

M E M O R A N D U M

Date: November 1, 2016

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Resolution 2016-23, Supporting Non-Transport Advanced Life Support Services for West Manatee Fire and Rescue

Attached are documents provided by West Manatee Fire and Rescue Chief, Tom Sousa requesting Town Commission support for their efforts to upgrade services.

West Manatee Fire and Rescue currently provides basic life support treatment in support of Manatee County EMS and also provides automatic and mutual aid to the Town of Longboat Key. The mutual aid agreement provides for West Manatee to back up our fire and rescue services when our units are otherwise engaged, off-island with transports, or involved in a large scale response.

All Longboat Key apparatus are permitted by the State for advanced life support (ALS) response. The Sarasota County station at St. Armand's, which also provides automatic and mutual aid are also ALS certified. It would be beneficial to our residents, visitors, and businesses to have this level of certification at the West Manatee Fire and Rescue agency.

This item is placed on the November 7, 2016 Regular Meeting for Commission consideration. I am hopeful the Commission will pass Resolution 2016-23, supporting the upgraded services for West Manatee Fire and Rescue.

Please don't hesitate to contact me if you need further information.



West Manatee Fire & Rescue District

November 1, 2016

Mayor Jack Duncan
501 Bay Isles Road
Longboat Key, FL 34228

RE: Manatee County Ordinance 15-37

Dear Mayor

West Manatee Fire Rescue currently provides basic life support treatment in support of Manatee County EMS. In an effort to increase value to the residents of our District, the fire board has authorized me to begin the process of developing a plan to up-grade our service delivery to “Non-Transport” Advanced Life Support (ALS). This service will allow West Manatee Fire Rescue personnel to begin the initiation of ALS procedures in the event MCEMS ambulance is not available due to call volume, transporting, hospital diversion. Also, the District will be able to provide an ALS unit to Longboat Key Fire Rescue through our automatic-aid agreement.

The District is required to obtain licensure from the State of Florida for ALS Non-Transport service. One requirement for licensure is to obtain a “Certificate of Public Convenience and Necessity” from the county (FS 401.25(d) (**Attachment A**)). The county ordinance was amended on December 15, 2015 and the provision for ‘ALS Non-Transport’ was not included as part of the revision. (**Attachment B**).

West Manatee Fire Rescue District is requesting that the Town of Longboat Key support our efforts to up-grade service. Also, the District requests that a recommendation letter in support of this effort be conveyed to Manatee County BOCC.

If you have any questions please feel free to call.

Regards,

A handwritten signature in black ink, appearing to read "T. Sousa".

Thomas J. Sousa, Fire Chief
West Manatee Fire Rescue

Administration
6417 3rd Avenue W.
Bradenton, FL 34209
(941) 761-1555



West Manatee Fire & Rescue District

Executive Summary

Enhanced Emergency Medical Services

Introduction

West Manatee Fire Rescue currently supports the EMS response system by providing first response basic life support with fire apparatus. In an effort to increase value to the citizens of our District, implementation of first response advanced life support (ALS) provided by District personnel and apparatus will:

- Improve on-scene patient care
- Increase availability of advanced life support
- Increase value to the community
- Meet community expectation of service delivery
- Improve fire personnel’s skills, knowledge and ability

Current Situation

Analysis was performed on the need to enhance the current first response advanced life support delivery system. A response study was completed for emergency medical incidents that occurred over a twelve month period. The study period examined 1235 emergency medical incidents that both fire rescue and EMS were dispatched. Incidents that were classified as non-emergency, incomplete response data and incidents that required staging were eliminated from the study group. The data was further broken down by three specific fire department response zones. Calculations for the response time interval were completed for the study utilizing the average and 90th fractile values. These values are based on the American Heart Association Recommendation as well as NFPA 1710 Chapter 5 which states “When provided, the fire department’s EMS for providing ALS shall be deployed to provide for arrival of an ALS company within a 480-second (8 minutes) travel time to 90 percent of the incidents provided a first responder with AED or BLS unit arrived in 240 seconds or less travel time as established in Chapter 4”. The data indicated that the response time interval for ALS was above the recommended established 90th fractile benchmark.

ALL RESPONSES

Response Zone	Average Response Time	90th Fractile
Fire Station # 1 (271)		
WMFR	4:47	7:01
MCEMS ZONE 4	6:17	11:52
Fire Station # 2 (348)		
WMFR	4:42	7:10
MCEMS ZONE 9	5:53	9:32
Fire Station # 4 (616)		
WMFR	4:34	6:21
MCEMS ZONE 8	5:58	8:56

Further analysis was completed on incidents that required an ALS unit to respond out of zone to a medical emergency. Approximately 27% of the responses studied required an ALS unit to respond from another response zone. These out of zone responses significantly increased response time interval for the arrival of the first ALS unit.

OUT OF ZONE RESPONSES

Response Zone	Average Response Time	90 th Fractile
Fire Station # 1 (50/271)		
WMFR	4:23	6:38
MCEMS ZONE 4	10:46	14:26
Fire Station # 2 (90/348)		
WMFR	4:39	8:36
MCEMS ZONE 9	6:41	11:05
Fire Station # 4 (199/616)		
WMFR	4:42	7:22
MCEMS ZONE 8	6:41	10:46

Additional analysis was completed on ALS out of zone responses on critical events. The critical events were defined as cardiac arrest, chest pain and heart problems. The study identified 57 critical events or 17% of the total out of zone responses. The calculations were completed utilizing average response time interval.

CRITICAL EVENTS OUT OF ZONE RESPONSE

Response Zone	Average Response Time
Fire Station # 1 (11/50)	
WMFR	3:48
MCEMS ZONE 4	11:38
Fire Station # 2 (15/90)	
WMFR	3:30
MCEMS ZONE 9	8:28
Fire Station # 4 (31/199)	
WMFR	5:06
MCEMS ZONE 8	7:34

The following chart represents the number of state licensed ALS transport and non-transport units by county and agency. The figures in the transport column represent both primary response staffed units as well as reserve units. The majority of non-transport units associated with fire rescue departments are non-transport fire apparatus.

Agency	ALS Transport	ALS NON-Transport
Manatee County		
Manatee County EMS	27	6*
Desoto County		
Desoto County Fire Rescue	6	0
Sarasota County		
Sarasota County Fire Rescue	33	7
North Port Fire Rescue	6	4
Longboat Key Fire Rescue	2	2
Hillsborough County		
Hillsborough County Fire Rescue	28	48
City of Tampa Fire Rescue	23	32
Plant City Fire Rescue	4	4
Temple Terrace Fire Rescue	3	3
Charlotte County		
Charlotte County Fire Rescue	15	9
Punta Gorda Fire Rescue	0	3
Little Gasparilla Fire Rescue	0	2
Lee County		
Lee County EMS	52	16
Bonita Springs Fire Rescue	0	7
Cape Coral Fire Rescue	0	6
Estero Fire Rescue	0	8
Ft. Meyers Beach Fire Rescue	3	4
Iona McGregor Fire Rescue	0	9
Lehigh Acres Fire Rescue	6	6
San Carlos Fire Rescue	0	6
South Trail Fire Rescue	0	7
Collier County		
Collier County EMS	45	39**
North Naples Fire Rescue		13



West Manatee Fire & Rescue District

Executive Summary

The implementation of non-transport ALS is dependent on obtaining a **Certificate of Public Convenience and Necessity** from the Manatee County Board of County Commissioners. With BOC approval, it will take approximately 18 to 36 months to implement service.

Summary

The data indicates that the District would improve the response time interval for delivery of Advanced Life Support. The data was also compared with Manatee County Public Safety dashboard report (Attached) for the same time period of the study and validates our study. The per parcel cost, based on 15,000 residential parcels to implement this service would be approximately \$14 per year increase.

ORDINANCE 15-37

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO THE AUTHORIZATION OF PRIVATE MEDICAL TRANSPORTATION SERVICES WITHIN THE COUNTY; REPEALING ARTICLE II OF CHAPTER 2-30 OF THE MANATEE COUNTY CODE CONCERNING SAME; CREATING A NEW ARTICLE IV OF CHAPTER 2-13 OF THE MANATEE COUNTY CODE CONCERNING SAME; ESTABLISHING STANDARDS FOR PROVIDERS APPLYING FOR AND MAINTAINING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter Law 67-1690, Laws of Florida, authorizes Manatee County (the County) to furnish ambulance services to the citizens of the County either directly and/or through the use of private firms; and,

WHEREAS, Chapter Law 67-1690, Laws of Florida, authorizes providers of ambulance services to charge reasonable fees for these services, and authorizes the County to adopt reasonable restrictions and safeguards on the provision of ambulance services within the County deemed necessary by the County Commission for the protection of the public interest; and,

WHEREAS, Florida Statutes § 401.25(1) requires that every firm or governmental entity providing prehospital or inter-facility advanced life support services or basic life support transportation services must be licensed by the State of Florida as a basic life support (BLS) service or an advanced life support (ALS) service before offering service to the public; and,

WHEREAS, Florida Statutes § 401.25(2)(d) provides that an applicant for state licensure must, among other things, first obtain a certificate of public convenience and necessity (COPCN) from the governing bodies of each county in which the applicant will operate; and,

WHEREAS, Florida Statutes § 401.25(2)(d) provides that the governing body of a county is deciding whether to issue a COPCN to an applicant, it shall consider the recommendations, if any, of municipalities within its jurisdiction; and,

WHEREAS, Florida Statutes § 401.25(4) provides that each license issued by the State will expire automatically every two years; and,

WHEREAS, Florida Statutes § 401.25(6) provides that the governing body of a county may adopt ordinances that provide reasonable standards for COPCNs for BLS or ALS services and air ambulance services; and,

WHEREAS, the statute provides that when developing such standards, the governing body must consider state guidelines concerning the operation of BLS and ALS services, and the

recommendations of municipalities **and special independent fire control districts** within its jurisdiction and of the local or regional trauma agency, if any such recommendations are offered; and,

WHEREAS, pursuant to this authority, the Manatee County Commission adopted County Ordinance 91-73, which was subsequently codified as Article II of Chapter 2-30 of the Manatee County Code concerning Emergency Medical Transportation, inclusive of Sections 2-30-21 through and including 2-30-39; and,

WHEREAS, the County's regulatory scheme concerning the issuance of COPCNs has not changed since the 1991 ordinance; and,

WHEREAS, both the County and the healthcare industry have changed substantially in the twenty-four years since the original 1991 ordinance; and,

WHEREAS, the County's administration has studied the methods, rules and procedures of other counties concerning the COPCN process, and has as well studied the current state of the private ambulance industry within the region; and,

WHEREAS, these studies have revealed that the County's current methods, rules and procedures are not as conducive to ensuring the public health, safety and welfare as they could be through ensuring a vibrant, competitive and reliable private ambulance industry within the County; and,

WHEREAS, it is the intent of the Manatee Board of County Commissioners to promote the health, safety and welfare of the County, its citizens, residents, and visitors, by providing for the reasonable uniform regulation of ambulance services thereby promoting the development and maintenance of a safe, healthy, efficient, and service-oriented ambulance system for Manatee County; and,

WHEREAS, it is also the Commission's intent that only the governmental emergency medical services of Manatee County, **City of Bradenton**, Longboat Key **and special independent special fire control districts** shall be authorized to perform as the first responders within the territorial limits or airspace of Manatee County; and,

WHEREAS, it is further the intent of the Commission that private ambulance providers shall be authorized, with limited exceptions, to only perform inter-facility transfers within the territorial limits or airspace of Manatee County; and,

WHEREAS, the Commission has considered all recommendations made to the County concerning this Ordinance provided to the County by municipalities within the County and the County's regional trauma agency and other hospitals and users of the medical transportation system; and,

WHEREAS, the Board of County Commissioners of Manatee County finds that the provisions of this Ordinance are in the best interests of the County, its citizens, taxpayers and business community.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Ordinance 91-73, as codified at Article II of Chapter 2-30 of the Manatee County Code concerning Emergency Medical Transportation, inclusive of Sections 2-30-21 through and including 2-30-39 is hereby repealed in its entirety.

Section 2. A new Article IV of Chapter 2-13 of the Manatee County Code, entitled Life Support Transportation Services, inclusive of Sections 2-13-50 through 2-13-64 is hereby created to read as follows:

Section 2-13-50. Definitions.

As used in this article, the following words and terms shall have the meaning assigned herein:

(a) *Advanced life support (ALS)* means any emergency medical transport service which uses advanced life support techniques during transport, pursuant to rules promulgated by the state of Florida. Examples of ALS services include techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by a qualified person or such other techniques as may be authorized by federal, state, or local laws or regulations, as same may be amended from time to time where applicable.

(b) Advanced life support non-transport vehicle over 13,000 pounds gross vehicle weight that respond to requests to provide emergency treatment or care. Vehicles staffed pursuant to this section shall operate in accordance with a certificate of public convenience and necessity.

(c) *Air ambulance* means any fixed wing or rotary aircraft used for, or intended to be used for, air transportation of sick or injured persons requiring or likely to require medical attention during transport as may be authorized by federal, state, or local laws or regulations, as same may be amended from time to time where applicable.

(d) *Ambulance or emergency medical services vehicle* means any privately or publicly owned land or water vehicle that is designated, 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 as may be authorized by federal, state, or local laws or regulations, as same may be amend from time to time.

(e) *Ambulance service* means any service whereby private, public, or governmental entity offers to provide or provides, for compensation or as a courtesy, basic life support or advanced life support to sick or injured persons being transported from one location to another upon the streets of Manatee County or in the airspace above Manatee County.

(f) *Basic life support (BLS)* means any emergency medical transportation or non-transport

service which uses basic life support techniques during transport, pursuant to rules and regulations promulgated by the state of Florida. Examples of basic life support include: treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of oxygen, other techniques described in the Emergency Medical Technician Basic Training Course Curriculum of the United States Department of Transportation and such other techniques as may be authorized by federal, state, or local laws or regulations, as same may be amended from time to time where applicable.

(g) *First responder* means any of the governmental emergency medical services providers who render all initial on-scene advanced life support or basic life support medical care to ill or injured persons including the appropriate transportation of such persons within the territorial limits or airspace or Manatee County, except as provided otherwise in a countywide emergency and non-emergency ambulance service and non-emergency medical transportation vehicle service agreement.

(h) *Intra-county* means receiving and delivering patients all within Manatee County.

(i) *Public interest* means a determination in the sole discretion of the county commission that the benefits of authorizing the applied-for ambulance service will accrue to the community, will not create a market imbalance, and will meet the needs of the public and businesses needing to rely on and use private ambulance services, consistent with the county's legislative intent in creating this article.

(j) *Reserve or spare ambulance vehicle* means any privately or publically owned land or water vehicle that is designated as such by the certificate holder and authorized by the county as a temporary replacement for an active vehicle which is taken out of service due to repairs or routine maintenance.

(j) *Response time* means all response time shall be measured or calculated in accordance with Commission on Accreditation of Ambulance Services requirements as the time elapsed between the time at which a request for service is received by the provider and the time at which the ambulance personnel are ready to exit the ambulance at the scene of the incident. All data points need to meet NEMSIS standards.

Section 2-13-51. Certificates of public convenience and necessity.

(a) It shall be unlawful for any person, firm, corporation, or other business or governmental entity to provide or advertise that it provides ambulance service anywhere upon the streets of the county or in the airspace above the county, without being in possession of a current certificate of public convenience and necessity issued by the county.

(b) Providers of ambulance service having no headquarters or other facilities within the county shall nevertheless be required to obtain a COPCN from the county and to otherwise comply with this article if they provide intra-county ambulance service within the county at least twice in any prior twelve month period.

Section 2-13-52. Classifications of certificates.

(a) Ambulance services granted a certificate are limited to providing the level of service as indicated on each certificate. The classification of certificates are as follows:

- (1) Basic Life Support (BLS), Interfacility Transfer
- (2) Advanced Life Support (ALS) Ground, Interfacility Transfer
- (3) Advanced Life Support (ALS) Air (rotor and fixed)

(4) Advanced Life Support (ALS) Non-Transport

(b) Applicants may apply for more than one classification at the same time, but must provide the information and application responses required of each certificate sought.

Section 2-13-53. Exemptions.

The following are exempt from the provisions of this article:

(a) Fixed wing air ambulances used or intended to be used for air transportation of sick or injured persons who may need medical attention during transport.

(b) Any ambulance owned and operated by the federal government or sovereign Indian tribe.

(c) Vehicles used for transporting a patient pursuant to Florida Statute § 768.13, known as the Good Samaritan Act.

(d) A vehicle used to transport patients in the event of a major catastrophe or local or state declared emergency when ambulances with current certificates and state licenses are insufficient in number to render the services needed as determined by the county administrator or designee.

(e) A privately owned vehicle not ordinarily used in the business of transporting persons who are sick, injured, wounded, incapacitated, or helpless.

(f) Any state licensed hospital utilizing its own vehicles in transporting, to or from a hospital or a medical facility, nonemergency patients whose medical condition is such that they are confined to a wheelchair or to a stretcher but who do not need, nor are likely to need, medical attention during transport if the hospital does not charge a fee for this service.

(g) The county's emergency medical services division shall be deemed to possess all classifications of COPCN at all times so long as it is otherwise currently licensed to provide the relevant services by the state, has the present capability to provide such services, and otherwise satisfies the minimum equipment and response time requirements of this article.

(h) Governmental entities: Governmental entities providing Non-Transport ALS within Manatee County shall be granted a COPCN upon submittal of an affidavit, executed by the Emergency Services Medical Director for that governments entity, stating that the provision of Non-Transport ALS within the community is necessary for the health, safety and welfare of that community. Unless expressly specified herein, no other provisions of this Ordinance shall apply to governmental entities providing Non-Transport ALS within Manatee County.

Section 2-13-54. Applications for certificates, renewals and amendments.

(a) Every application for a certificate shall be in writing on the designated form, signed and sworn to by the applicant, and shall be filed with the county administrator. If the applicant is a corporation, the form shall be signed and sworn to by the president or chief executive. The corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The application shall be on a form provided by the county.

(b) *Application fees.* Each application shall be accompanied by a non-refundable application fee, established by separate resolution, to defray the cost to the county in processing and investigating the application.

(c) *Administrative review of application.* The county shall review and investigate each application and accompanying required documents and reject any application that is not filed in accordance with rules promulgated by the administrator or that is incomplete or untrue in whole or in part. Such investigation shall include a background check including, but not limited to, past business credit or financial standing and law enforcement records. Upon the proper filing of an application, a notice of each application shall be transmitted to each current certificate holder. The county may require any further investigation, inspection, or additional information as he or she deems necessary. If the application is found to be incomplete in any manner, or that the applicant does not meet one or more of the minimum requirements to be eligible for a certificate, or that the required fees have not been paid, the public safety director may reject it without prejudice to allow for a reapplication addressing any non-compliant parts. Rejection of any application for the foregoing reasons must be in writing and may be appealed to the county administrator. Such appeals must be filed in writing, with three copies hand delivered to the office of county administrator by noon of the seventh day after the rejection notice was issued.

(d) *Commission consideration of compliant applications.* Unless administratively rejected, the county administrator shall agenda all compliant applications for consideration by the board of county commissioners. The commission may consider and act upon applications for certificates of public convenience and necessity where the commission by a majority vote, finds that the public convenience and necessity require the issuance of the certificate. The commission may in its sole discretion issue or refuse to issue the certificate applied for, or may issue a certificate with such modifications or upon such terms and conditions as the public convenience and necessity may require. Certificates shall be issued for a term not to exceed two years. In reaching its determination, the commission shall consider the application, the county administrator's report and recommendation, all matters presented to it at the meeting when the application is considered. These factors include the following criteria:

- (1) The financial ability of the applicant to provide the proposed services based on, at minimum, the following criteria:
 - a. Audited financial statements or federal tax returns or, for newly formed corporations, personal audited financial statements from the principal(s), as defined by the county administrator;
 - b. Pro forma statements;
 - c. Credit and bank references, and current official credit report; and

- d. Disclosure of any and all pending liabilities.
- (2) The adequacy of the management plan of the applicant.

- (3) The benefits that will accrue to the public interest from the proposed service.
- (4) The community's need for the proposed service. The applicant shall bear the burden of proving there is such a need by providing verifiable documents and other information concerning community need, including impacts on response times and service quality. The commission will also consider any analysis submitted by the administration concerning these factors, including:
 - a. Response time analysis of existing private providers for the previous two years as compared with the benchmark response time as stated in each provider's most recent certificate application.
 - b. Quality of existing service as determined by the results of the comprehensive market survey conducted during the year preceding the term for certificate renewal and acceptance of new applications.

(e) *Issuance of certificate.* After commission approval, the county administrator thereafter will issue a certificate bearing the signature of the county administrator or designee. The certificate shall specify the number of active and reserve vehicles that have been authorized by the commission, and list on its face or by referenced attachment any terms or conditions placed upon the certificate by the commission.

- (1) Notwithstanding commission approval, the administrator shall not issue the certificate unless the applicant has provided proof of the following:
 - a. Compliance with the requirements of this article,
 - b. Documentation of operational approval by all appropriate state agencies,
 - c. List of all drivers, emergency medical technicians, and paramedics,
 - d. List of all permitted vehicles,
 - e. Proof of current insurance required by this article,
 - f. Documentation of passing all required inspections required by Chapter 401, Florida Statutes,
 - g. Documentation of passage of annual county inspection of vehicles and payment of any related county vehicle permit fees for each active and reserve vehicle certified to be operated.
- (2) If the applicant fails to comply with the requirements of this subsection within one hundred twenty days after notification of commission approval, such approval shall be automatically revoked and no certificate shall be issued, provided that the county administrator may extend such a period if good cause be shown, provided the total time period shall not exceed one hundred eighty days.
- (3) Notwithstanding the foregoing, a certificate holder may elect to phase in the operation of the total number of authorized vehicles approved by the commission. At no time, shall a certificate holder operate less than two active units. If a certificate holder elects to phase into operation the number of units approved by commission, the certificate holder is required to have vehicle permits issued by the county on all of the

commission-approved active and reserve units, on or before two years following the date of approval of the certificate. Failure to comply with this provision shall cause the certificate to be amended and reissued reflecting the actual number of operational units on such date.

(f) *Certificate forms.* Each certificate shall contain, at minimum: the name and address of the applicant; the maximum number of active ambulances authorized to operate, the maximum number of reserve vehicles permitted to serve as temporary replacement units for active vehicles, the date on which the certificate expires and such additional terms, conditions, provisions, and limitations as were authorized in the approval process.

(g) *Assignment, sale, or transfer of certificate.* Certificates are not transferrable and no certificate issued under this article shall be sold, assigned, or transferred or the ownership structure of the certificate holder changed or altered so as to result in a change of the possibility of a change identity of the entity originally granted the certificate to some other entity. If a certificate holder's private ambulance service has been sold or acquired by a new owner, the new owner must apply for a new certificate using the procedures set forth in this section. No such certificate shall be issued until the original certificate holder surrenders the original certificate to the county.

(h) *Renewal of certificates.* The renewal of certificates shall follow the same process as set forth in this section, using such renewal application forms as may be promulgated by the county administrator. Application for renewals shall be submitted no later than ninety days prior to the expiration of the current certificate(s), and shall be accompanied by the applicable renewal fee.

(i) *Applications to increase vehicles.* Following a minimum of six months in operation, a private certificate holder may submit an application to request an increase in the number of authorized active ground vehicles. No increase shall be authorized unless the certificate holder submits verifiable documentation which demonstrates that the certificate holder's trips-to-car ratio is equivalent to or exceeds five trips per active vehicle, per average weekday, for the sixty consecutive weekdays (Monday through Friday) preceding the date of application. The 5:1 trips-to-car ratio shall be calculated as follows: total number of trips where a patient is transported for the sixty weekdays, divided by sixty weekdays, divided by the number of authorized vehicles. The county administrator or designee shall only authorize the number of additional active vehicles necessary to lower the applicant's average weekday trips per active vehicle ration below the 5:1 threshold. All increases in the number of active vehicles shall be reported to the commission on a semiannual basis. The applicant may also request a proportional increase in reserve units in accordance with the provisions of this article.

Section 2-13-55. Preventing, discontinuation, or interruption of ambulance service.

(a) A certificate holder shall not discontinue or interrupt service in any part of the county or during any part of the certificate holder's term, without express prior written approval of the county administrator for good cause shown. In the event that a certificate holder expects that discontinuation or interruption of service may occur, the certificate holder shall immediately give the administrator written notice of the potentiality of such occurrence. Service interruptions by a

provider shall be taken into account in all subsequent decisions to grant or renew certificates or expand the service of that provider.

(b) If the administrator is notified by any person that there is an actual or threatened discontinuation or interruption of ambulance service, the administrator shall investigate the matter and take all necessary actions to prevent such discontinuation or interruption, or to lessen the impact of the discontinuation or interruption.

(c) To prevent or remedy discontinuation or interruption of service, the administrator may:

- (1) Authorize another certificate holder or any other qualified person or entity to provide temporary ambulance service; and
- (2) Initiate proceedings to terminate the active certificate of the certificate holder that failed to provide service, and
- (3) Initiate proceedings to select a new certificate holder.
- (4) Take such other actions as may be necessary to protect the health or safety of patients and assure the continuation of service.

Section 2-13-56. Insurance requirements.

(a) Each certificate holder shall carry insurance as set forth in this section to secure payment for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the operator's vehicles or aircraft. Every insurance policy shall provide for the payment of and satisfaction of any financial judgment entered against the operator or any person operating an ambulance or air ambulance on behalf of the owner.

(b) Prior to commencing operations within the county, the operator shall furnish to the county certificate(s) of insurance, or at the request of the county, full certified copies of required insurance policies, which indicate that insurance coverage has been obtained which meets the requirements set forth in this section.

(c) Private operators—Ambulances and Air Ambulances

- (1) Each vehicle or aircraft shall be insured in an amount not less than one million dollars (\$1,000,000.00) per occurrence combined single limit for bodily injury and property damage.
- (2) Each certificate holder shall maintain medical malpractice insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence.

(d) Insurance certificates shall be endorsed to provide for no modification or material change, cancellation, or expiration without thirty days written advance notice by registered mail to the county. No policy will be accepted for a shorter period than six months.

(e) All insurance policies required in this section shall be issued by companies authorized to do business in Florida, with a management and financial strength rating approved by the county's risk manager.

Section 2-13-57. Rates.

(a) *Disclosure and assessment of rates.* Rates charged by certificate holders shall be assessed in a uniform manner throughout the incorporated and unincorporated parts of the county. Each certificate holder shall maintain an internet web site containing a listing of its rates within the county, and each ambulance shall have posted in a conspicuous place, readily visible to patients, a rate schedule. It shall be unlawful for any certificate holder to charge, demand, request, or accept any rate for services unless that rate is reasonable. Where a rate has been established pursuant to the following, it shall be deemed reasonable:

- (1) federal or state law;
- (2) countywide emergency and non-emergency ambulance service and non-emergency medical transportation vehicle service contract between one or more private ambulance providers and the county; or
- (3) a lower uniform rate to provide private inter-facility transfer of indigent or Medicaid patients to or from a state-designated and licensed rural hospital, as specified in Florida Statutes § 395.602(2)(e)4, where said rate has been negotiated by the hospital and a private certificate holder.

(b) *Ambulance rates charged by county.* Notwithstanding the foregoing, all ambulance rates charged by the county's EMS service shall be set from time to time by resolution.

Section 2-13-58. Conditions of operation.

All private certificate holders operating within the county shall comply with the following operating standards:

(a) Maintain a central place of business in the county where all records of the certificate holder related to its operations within the county, including but not limited to payroll records of employees, shall be available for inspection or audit by the county during normal business office hours.

(b) When requested by the county, a private certificate holder shall provide periodic financial and/or operating data including but not limited to, electronically transmitted monthly trip and response time transport data. Regardless of request, monthly trip and response time transport data must be electronically submitted to the county. These records shall be maintained for up to two years beyond the end of a certificate holder's fiscal year.

(c) Maintain a telephone number for receiving calls for service, which telephone shall have twenty-four hour access for the public.

(d) Provide the county administrator with a current list of telephone numbers and addresses of responsible management personnel to be contacted in the event of emergencies.

(e) Provide services twenty-four hours each and every day.

(f) Promptly answer every telephone call for service.

(g) *Medical director and protocols*: Each certificate holder will submit and provide the following information to the county EMS chief upon application, renewal, or upon change or update to the following:

- (1) A complete version of the certificate holder's Medical and Trauma Transport Protocols.
- (2) The certificate holder must provide documentation of academic credentials, the most current medical director contract, medical director's current Florida license, and I Enforcement Agency certification.

(h) Load and transport patients with a medical emergency regardless of ability to pay.

(i) Provide each unit with direct two-way communications with a central dispatcher at all times. Radio communications shall be operated on a platform capable of communicating on the countywide radio system. Radio communications capability must remain compliant for the duration of the contract term.

(j) Electronically record all radio and telephonic service related conversations received through the communications center requesting ambulance service. Said recordings shall be maintained for at least sixty days. Copies of specific recordings shall be maintained for longer periods if requested by the county administrator.

(k) Inform complainants of their right to redress unresolved grievances by providing the name, mailing address, and telephone number of the office designated by the county administrator to enforce provisions of this article and receive complaints.

(l) Notify the county in writing within seven days of adding, deleting, or replacing any active or reserve vehicles.

(m) Abide by the schedule of benchmark response times established by the county. In the event the county establishes reasonable response times, each certificate holder shall comply with those response times unless any self-imposed schedule of benchmark response times adopted by the certificate holder provides for quicker response times, as must be certified by the county's public safety director.

(n) The certificate holder shall conduct a criminal background check upon hiring all drivers, emergency medical technicians, and paramedics and require that such persons notify the certificate holder of any criminal offense during their employment. Each individual employed by the certificate holder shall at all times meet the requirements set forth in chapters 401 of the Florida Statutes and chapter 64J of the Florida Administrative Code.

(o) The county administrator shall have the right to inspect the results of any criminal background review, and issue a notice of violation to the certificate holder if the background

review reveals that, at the time of hiring a driver, emergency medical technician, or paramedic is not in compliance with this section and has continued to be under their employ as such.

(p) *Ambulance Specifications:* the certificate holder's ambulances must meet the following criteria/standards:

- (1) All ambulances used in the transportation of patients must be equipped with all items required by the Florida Department of Health, Division of Emergency Medical Operations.
- (2) Each ambulance must permanently display the name of or other suitable corporate identification number.
- (3) Any ambulance used by the certificate holder for transporting patients shall conform to all standards as promulgated and defined by the EMS medical director, and all rules and regulations promulgated and set forth in any state and local ordinance.

(q) *Vehicle operating permit.* Before any ground or air ambulance is operated under the authority of the certificate, the certificate holder shall make separate application to the county administrator for a permit for each ground or air vehicle to be operated pursuant to said certificate.

- (1) Each permit application shall be in writing, verified by the certificate holder, and shall contain the name and address of the certificate holder, the certificate number, and the make, type, year of manufacture, serial number, vehicle number, and state license number of each active or reserve vehicle for which the permit is desired. Upon payment of an annual permit fee, the county administrator shall issue the applicant an annual permit; provided that any private ground vehicle so permitted has successfully passed a vehicle inspection as required by this article, is the type of vehicle authorized by such certificate, and is insured as required by this article. Subsequent to filing the initial permit application for each vehicle with the county, the certificate holder shall only complete an additional permit application when removing an existing vehicle from service and/or entering an additional vehicle or different vehicle into service. Before September 30th of each year, each certificate holder shall attest to the number of units in operation on a form provided by the county.
- (2) Each permit issued hereunder shall be separately numbered and shall expire September 30th of each year, and may be renewed upon payment of the fee prescribed in this article. It shall be unlawful to operate any vehicle required to have an operating permit without such a current valid permit displayed within the vehicle. Such permit shall be available for inspection by any authorized personnel or police officer.
- (3) Permits issued hereunder shall not be transferable or assignable.

(r) *Vehicle inspection for compliance.* Certificate holders shall have each private ground vehicle annually inspected by the County for compliance with safety and sanitation requirements

of Florida Statutes. Air ambulance units shall comply with the inspection requirements of the state. Within thirty days of a state inspection, air ambulance certificate holders shall provide a copy of the most recent state inspection report form and any other inspection-related documentation to the County. All vehicles must remain compliant with Florida Administrative Code, 64J.

(s) *Random Vehicle Inspections:* Permitted ambulances are subject to random inspections by the Chief of the EMS Division or his/her designee. Ambulances will be inspected for compliance in accordance with the applicable provisions of the Florida Administrative Code.

(t) *Use of lights and siren.* Certificate holders are prohibited from operating a vehicle with lights and siren for responses to calls received as non-emergencies.

(u) The county administrator may establish supplemental rules and regulations not inconsistent with the requirements of this article.

(v) To the extent this article provides for the payment or assessment of any fee or charge, such amount shall be established and amended from time to time by resolution of the board of county commissioners, and, once established, such fees and changes shall be published by the administration on the county's web site and as the administration otherwise deems best to provide notice to interested parties.

(w) The transportation of more than one patient in one ambulance vehicle shall be prohibited, except that this section shall not apply to transportation pursuant to a contract between a certificate holder and the county.

(x) Active ground vehicles for certificate holders. A certificate shall authorize a specific number of active and reserve vehicles. At no time shall a certificate holder operate more than the specified number of authorized active vehicles.

Section 2-13-59. Compliance.

(a) The continuing validity of a certificate is expressly conditioned upon continued compliance by ambulance service providers with all applicable requirements of state law which establish the standards for vehicles, equipment, and personnel including, but not limited to, chapters 316, 322, 395, 401 of the Florida Statutes and chapter 64J of the Florida Administrative Code.

(b) The certificate holders shall be required to report or make available to the county the following information:

- (1) The Chief of the EMS division must be notified immediately whenever the following occurs: a vehicle accident occurs involving a certificate holder's ambulance; a sentinel event involving the medical care of patients under the care of the certificate holder.

- (2) The Chief of the EMS division must be given the ability to log on to EMSTARS with the ability to monitor activity reports. The ability to change reports or access patient identification information shall be restricted.
- (3) The Chief of the EMS division must be notified in writing within forty-eight (48) hours whenever the following occurs: the separation/termination or the employee status change of any of the certificate holder's employees involved in the delivery of service or any change to the certificate holder's management or supervisory structure.

(c) Available Units:

- (1) Certificate holder(s) shall provide resources to effectively meet the response time criteria.
- (2) The certificate holder understands that during time periods when the county 911 ambulances service becomes limited in resources, the certificate holder will immediately make resources available.

(d) Response time: the following requirements will be mandatory for all certificate holders concerning response time:

- (1) The response time for emergent Interfacility requests will be 25 minutes ninety percent (90%) of the time.
- (2) The response time for non-emergency Interfacility requests will be 60 minutes ninety percent (90%) of the time.
- (3) Certificate holders are expected to routinely meet appointment time commitments for scheduled transfers.
- (4) Each failure to meet the 90% requirement for ALS and BLS response times, as detailed above, will result in a three-month forfeiture of the certificate term.
- (5) Exceptions from the response time requirement shall include:
 - a. Requests during a disaster, locally or in a neighboring jurisdiction that the certificate holder's ambulance is dispatched to.
 - b. When a local state of emergency has been declared.
 - c. When the Chief of the EMS Division determines there is good cause for an exception.

Section 2-13-60. Probation, revocation, or suspension—grounds.

Every certificate issued under this article shall be subject to probation, revocation, or suspension by the county administrator where it shall appear that:

(a) The certificate holder has failed or neglected to render the full service authorized by the certificate.

(b) The certificate holder has been convicted of a felony or failed to comply with chapters 401 of the Florida Statutes and chapter 64J of the Florida Administrative Code.

(c) The certificate was obtained by an application in which any material fact was omitted or stated falsely.

(d) The certificate holder operated a vehicle or aircraft in violation of any law.

(e) The certificate holder has failed to comply with any of the provisions on this article or has willfully or knowingly violated any of the provisions of this article.

(f) The public interest will best be served by probation, revocation, or suspension of any certificate provided, however, that good cause be shown.

(g) The certificate holder has demanded money or compensation other than that established in accordance with this article.

(h) The certificate holder has failed to load and promptly transport patients with a medical emergency regardless of ability to pay.

(i) The certificate holder has given or allowed a rebate, commission, kickback, or any reduced rate discount not provided for in the rates established and prescribed in this chapter.

(j) The certificate holder or employee has induced or sought to induce a change of destination to or from a hospital or another facility other than the destination specified by the patient unless specifically warranted by protocol or the patient's medical condition.

Section 2-13-61. Application, rejection, or denial; probation, revocation, or suspension—Procedure.

(a) The county administrator may place a certificate holder on probation by providing written notice to the certificate holder. Where such action is deemed appropriate, the certificate holder may continue to provide the authorized service while complying with the conditions of the probation notice. Said notice shall:

(1) Specify the reason(s) for which the probation action is to be taken. Such reasons shall include, but are not limited to: violations of this article; failure to make, keep, and/or provide records required by this article; failure to obtain a vehicle operating permit; and failure to pay required fees;

(2) Set forth the term of the probation period which shall not exceed one hundred-twenty days;

(3) Request a plan of correction for the violation(s) to specify the reasons the action is being taken; and

(4) Be served on the certificate holder by certified mail, return receipt requested.

If the certificate holder corrects all or some of the conditions, the county administrator may rescind the probation at any time or proceed with other enforcement action as provided in this section. Probation or suspension is not a condition precedent to revocation of a certificate.

(b) *Notice of suspension or revocation action.* The administrator shall provide notice of suspension or revocation to the violator by certified mail, ten (10) days before the violator must comply with the administrator's decision.

(c) *Appeals from decisions of the Administrator and administrative hearings.*

(1) Right to appeal. Any certificate holder shall have the right to appeal application rejections or denials, suspensions, and revocations by the administrator. The named party shall elect to either:

a. Comply with the administrator's decision in the manner indicated on the notice of administrator's decision; or

b. Request an administrative hearing before a hearing officer to appeal the decision of the administrator.

(2) *Filing the appeal.* Appeals by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written notice of appeal to the county administrator. The notice of appeal shall set forth concisely the nature of the decision appealed and the reason or grounds for appeal.

(3) *Failure to appeal.* Failure to appeal the decision of the administrator within the prescribed time period shall constitute a waiver of the person's right to an administrative hearing before the hearing officer. Where the administrator's decision involved a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the administrator's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.

(4) *Hearing officers.* Hearing officers shall be appointed in accordance with section 2-2-107 of the county code.

(5) *Scheduling and conduct of hearing.*

a. Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the code.

- b. The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include, but not be limited to, the following: place, date, and time of the hearing; right to the named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of a administrator's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered of not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.
- c. The hearing officers shall call hearings on a monthly basis or upon the request of the administrator. No hearing shall be set sooner than fifteen calendar days from the date of notice of the administrator's decision, unless otherwise prescribed by this chapter.
- d. A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the hearing office at least ten calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the administrator.
- e. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.
- f. The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.
- g. The Clerk of the Circuit Court shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance or his or her duties.
- h. Each case before a hearing officer shall be presented by the administrator or his or her designee.
- i. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.
- j. Each party shall have the following rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.
- k. The hearing officer shall make findings of fact based on the evidence or record. In order to make a finding upholding the administrator's decision the hearing officer must find that a preponderance of the evidence supports the Administrator's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the code as charged.
- l. The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the administrator's decisions. Based upon this fact-finding determination, the hearing officer shall either affirm or reverse the decision of the

administrator. If the hearing officer affirms the decision of the administrator, the named party shall have fifteen (15) days from the date of hearing officer's decision to comply with the decision of the administrator unless some other period is ordered or agreed to by the county. If the hearing officer reverses the decision of the administrator and finds (1) the named party nor responsible for the violation alleged; of (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the administrator, the named party shall not be required to comply with the decision of the administrator, absent reversal of the hearing officer's findings.

(6) Appeal of hearing officer decision.

a. The named party or the county may appeal a final order of the hearing officer by filing a notice of appeal in the circuit court, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of local government administrative action.

b. Unless the findings of the hearing officer are overturned in a proceeding held pursuant to section 2-13-61, all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the administrator's decision.

Section 2-13-62. Violations, enforcement, and penalties.

In addition to any other remedies contained within this article, the county may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief, and may seek imposition of all penalties available under law for the violation of the county's code.

Section 2-13-63. State of Emergency or disaster.

(a) Where a state of emergency has been declared, the county administrator is authorized to suspend any and all of the provisions of this article.

(b) Each certificate holder shall make available ambulance resources to the county during periods of abnormal ALS call activity.

Section 2-13-64. Prohibition on written advertisements.

(a) No person may knowingly place or publish an advertisement in any publication which is primarily circulated displayed, distributed, or marketed within the county, which advertisement identifies the offering of ambulance service regulated by this article, unless the ambulance service possesses a valid certificate of public convenience and necessity from the county.

(b) For the purpose of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other written statement of whatever nature of kind,

including on line availability to, or direct text, e mail or other direct communication with, county residents.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. Pursuant to Florida Statutes § 125.68(1), the Codifier shall codify the substantive amendments to the Manatee County Code contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify any other sections not designated for codification.

Section 5. This Ordinance shall take effect upon filing with the Department of State.

DULY ADOPTED with a quorum present and voting this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

RESOLUTION 2016-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, RECOMMENDING THAT MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AMEND ARTICLE IV OF CHAPTER 2-13 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED LIFE SUPPORT TRANSPORTATION SERVICES, TO INCLUDE A PROVISION FOR NON-TRANSPORT ADVANCED LIFE SUPPORT (ALS), AS DEFINED IN THE FLORIDA ADMINISTRATIVE CODE 64J-1.003 (6) ALS NON TRANSPORT; PROVIDING FOR A WAIVER OF THE APPLICATION SUBMISSION REQUIREMENTS AND PROCEDURES UNDER THE MANATEE COUNTY CODE OF ORDINANCES 15-37; PROVIDING AN EFFECTIVE DATE.

WHEREAS, West Manatee Fire and Rescue District has operated first response basic life support (BLS) services since 2000; and

WHEREAS, it has been determined that the residents of the Town of Longboat Key would be well served by the addition of Advanced Life Support (ALS) Non-Transport Services to be provided by West Manatee Fire and Rescue District; and

WHEREAS, West Manatee Fire and Rescue District, an Independent Special District, is a primary provider of automatic and mutual aid fire and rescue services within the boundaries of the Town of Longboat Key; and

WHEREAS, Florida Statutes § 401.25(2)(d) provides that the governing body of a county in deciding whether to issue a COPCN (Certificate of Public Convenience and Necessity) to an applicant, it shall consider the recommendations, if any, of the municipalities within its jurisdiction; and

WHEREAS, the Town of Longboat Key request that the Manatee County Board of County Commissioners amend Ordinance 15-37, to include the provision of Non-Transport ALS as defined by Florida Administrative Code 64J-1.003(6); and

WHEREAS, the Town of Longboat Key requests that Manatee County waive the application submission requirements and procedures for West Manatee Fire and Rescue District to provide Non-Transport Advanced Life Support services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. This Resolution shall become effective immediately upon adoption.

PASSED at a meeting of the Town Commission of Longboat Key, Florida the _____ day of _____, 2016.

Jack G. Duncan, Mayor

ATTEST:

Trish Granger, Town Clerk



End of Agenda Item