

By the Committee on Health, Aging, and Long-Term Care; and
Senators Saunders and Aronberg

317-2254-03

1 A bill to be entitled
2 An act relating to public health; amending s.
3 401.27, F.S.; authorizing electronically
4 submitted applications for certification or
5 recertification as an emergency medical
6 technician or a paramedic; revising
7 requirements for an insignia identifying such
8 person; requiring the screening of applicants
9 through the Department of Law Enforcement;
10 amending s. 401.2701, F.S., relating to
11 emergency medical services training programs;
12 requiring that students be notified of certain
13 regulatory and screening requirements;
14 requiring the department to adopt rules;
15 providing an effective date.

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

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19 Section 1. Subsections (3), (4), (5), and (13) of
20 section 401.27, Florida Statutes, are amended, and subsection
21 (14) is added to that section, to read:

22 401.27 Personnel; standards and certification.--

23 (3) Any person who desires to be certified or
24 recertified as an emergency medical technician or paramedic
25 must apply to the department under oath on forms provided by
26 the department which shall contain such information as the
27 department reasonably requires, which may include affirmative
28 evidence of ability to comply with applicable laws and rules.
29 The department may accept electronically submitted
30 applications. If an application is submitted electronically,
31 the department may require supplemental materials, including

1 an original signature of the applicant and documentation
2 verifying eligibility for certification to be submitted in a
3 nonelectronic format.The department shall determine whether
4 the applicant meets the requirements specified in this section
5 and in rules of the department and shall issue a certificate
6 to any person who meets such requirements.

7 (4) An applicant for certification or recertification
8 as an emergency medical technician or paramedic must:

9 (a) Have completed an appropriate training course as
10 follows:

11 1. For an emergency medical technician, an emergency
12 medical technician training course equivalent to the most
13 recent emergency medical technician basic training course of
14 the United States Department of Transportation as approved by
15 the department;

16 2. For a paramedic, a paramedic training program
17 equivalent to the most recent paramedic course of the United
18 States Department of Transportation as approved by the
19 department;

20 (b) Certify ~~under oath~~ that he or she is not addicted
21 to alcohol or any controlled substance;

22 (c) Certify ~~under oath~~ that he or she is free from any
23 physical or mental defect or disease that might impair the
24 applicant's ability to perform his or her duties;

25 (d) Within 1 year after course completion have passed
26 an examination developed or required by the department;

27 (e)1. For an emergency medical technician, hold either
28 a current American Heart Association cardiopulmonary
29 resuscitation course card or an American Red Cross
30 cardiopulmonary resuscitation course card or its equivalent as
31 defined by department rule;

1 2. For a paramedic, hold a certificate of successful
2 course completion in advanced cardiac life support from the
3 American Heart Association or its equivalent as defined by
4 department rule;

5 (f) Submit the certification fee and the nonrefundable
6 examination fee prescribed in s. 401.34, which examination fee
7 will be required for each examination administered to an
8 applicant; and

9 (g) Submit a completed application to the department,
10 which application documents compliance with paragraphs (a),
11 (b), (c), (e), (f), (g), and, if applicable, (d). The
12 application must be submitted so as to be received by the
13 department at least 30 calendar days before the next regularly
14 scheduled examination for which the applicant desires to be
15 scheduled.

16 (5) The certification examination must be offered
17 monthly. The department shall issue an examination admission
18 notice to the applicant advising him or her of the time and
19 place of the examination for which he or she is scheduled.
20 ~~Individuals achieving a passing score on the certification~~
21 ~~examination may be issued a temporary certificate with their~~
22 ~~examination grade report. The department must issue an~~
23 ~~original certification within 45 days after the examination.~~
24 Examination questions and answers are not subject to discovery
25 but may be introduced into evidence and considered only in
26 camera in any administrative proceeding under chapter 120. If
27 an administrative hearing is held, the department shall
28 provide challenged examination questions and answers to the
29 administrative law judge. The department shall establish by
30 rule the procedure by which an applicant, and the applicant's
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1 attorney, may review examination questions and answers in
2 accordance with s. 119.07(3)(a).

3 ~~(13) The department shall adopt a standard state~~
4 ~~insignia for emergency medical technicians and paramedics. The~~
5 ~~department shall establish by rule the requirements to display~~
6 ~~the state emergency medical technician and paramedic insignia.~~
7 ~~The rules may not require a person to wear the standard~~
8 ~~insignia but must require that~~ If a person wears any insignia
9 that identifies the person as a certified emergency medical
10 technician or paramedic in this state, the insignia must ~~be~~
11 ~~the standard state insignia adopted under this section. The~~
12 ~~insignia must~~ denote the individual's level of certification
13 at which he or she is functioning.

14 (14)(a) An applicant for initial certification under
15 this section must submit information and a set of fingerprints
16 to the Department of Health on a form and under procedures
17 specified by the department, along with payment in an amount
18 equal to the costs incurred by the Department of Health for a
19 a statewide criminal history check and a national criminal
20 history check of the applicant.

21 (b) An applicant for renewed certification who has not
22 previously submitted a set of fingerprints to the Department
23 of Health must submit information required to perform a
24 statewide criminal background check and a set of fingerprints
25 to the department for a national criminal history check as a
26 condition of the initial renewal of his or her certificate
27 after July 1, 2003. The applicant must submit the fingerprints
28 on a form and under procedures specified by the department for
29 a national criminal history check, along with payment in an
30 amount equal to the costs incurred by the department. For
31 subsequent renewals, the department shall, by rule, adopt an

1 application form that includes a sworn oath or affirmation
2 attesting to the existence of any criminal convictions,
3 regardless of plea or adjudication, which have occurred since
4 the previous certification. If there has been a criminal
5 conviction, the provisions of this subsection shall apply. The
6 department shall notify current certificateholders of their
7 requirement to undergo a criminal history background screening
8 sufficiently in advance of the 2004 biennial expiration for
9 the certificateholder to provide the required information
10 prior to submission of the renewal certification application.
11 Eligibility for renewal may not be denied by the department
12 for the first renewal application subsequent to enactment of
13 this subsection for delays created in obtaining the criminal
14 history from the Department of Law Enforcement, the Federal
15 Bureau of Investigation, or the Division of State Fire Marshal
16 if the applicant has submitted the required criminal
17 background screening information or affidavit and fees with
18 the renewal certification application.

19 (c) Pursuant to the requirements of s. 120.60,
20 applications for certification must be processed within 90
21 days after receipt of a completed application. Applications
22 for certification are not complete until the criminal history
23 and certified copies of all court documents for those
24 applications with prior criminal convictions, pursuant to this
25 section, have been received by the department.

26 (d) The department shall submit the fingerprints and
27 information required for a statewide criminal history check to
28 the Department of Law Enforcement, and the Department of Law
29 Enforcement shall forward the fingerprints to the Federal
30 Bureau of Investigation for a national criminal history check
31 of the applicant.

1 (e) If an applicant has undergone a criminal history
2 check as a condition of employment or certification as a
3 firefighter under s. 633.34, the Division of State Fire
4 Marshal of the Department of Financial Services shall provide
5 the criminal history information regarding the applicant
6 seeking certification or renewal of certification under this
7 section to the department. Any applicant for initial
8 certification or renewal of certification who has already
9 submitted a set of fingerprints and information to the
10 Division of State Fire Marshal of the Department of Financial
11 Services for the criminal history check required for
12 employment and certification of firefighters under s. 633.34
13 within 2 years prior to application under this section is not
14 required to provide to the department a subsequent set of
15 fingerprints or other duplicate information required for a
16 criminal history check if the applicant submits an affidavit
17 in a form prescribed by the department attesting that he or
18 she has been a state resident for the previous 2 years.

19 (f) Notwithstanding the grounds for certification
20 denial outlined in s. 401.411, an applicant must not have been
21 found guilty of, regardless of plea or adjudication, any
22 offense prohibited under any of the following provisions of
23 the Florida Statutes or under any similar statute of another
24 jurisdiction:

25 1. Section 415.111, relating to abuse, neglect, or
26 exploitation of a vulnerable adult.

27 2. Section 782.04, relating to murder.

28 3. Section 782.07, relating to manslaughter,
29 aggravated manslaughter of an elderly person or disabled
30 adult, or aggravated manslaughter of a child.

31 4. Section 782.071, relating to vehicular homicide.

- 1 5. Section 782.09, relating to killing of an unborn
2 child by injury to the mother.
- 3 6. Section 784.011, relating to assault, if the victim
4 of the offense was a minor.
- 5 7. Section 784.021, relating to aggravated assault.
- 6 8. Section 784.03, relating to battery, if the victim
7 of the offense was a minor.
- 8 9. Section 784.045, relating to aggravated battery.
- 9 10. Section 784.01, relating to kidnapping.
- 10 11. Section 787.02, relating to false imprisonment.
- 11 12. Section 794.011, relating to sexual battery.
- 12 13. Former s. 794.041, relating to prohibited acts of
13 persons in familial or custodial authority.
- 14 14. Chapter 796, relating to prostitution.
- 15 15. Section 798.02, relating to lewd and lascivious
16 behavior.
- 17 16. Chapter 800, relating to lewdness and indecent
18 exposure.
- 19 17. Section 806.01, relating to arson.
- 20 18. Chapter 812, relating to theft, robbery, and
21 related crimes, only if the offense was a felony.
- 22 19. Section 817.563, relating to fraudulent sale of
23 controlled substances, only if the offense was a felony.
- 24 20. Section 825.102, relating to abuse, aggravated
25 abuse, or neglect of an elderly person or disabled adult.
- 26 21. Section 825.1025, relating to lewd or lascivious
27 offenses committed upon or in the presence of an elderly
28 person or disabled adult.
- 29 22. Section 825.103, relating to exploitation of an
30 elderly person or disabled adult, if the offense was a felony.
- 31 23. Section 826.04, relating to incest.

1 24. Section 827.03, relating to child abuse,
2 aggravated child abuse, or neglect of a child.

3 25. Section 827.04, relating to contributing to the
4 delinquency or dependency of a child.

5 26. Former s. 827.05, relating to negligent treatment
6 of children.

7 27. Section 827.071, relating to sexual performance by
8 a child.

9 28. Chapter 847, relating to obscene literature.

10 29. Chapter 893, relating to drug abuse prevention and
11 control, only if the offense was a felony or if any other
12 person involved in the offense was a minor.

13 30. An act that constitutes domestic violence, as
14 defined in s. 741.28.

15 (g) The department may grant to any applicant who
16 would otherwise be denied certification or recertification
17 under this subsection an exemption from that denial for:

18 1. Felonies committed more than 3 years prior to the
19 date of disqualification;

20 2. Misdemeanors prohibited under any of the Florida
21 Statutes cited in this subsection or under similar statutes of
22 other jurisdictions;

23 3. Offenses that were felonies when committed but that
24 are now misdemeanors;

25 4. Findings of delinquency; or

26 5. Commissions of acts of domestic violence as defined
27 in s. 741.28.

28 (h) For the department to grant an exemption to any
29 applicant under this section, the applicant must demonstrate
30 by clear and convincing evidence that the applicant should not
31 be disqualified from certification or renewed certification.

1 Applicants seeking an exemption have the burden of setting
2 forth sufficient evidence of rehabilitation, including, but
3 not limited to, the circumstances surrounding the criminal
4 incident for which an exemption is sought, the time period
5 that has elapsed since the incident, the nature of the harm
6 caused to the victim, and the history of the applicant since
7 the incident, or any other evidence or circumstances
8 indicating that the applicant will not present a danger if the
9 certification or renewed certification is granted. To make the
10 necessary demonstration, the applicant must request an
11 exemption and submit the required information supporting that
12 request at the time of application so that the department may
13 make a determination in accordance with this section.

14 (i) Denial of certification or renewed certification
15 under paragraph (f) may not be removed from, nor may an
16 exemption be granted to, any applicant who is found guilty of,
17 regardless of plea or adjudication, any felony covered by
18 paragraph (f) solely by reason of any pardon, executive
19 clemency, or restoration of civil rights.

20 (k) If an applicant has undergone a criminal history
21 check as a condition of employment or licensing under any
22 Florida Statute within 2 years prior to application under this
23 section, the applicant may submit a copy of the official
24 Florida criminal history record or national criminal history
25 record produced under that requirement in lieu of the
26 fingerprint card required in paragraphs (a) and (b). The
27 department shall determine if the submission meets its
28 requirements, and, if not, the applicant shall be required to
29 comply with the provisions of this section. The department may
30 share criminal history background information with local,
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1 state, and federal agencies for purposes of licensing or
2 employment background checks.

3 Section 2. Subsection (6) is added to section
4 401.2701, Florida Statutes, to read:

5 401.2701 Emergency medical services training
6 programs.--

7 (6) Training programs approved by the department
8 shall, at initiation of an emergency medical technician or
9 paramedic course, advise students of the certification and
10 regulatory requirements of this chapter, including, but not
11 limited to, the criminal history background screening
12 requirement for initial and renewal certification under s.
13 401.27. The department shall prescribe by rule the required
14 content of this component of the course.

15 Section 3. This act shall take effect July 1, 2003.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1294

4 The Committee Substitute makes the following changes:

- 5 -- Revises requirements for applicants for (emergency
6 medical technician) EMT or paramedic certification or
7 renewed certification to submit to a criminal history
8 background check;
- 9 -- Provides that the application of any applicant with prior
10 criminal convictions is not complete until the criminal
11 history and certified copies of all court documents for
12 the prior criminal convictions have been received by the
13 Department of Health;
- 14 -- Enumerates a list of offenses which would disqualify an
15 EMT or paramedic applicant from certification or renewed
16 certification;
- 17 -- Authorizes the Department of Health to grant exemptions
18 to such disqualification based on specified criteria;
- 19 -- Requires the department, for subsequent certification
20 renewals, to adopt, by rule, an application form that
21 includes a sworn oath or affirmation attesting to the
22 existence of any criminal convictions, regardless of plea
23 of adjudication, which have occurred since the previous
24 certification;
- 25 -- Authorizes the Department of Health to accept
26 electronically submitted EMT/paramedic applications and
27 the department may require supplemental materials as part
28 of the application;
- 29 -- Deletes requirements for the Department of Health to
30 issue a temporary certificate with their examination
31 grade report to applicants who have achieved a passing
32 score on the EMT/paramedic certification examination;
- 33 -- Eliminates the requirement for the department to issue an
34 original certificate to an EMT/paramedic certification
35 applicant within 45 days after the examination; and
- 36 -- Eliminates requirements for the Department of Health to
37 adopt a standard state insignia for EMTs and paramedics
38 and requirements for the display of the insignia.