

By the Committee on Health Policy; and Senator Grimsley

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1 A bill to be entitled
2 An act relating to emergency medical services;
3 amending s. 401.23, F.S.; defining the term "advanced
4 life support nontransport services"; amending s.
5 401.25, F.S.; exempting certain governmental entities
6 from the requirement to obtain a certificate of public
7 convenience and necessity to provide certain emergency
8 services under specified conditions; providing
9 applicability; requiring that such governmental
10 entities provide certain notice to counties and
11 municipalities in their proposed service areas;
12 requiring the Department of Health to issue a license
13 to an exempt entity under certain circumstances;
14 amending ss. 14.33, 125.01045, 166.0446, 252.515,
15 395.1027, 401.245, and 401.27, F.S.; conforming cross-
16 references; providing an effective date.

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

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20 Section 1. Present subsections (2) through (21) of section
21 401.23, Florida Statutes, are redesignated as subsections (3)
22 through (22), respectively, and a new subsection (2) is added to
23 that section, present subsection (19) of that section is
24 amended, and subsection (1) of that section is republished, to
25 read:

26 401.23 Definitions.—As used in this part, the term:

27 (1) "Advanced life support" means assessment or treatment
28 by a person qualified under this part through the use of
29 techniques such as endotracheal intubation, the administration

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30 of drugs or intravenous fluids, telemetry, cardiac monitoring,
31 cardiac defibrillation, and other techniques described in the
32 EMT-Paramedic National Standard Curriculum or the National EMS
33 Education Standards, pursuant to rules of the department.

34 (2) "Advanced life support nontransport services" means the
35 provision of services defined in subsection (1) in an emergency
36 by a licensee until the arrival of an air ambulance or an
37 ambulance provided by another entity which is used for, or
38 intended to be used for, land, air, or water transportation of
39 sick or injured persons requiring or likely to require medical
40 attention during transport. For the purpose of this subsection,
41 "emergency" means a situation in which a person has a medical
42 condition that manifests itself by acute symptoms of such
43 severity, including severe pain, that the absence of immediate
44 medical attention could reasonably be expected to jeopardize the
45 person's health or result in serious impairment to bodily
46 functions or serious dysfunction of any bodily organ or part.
47 The term "emergency" includes a response to a 911 call.

48 ~~(20)-(19)~~ "Physician" means a practitioner who is licensed
49 under ~~the provisions of~~ chapter 458 or chapter 459. For the
50 purpose of providing medical direction ~~"medical direction" as~~
51 ~~defined in subsection (14)~~ for the treatment of patients
52 immediately prior to or during transportation to a United States
53 Department of Veterans Affairs medical facility, the term
54 ~~"physician"~~ also means a practitioner employed by the United
55 States Department of Veterans Affairs.

56 Section 2. Paragraph (d) of subsection (2) of section
57 401.25, Florida Statutes, is amended, and subsection (8) is
58 added to that section, to read:

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59 401.25 Licensure as a basic life support or an advanced
60 life support service.—

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

63 (d) The applicant has obtained a certificate of public
64 convenience and necessity from each county in which the
65 applicant will operate. However, notwithstanding, any general
66 law, special act, or ordinance of a local government to the
67 contrary, except as provided in subparagraph 4., a governmental
68 entity that maintains fire rescue infrastructure and provides
69 first responders as defined in s. 112.1815 is not required to
70 obtain a certificate of public convenience and necessity or any
71 other authorization from a county to provide advanced life
72 support nontransport services if the governmental entity meets
73 the requirements of this chapter and applicable department rules
74 and uses a countywide common medical protocol, if such a
75 protocol is instituted.

76 1. In issuing the certificate of public convenience and
77 necessity, the governing body of each county shall consider the
78 recommendations of municipalities within its jurisdiction.

79 2. If a countywide common medical protocol restricts or
80 limits the ability of a governmental entity to provide advanced
81 life support nontransport services without a certificate of
82 public convenience and necessity, the governmental entity must
83 meet only the requirements of this chapter and applicable
84 department rules to obtain its license.

85 3. A governmental entity that intends to provide advanced
86 life support nontransport services without a certificate of
87 public convenience and necessity must notify the county and

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88 municipalities in its proposed service area of its submission of
89 an application to the state.

90 4. The exception to the certificate of public convenience
91 and necessity requirement in this paragraph does not apply to a
92 county in which there is a countywide emergency medical services
93 authority created by special act or a governmental entity that
94 contracts with a private entity to provide fire rescue services.

95 (8) If a license is issued without a certificate of public
96 convenience and necessity, as authorized in paragraph (2) (d),
97 the department must issue such license so that the licensee may
98 provide only advanced life support nontransport services.

99 Vehicle permits issued to such a licensee pursuant to section
100 401.26 must be for nontransport only.

101 Section 3. Subsection (1) of section 14.33, Florida
102 Statutes, is amended to read:

103 14.33 Medal of Heroism.—

104 (1) The Governor may award a Medal of Heroism of
105 appropriate design, with ribbons and appurtenances, to a law
106 enforcement, correctional, or correctional probation officer, as
107 defined in s. 943.10(14); a firefighter, as defined in s.
108 112.191(1) (b); or an emergency medical technician, as defined in
109 s. ~~401.23(11)~~; or a paramedic, as defined in s. ~~401.23~~ s.
110 ~~401.23(17)~~. A recipient must have distinguished himself or
111 herself conspicuously by gallantry and intrepidity, must have
112 risked his or her life deliberately above and beyond the call of
113 duty while performing duty in his or her respective position,
114 and must have engaged in hazardous or perilous activities to
115 preserve lives with the knowledge that such activities might
116 result in great personal harm.

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117 Section 4. Subsection (1) of section 125.01045, Florida
118 Statutes, is amended to read:

119 125.01045 Prohibition of fees for first responder
120 services.—

121 (1) A county may not impose a fee or seek reimbursement for
122 any costs or expenses that may be incurred for services provided
123 by a first responder, including costs or expenses related to
124 personnel, supplies, motor vehicles, or equipment in response to
125 a motor vehicle accident, except for costs to contain or clean
126 up hazardous materials in quantities reportable to the Florida
127 State Warning Point at the Division of Emergency Management, and
128 costs for transportation and treatment provided by ambulance
129 services as defined in licensed pursuant to s. 401.23(5) and (6)
130 ~~401.23(4) and (5)~~.

131 Section 5. Subsection (1) of section 166.0446, Florida
132 Statutes, is amended to read:

133 166.0446 Prohibition of fees for first responder services.—

134 (1) A municipality may not impose a fee or seek
135 reimbursement for any costs or expenses that may be incurred for
136 services provided by a first responder, including costs or
137 expenses related to personnel, supplies, motor vehicles, or
138 equipment in response to a motor vehicle accident, except for
139 costs to contain or clean up hazardous materials in quantities
140 reportable to the Florida State Warning Point at the Division of
141 Emergency Management, and costs for transportation and treatment
142 provided by ambulance services as defined in licensed pursuant
143 ~~to s. 401.23(5) and (6) 401.23(4) and (5)~~.

144 Section 6. Paragraph (a) of subsection (3) of section
145 252.515, Florida Statutes, is amended to read:

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146 252.515 Postdisaster Relief Assistance Act; immunity from
147 civil liability.—

148 (3) As used in this section, the term:

149 (a) "Emergency first responder" means:

150 1. A physician licensed under chapter 458.

151 2. An osteopathic physician licensed under chapter 459.

152 3. A chiropractic physician licensed under chapter 460.

153 4. A podiatric physician licensed under chapter 461.

154 5. A dentist licensed under chapter 466.

155 6. An advanced registered nurse practitioner certified
156 under s. 464.012.

157 7. A physician assistant licensed under s. 458.347 or s.
158 459.022.

159 8. A worker employed by a public or private hospital in the
160 state.

161 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.

162 10. An emergency medical technician as defined in s. 401.23
163 ~~s. 401.23(11)~~.

164 11. A firefighter as defined in s. 633.102.

165 12. A law enforcement officer as defined in s. 943.10.

166 13. A member of the Florida National Guard.

167 14. Any other personnel designated as emergency personnel
168 by the Governor pursuant to a declared emergency.

169 Section 7. Subsection (5) of section 395.1027, Florida
170 Statutes, is amended to read:

171 395.1027 Regional poison control centers.—

172 (5) By October 1, 1999, each regional poison control center
173 shall develop a prehospital emergency dispatch protocol with
174 each licensee, as defined in s. 401.23, ~~by s. 401.23(13)~~ in the

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175 geographic area covered by the regional poison control center.
176 The prehospital emergency dispatch protocol shall be developed
177 by each licensee's medical director in conjunction with the
178 designated regional poison control center responsible for the
179 geographic area in which the licensee operates. The protocol
180 shall define toxic substances and describe the procedure by
181 which the designated regional poison control center may be
182 consulted by the licensee. If a call is transferred to the
183 designated regional poison control center in accordance with the
184 protocol established under this section and s. 401.268, the
185 designated regional poison control center shall assume
186 responsibility and liability for the call.

187 Section 8. Paragraph (b) of subsection (2) of section
188 401.245, Florida Statutes, is amended to read:

189 401.245 Emergency Medical Services Advisory Council.-

190 (2)

191 (b) Representation on the Emergency Medical Services
192 Advisory Council shall include: two licensed physicians who are
193 "medical directors" as defined in s. 401.23 ~~s. 401.23(15)~~ or
194 whose medical practice is closely related to emergency medical
195 services; two emergency medical service administrators, one of
196 whom is employed by a fire service; two certified paramedics,
197 one of whom is employed by a fire service; two certified
198 emergency medical technicians, one of whom is employed by a fire
199 service; one emergency medical services educator; one emergency
200 nurse; one hospital administrator; one representative of air
201 ambulance services; one representative of a commercial ambulance
202 operator; and two laypersons who are in no way connected with
203 emergency medical services, one of whom is a representative of

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204 the elderly. Ex officio members of the advisory council from
205 state agencies shall include, but shall not be limited to,
206 representatives from the Department of Education, the Department
207 of Management Services, the State Fire Marshal, the Department
208 of Highway Safety and Motor Vehicles, the Department of
209 Transportation, and the Division of Emergency Management.

210 Section 9. Paragraph (a) of subsection (2) of section
211 401.27, Florida Statutes, is amended to read:

212 401.27 Personnel; standards and certification.—

213 (2) The department shall establish by rule educational and
214 training criteria and examinations for the certification and
215 recertification of emergency medical technicians and paramedics.
216 Such rules must require, but need not be limited to:

217 (a) For emergency medical technicians, proficiency in
218 techniques of basic life support as defined in s. 401.23
219 ~~identified in s. 401.23(7)~~ and in rules of the department.

220 Section 10. This act shall take effect July 1, 2018.