under this article to obtain any municipal license certificate or permit, nor require the payment of any fees, for the right to engage in any service pursuant to this article, except an occupational license authorized by general law.

(Ord. No. 88-12, § 7, 5-3-88)

Sec. 54-66. - Violations.

It shall be a violation of this article:

- (1) To perform duties as an ambulance driver, attendant (EMT or paramedic), or dispatcher without a current license issued by the medical control board.
- (2) To permit a person to work as an ambulance driver, attendant or dispatcher without a current license issued by the medical control board.
- (3) To use, or cause to be used, any ambulance service other than the providers authorized to operate in the county by virtue of a certificate of public convenience and necessity, or by contract with the authority.
- (4) For any person to provide ambulance service within the county, except for the contractor which contracts with the EMS authority and such other providers which hold certificates of public convenience and necessity.
- (5) To use, or cause to be used, any wheelchair service other than a wheelchair service authorized to operate in the county by virtue of a certificate of public convenience and necessity.
- (6) For any person to provide wheelchair vehicle service within the county without a certificate of public convenience and necessity.
- (7) To knowingly give false information to induce the dispatch of an ambulance or helicopter rescue unit.

(Ord. No. 88-12, § 8, 5-3-88)

Secs. 54-67—54-90. - Reserved.