

By the Committee on Community Affairs; and Senator Hutson

578-02029-16

2016742c1

1 A bill to be entitled
2 An act relating to certificates of public convenience
3 and necessity for life support or air ambulance
4 services; amending s. 401.25, F.S.; requiring, rather
5 than authorizing, county governing boards to adopt
6 ordinances or amend existing ordinances that provide
7 standards for the issuance of certificates of public
8 convenience and necessity for basic or advanced life
9 support services; including the recommendations of
10 specified districts in the development of such
11 standards; requiring counties to adopt a process for
12 review of applications; providing an appeal process;
13 authorizing county governing boards to adopt
14 ordinances that provide standards for the issuance of
15 certificates of public convenience and necessity for
16 air ambulance services; specifying considerations for
17 such standards; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 401.25, Florida Statutes, is amended to
22 read:

23 401.25 Licensure as a basic life support or an advanced
24 life support service; air ambulance services.-

25 (1) Every person, firm, corporation, association, or
26 governmental entity owning or acting as agent for the owner of
27 any business or service which furnishes, operates, conducts,
28 maintains, advertises, engages in, proposes to engage in, or
29 professes to engage in the business or service of providing
30 prehospital or interfacility advanced life support services or
31 basic life support transportation services must be licensed as a
32 basic life support service or an advanced life support service,

578-02029-16

2016742c1

33 whichever is applicable, before offering such service to the
34 public. The application for such license must be submitted to
35 the department on forms provided for this purpose. The
36 application must include documentation that the applicant meets
37 the appropriate requirements for a basic life support service or
38 an advanced life support service, whichever is applicable, as
39 specified by rule of the department.

40 (2) The department shall issue a license for operation to
41 any applicant who complies with the following requirements:

42 (a) The applicant has paid the fees required by s. 401.34.

43 (b) The ambulances, equipment, vehicles, personnel,
44 communications systems, staffing patterns, and services of the
45 applicant meet the requirements of this part, including the
46 appropriate rules for either a basic life support service or an
47 advanced life support service, whichever is applicable.

48 (c) The applicant has furnished evidence of adequate
49 insurance coverage for claims arising out of injury to or death
50 of persons and damage to the property of others resulting from
51 any cause for which the owner of such business or service would
52 be liable. The applicant must provide insurance in such sums and
53 under such terms as required by the department. In lieu of such
54 insurance, the applicant may furnish a certificate of self-
55 insurance evidencing that the applicant has established an
56 adequate self-insurance plan to cover such risks and that the
57 plan has been approved by the Office of Insurance Regulation of
58 the Financial Services Commission.

59 (d) The applicant has obtained a certificate of public
60 convenience and necessity from each county in which the
61 applicant will operate. In issuing the certificate of public

578-02029-16

2016742c1

62 convenience and necessity, the governing body of each county
63 shall consider the recommendations of municipalities within its
64 jurisdiction.

65 (3) The department may suspend or revoke a license at any
66 time if it determines that the licensee has failed to maintain
67 compliance with the requirements prescribed for operating a
68 basic or advanced life support service.

69 (4) Each license issued in accordance with this part will
70 expire automatically 2 years after the date of issuance.

71 (5) The requirements for renewal of any license issued
72 under this part are the same as the requirements for original
73 licensure that are in effect at the time of renewal.

74 (6) (a) By January 1, 2017, the governing body of each
75 county shall ~~may~~ adopt an ordinance or amend an existing
76 ordinance to ~~ordinances that~~ provide reasonable, objective
77 standards for certificates of public convenience and necessity
78 for basic or advanced life support services ~~and air ambulance~~
79 ~~services~~. In developing the standards ~~for certificates of public~~
80 ~~convenience and necessity~~, the governing body of each county
81 must consider state guidelines, recommendations of the local or
82 regional trauma agency created under chapter 395, ~~and the~~
83 recommendations of the municipalities within its jurisdiction,
84 and recommendations of the independent special districts that
85 provide fire rescue services within its jurisdiction. The
86 ordinance shall provide a quasi-judicial process, or some other
87 type of evidentiary process, for approval or denial of an
88 application for a certificate. The ordinance shall also provide
89 that applicants currently maintaining fire rescue infrastructure
90 and providing first response in the county may appeal the

578-02029-16

2016742c1

91 county's decision to the circuit court with jurisdiction over
92 the county. A county that, as of January 1, 2016, has adopted an
93 ordinance that complies with this subsection is not required to
94 further amend the ordinance.

95 (b) The governing body of each county may adopt an
96 ordinance to provide reasonable, objective standards for
97 certificates of public convenience and necessity for air
98 ambulance services. In developing the standards, the governing
99 body of each county must consider state guidelines,
100 recommendations of the local or regional trauma agency created
101 under chapter 395, recommendations of the municipalities within
102 its jurisdiction, and recommendations of the independent special
103 districts that provide fire rescue services within its
104 jurisdiction.

105 (7) (a) Each permitted basic life support ambulance not
106 specifically exempted from this part, when transporting a person
107 who is sick, injured, wounded, incapacitated, or helpless, must
108 be occupied by at least two persons: one patient attendant who
109 is a certified emergency medical technician, certified
110 paramedic, or licensed physician; and one ambulance driver who
111 meets the requirements of s. 401.281. This paragraph does not
112 apply to interfacility transfers governed by s. 401.252(1).

113 (b) Each permitted advanced life support ambulance not
114 specifically exempted from this part, when transporting a person
115 who is sick, injured, wounded, incapacitated, or helpless, must
116 be occupied by at least two persons: one who is a certified
117 paramedic or licensed physician; and one who is a certified
118 emergency medical technician, certified paramedic, or licensed
119 physician who also meets the requirements of s. 401.281 for

578-02029-16

2016742c1

120 drivers. The person with the highest medical certifications
121 shall be in charge of patient care. This paragraph does not
122 apply to interfacility transfers governed by s. 401.252(1).

123 Section 2. This act shall take effect July 1, 2016.