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A bill to be entitled

An act relating to emergency medical services; amending s. 401.113, F.S.; authorizing the expenditure of interest generated from certain grant funds; amending s. 401.27, F.S.; authorizing the Department of Health to accept electronically submitted applications from emergency medical technician and paramedic applicants; removing the oath requirement for certain certifications; requiring department rules to include a procedure for recognizing cardiopulmonary resuscitation and advanced cardiac life support course equivalency; removing temporary certification provisions; removing obsolete language; limiting the class of people who may receive limited certification; removing the requirement for the department to adopt a state insignia; creating s. 401.27001, F.S.; providing criminal history check application requirements for certain certifications; providing duties of the Department of Health, the Department of Law Enforcement, and the Division of State Fire Marshal; requiring statewide and national criminal history checks; specifying provisions of law violations that exclude persons from certification; authorizing the Department of Health to grant exemptions under certain circumstances; providing criteria, requirements, and limitations; providing exceptions; requiring the department to adopt rules; amending s. 401.2701, F.S.; providing an additional student advisement requirement for certain institutional emergency medical services training programs; requiring

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29 the Department of Health to adopt rules; providing an
 30 effective date.

31

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

33

34 Section 1. Paragraph (d) is added to subsection (2) of
 35 section 401.113, Florida Statutes, to read:

36 401.113 Department; powers and duties.--

37 (2) The department shall annually dispense funds contained
 38 in the Emergency Medical Services Trust Fund as follows:

39 (d) Notwithstanding any other provisions of law, any
 40 interest generated from grant funds may be expended by the
 41 grantee on the budget items approved by the department. However,
 42 grantees receiving funds that require a match may not expend
 43 interest earnings until all match requirements have been met.
 44 Grantees shall return to the department any interest earned on
 45 grant funds not expended at the conclusion of the grant period.
 46 All such returned funds shall be used by the department for
 47 additional matching grant awards.

48 Section 2. Section 401.27, Florida Statutes, is amended to
 49 read:

50 401.27 Personnel; standards and certification.--

51 (1) Each permitted ambulance not specifically exempted
 52 from this part, when transporting a person who is sick, injured,
 53 wounded, incapacitated, or helpless, must be occupied by at
 54 least two persons, one of whom must be a certified emergency
 55 medical technician, certified paramedic, or licensed physician
 56 and one of whom must be a driver who meets the requirements for

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57 ambulance drivers. This subsection does not apply to
 58 interfacility transfers governed by s. 401.252(1).

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

63 (a) For emergency medical technicians, proficiency in
 64 techniques identified in s. 401.23(7) and in rules of the
 65 department.

66 (b) For paramedics, proficiency in techniques identified
 67 in s. 401.23(1) and in rules of the department.

68 (3) Any person who desires to be certified or recertified
 69 as an emergency medical technician or paramedic must apply to
 70 the department under oath on forms provided by the department
 71 which shall contain such information as the department
 72 reasonably requires, which may include affirmative evidence of
 73 ability to comply with applicable laws and rules. The department
 74 may accept electronically submitted applications. If an
 75 application is submitted electronically, the department may
 76 require that supplemental materials be submitted in a
 77 nonelectronic format, including an original signature of the
 78 applicant and documentation verifying eligibility for
 79 certification. The department shall determine whether the
 80 applicant meets the requirements specified in this section and
 81 in rules of the department ~~and shall issue a certificate to any~~
 82 ~~person who meets such requirements.~~

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

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85 (a) Have completed an appropriate training course as
 86 follows:

87 1. For an emergency medical technician, an emergency
 88 medical technician training course equivalent to the most recent
 89 emergency medical technician basic training course of the United
 90 States Department of Transportation as approved by the
 91 department.+

92 2. For a paramedic, a paramedic training program
 93 equivalent to the most recent paramedic course of the United
 94 States Department of Transportation as approved by the
 95 department.+

96 (b) Certify ~~under oath~~ that he or she is not addicted to
 97 alcohol or any controlled substance.+

98 (c) Certify ~~under oath~~ that he or she is free from any
 99 physical or mental defect or disease that might impair the
 100 applicant's ability to perform his or her duties.+

101 (d) Within 1 year after course completion have passed an
 102 examination developed or required by the department.+

103 (e)1. For an emergency medical technician, hold either a
 104 current American Heart Association cardiopulmonary resuscitation
 105 course card or an American Red Cross cardiopulmonary
 106 resuscitation course card or its equivalent as defined by
 107 department rule.+

108 2. For a paramedic, hold a certificate of successful
 109 course completion in advanced cardiac life support from the
 110 American Heart Association or its equivalent as defined by
 111 department rule.+

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113 The rules shall include, but not be limited to, the procedure
 114 for recognition of advanced cardiac life support course
 115 equivalency as determined by the Continuing Education
 116 Coordinating Board for Emergency Medical Services.÷

117 (f) Submit the certification fee and the nonrefundable
 118 examination fee prescribed in s. 401.34, which examination fee
 119 will be required for each examination administered to an
 120 applicant. ÷ and

121 (g) Submit a completed application to the department,
 122 which application documents compliance with paragraphs (a), (b),
 123 (c), (e), (f), (g), and, if applicable, (d). The application
 124 must be submitted so as to be received by the department at
 125 least 30 calendar days before the next regularly scheduled
 126 examination for which the applicant desires to be scheduled.

127 (5) The certification examination must be offered monthly.
 128 The department shall issue an examination admission notice to
 129 the applicant advising him or her of the time and place of the
 130 examination for which he or she is scheduled. ~~Individuals~~
 131 ~~achieving a passing score on the certification examination may~~
 132 ~~be issued a temporary certificate with their examination grade~~
 133 ~~report. The department must issue an original certification~~
 134 ~~within 45 days after the examination.~~ Examination questions and
 135 answers are not subject to discovery but may be introduced into
 136 evidence and considered only in camera in any administrative
 137 proceeding under chapter 120. If an administrative hearing is
 138 held, the department shall provide challenged examination
 139 questions and answers to the administrative law judge. The
 140 department shall establish by rule the procedure by which an

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141 applicant, and the applicant's attorney, may review examination
 142 questions and answers in accordance with s. 119.07(3)(a).

143 (6)(a) The department shall establish by rule a procedure
 144 for biennial renewal certification of emergency medical
 145 technicians and paramedics.

146 (a) For emergency medical technicians, such rules must
 147 require a United States Department of Transportation refresher
 148 training program of at least 30 hours as approved by the
 149 department every 2 years. The refresher program may be offered
 150 in multiple presentations spread over the 2-year period. The
 151 rules must also provide that the refresher course requirement
 152 may be satisfied by passing a challenge examination.

153 (b) ~~The department shall establish by rule a procedure For~~
 154 ~~biennial renewal certification of paramedics,~~ such rules must
 155 require candidates for renewal to have taken at least 30 hours
 156 of continuing education units during the 2-year period. The
 157 rules must provide that the continuing education requirement may
 158 be satisfied by passing a challenge examination.

159 (7) A physician, dentist, or registered nurse may be
 160 certified as a paramedic if the physician, dentist, or
 161 registered nurse is certified in this state as an emergency
 162 medical technician, has passed the required emergency medical
 163 technician curriculum, has successfully completed an advanced
 164 cardiac life support course, has passed the examination for
 165 certification as a paramedic, and has met other certification
 166 requirements specified by rule of the department. A physician,
 167 dentist, or registered nurse so certified must be recertified
 168 under this section.

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169 (8) Each emergency medical technician certificate and each
 170 paramedic certificate will expire automatically and may be
 171 renewed if the holder meets the qualifications for renewal as
 172 established by the department. A certificate that is not renewed
 173 at the end of the 2-year period will automatically revert to an
 174 inactive status for a period not to exceed 180 days. Such
 175 certificate may be reactivated and renewed within the 180 days
 176 if the certificateholder meets all other qualifications for
 177 renewal and pays a \$25 late fee. Reactivation shall be in a
 178 manner and on forms prescribed by department rule. ~~The holder of~~
 179 ~~a certificate that expired on December 1, 1996, has until~~
 180 ~~September 30, 1997, to reactivate the certificate in accordance~~
 181 ~~with this subsection.~~

182 (9) The department may suspend or revoke a certificate at
 183 any time if it determines that the holder does not meet the
 184 applicable qualifications.

185 (10) The department may provide by rule for physically
 186 disabled persons to take and be provided with the results of the
 187 written portion of the emergency medical technician
 188 certification examination or paramedic certification
 189 examination. However, such persons may not receive any special
 190 assistance in completing the examination. A physically disabled
 191 ~~An~~ individual who achieves a passing grade on the emergency
 192 medical technician certification examination or paramedic
 193 certification examination may be issued a limited emergency
 194 medical technician certificate or a limited paramedic
 195 certificate. An individual issued a limited certificate may not
 196 perform patient care or treatment activities.

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197 (11)~~(a)~~ A certificateholder may request that his or her
 198 emergency medical technician certificate or paramedic
 199 certificate be placed on inactive status by applying to the
 200 department before his or her current certification expires and
 201 paying a fee set by the department not to exceed \$50.

202 ~~(a)(b)1.~~ A certificateholder whose certificate has been on
 203 inactive status for 1 year or less following the date his or her
 204 emergency medical technician certificate or paramedic
 205 certificate expired may renew his or her certificate pursuant to
 206 the rules adopted by the department and upon payment of a late
 207 renewal fee set by the department not to exceed \$100.

208 ~~(b)2.~~ A certificateholder whose certificate has been on
 209 inactive status for more than 1 year may renew his or her
 210 certificate pursuant to rules adopted by the department. To
 211 renew, the certificateholder must pass the certification
 212 examination and complete continuing education requirements and a
 213 field internship.

214 (c) A certificate which has been inactive for more than 6
 215 years automatically expires and may not be reinstated.

216 (12) An applicant for certification who is an out-of-state
 217 certified or military trained emergency medical technician or
 218 paramedic must provide proof of current emergency medical
 219 technician or paramedic certification or registration based upon
 220 successful completion of the United States Department of
 221 Transportation emergency medical technician or paramedic
 222 training curriculum and hold a current certificate of successful
 223 course completion in cardiopulmonary resuscitation (CPR) or
 224 advanced cardiac life support for emergency medical technicians
 225 or paramedics, respectively, to be eligible for the

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226 certification examination. The applicant must successfully
 227 complete the certification examination within 1 year after the
 228 date of the receipt of his or her application by the department.
 229 After 1 year, the applicant must submit a new application, meet
 230 all eligibility requirements, and submit all fees to reestablish
 231 eligibility to take the certification examination.

232 (13) ~~The department shall adopt a standard state insignia~~
 233 For emergency medical technicians and paramedics who wear. ~~The~~
 234 ~~department shall establish by rule the requirements to display~~
 235 ~~the state emergency medical technician and paramedic insignia.~~
 236 ~~The rules may not require a person to wear the standard insignia~~
 237 ~~but must require that if a person wears any insignia that~~
 238 identifies the person as a certified emergency medical
 239 technician or paramedic in this state, the insignia must ~~be the~~
 240 ~~standard state insignia adopted under this section. The insignia~~
 241 ~~must~~ denote the individual's level of certification at which he
 242 or she is functioning.

243 Section 3. Section 401.27001, Florida Statutes, is created
 244 to read:

245 401.27001 Criminal history checks.--

246 (1) An applicant for initial certification under this
 247 section must submit information and a set of fingerprints to the
 248 department on a form and under procedures specified by the
 249 department, together with payment in an amount equal to the costs
 250 incurred by the department for a statewide criminal history check
 251 and a national criminal history check of the applicant.

252 (2) An applicant for renewed certification who has not
 253 previously submitted a set of fingerprints to the department must
 254 submit information required to perform a statewide criminal

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255 history check and a set of fingerprints to the department for a
 256 national criminal history check as a condition of the initial
 257 renewal of his or her certificate after July 1, 2004. The
 258 applicant must submit the fingerprints on a form and under
 259 procedures specified by the department for a national criminal
 260 history check, along with payment in an amount equal to the costs
 261 incurred by the department. For subsequent renewals, the
 262 department shall, by rule, adopt an application form that
 263 includes an oath or affirmation attesting to the existence of any
 264 criminal convictions, regardless of plea or adjudication, which
 265 have occurred since the previous certification. If there has been
 266 a criminal conviction, the provisions of this section shall
 267 apply. The department shall notify current certificateholders of
 268 their requirement to undergo a criminal history check
 269 sufficiently in advance of the 2004 biennial expiration for the
 270 certificateholder to provide the required information prior to
 271 submission of the renewal certification application. Eligibility
 272 for renewal may not be denied by the department for the first
 273 renewal application subsequent to enactment of this subsection
 274 for delays created in obtaining the criminal history from the
 275 Department of Law Enforcement, the Federal Bureau of
 276 Investigation, or the Division of State Fire Marshal if the
 277 applicant has submitted the required criminal history check
 278 information or affidavit and fees with the renewal certification
 279 application. A certificate that expires on December 1, 2004, may
 280 be renewed subject to withdrawal of certification pending the
 281 department's determination of whether the certificateholder will
 282 be granted an exemption as provided in subsection (8). The

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283 applicant must make timely application for renewal and request
 284 the exemption from denial prior to expiration of the certificate.

285 (3) Pursuant to the requirements of s. 120.60, applications
 286 for certification must be processed within 90 days after receipt
 287 of a completed application. Applications for certification are
 288 not complete until the criminal history checks and certified
 289 copies of all court documents for those applications with prior
 290 criminal convictions, pursuant to this section, have been
 291 received by the department.

292 (4) The department shall submit the fingerprints and
 293 information required for a statewide criminal history check to
 294 the Department of Law Enforcement, and the Department of Law
 295 Enforcement shall forward the fingerprints to the Federal Bureau
 296 of Investigation for a national criminal history check of the
 297 applicant.

298 (5) If an applicant has undergone a criminal history check
 299 as a condition of employment or certification as a firefighter
 300 under s. 633.34, the Division of State Fire Marshal of the
 301 Department of Financial Services shall provide the criminal
 302 history information regarding the applicant seeking certification
 303 or renewal of certification under this section to the department.
 304 Any applicant for initial certification or renewal of
 305 certification who has already submitted a set of fingerprints and
 306 information to the Division of State Fire Marshal of the
 307 Department of Financial Services for the criminal history check
 308 required for employment and certification of firefighters under
 309 s. 633.34 within 2 years prior to application under this section
 310 is not required to provide to the department a subsequent set of
 311 fingerprints or other duplicate information required for a

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312 criminal history check if the applicant submits an affidavit in a
 313 form prescribed by the department attesting that he or she has
 314 been a state resident for the previous 2 years.

315 (6) Notwithstanding the grounds for certification denial
 316 outlined in s. 401.411, an applicant must not have been found
 317 guilty of, regardless of plea or adjudication, any offense
 318 prohibited under any of the following provisions or under any
 319 similar statute of another jurisdiction:

320 (a) Section 415.111, relating to abuse, neglect, or
 321 exploitation of a vulnerable adult.

322 (b) Section 782.04, relating to murder.

323 (c) Section 782.07, relating to manslaughter, aggravated
 324 manslaughter of an elderly person or disabled adult, or
 325 aggravated manslaughter of a child.

326 (d) Section 782.071, relating to vehicular homicide.

327 (e) Section 782.09, relating to killing of an unborn child
 328 by injury to the mother.

329 (f) Section 784.011, relating to assault, if the victim of
 330 the offense was a minor.

331 (g) Section 784.021, relating to aggravated assault.

332 (h) Section 784.03, relating to battery, if the victim of
 333 the offense was a minor.

334 (i) Section 784.045, relating to aggravated battery.

335 (j) Section 787.01, relating to kidnapping.

336 (k) Section 787.02, relating to false imprisonment.

337 (l) Section 794.011, relating to sexual battery.

338 (m) Former s. 794.041, relating to prohibited acts of
 339 persons in familial or custodial authority.

340 (n) Chapter 796, relating to prostitution.

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- 341 (o) Section 798.02, relating to lewd and lascivious
- 342 behavior.
- 343 (p) Chapter 800, relating to lewdness and indecent
- 344 exposure.
- 345 (q) Section 806.01, relating to arson.
- 346 (r) Chapter 812, relating to theft, robbery, and related
- 347 crimes, only if the offense was a felony.
- 348 (s) Section 817.563, relating to fraudulent sale of
- 349 controlled substances, only if the offense was a felony.
- 350 (t) Section 825.102, relating to abuse, aggravated abuse,
- 351 or neglect of an elderly person or disabled adult.
- 352 (u) Section 825.1025, relating to lewd or lascivious
- 353 offenses committed upon or in the presence of an elderly person
- 354 or disabled adult.
- 355 (v) Section 825.103, relating to exploitation of an elderly
- 356 person or disabled adult, if the offense was a felony.
- 357 (w) Section 826.04, relating to incest.
- 358 (x) Section 827.03, relating to child abuse, aggravated
- 359 child abuse, or neglect of a child.
- 360 (y) Section 827.04, relating to contributing to the
- 361 delinquency or dependency of a child.
- 362 (z) Former s. 827.05, relating to negligent treatment of
- 363 children.
- 364 (aa) Section 827.071, relating to sexual performance by a
- 365 child.
- 366 (bb) Chapter 847, relating to obscene literature.
- 367 (cc) Chapter 893, relating to drug abuse prevention and
- 368 control, only if the offense was a felony or if any other person
- 369 involved in the offense was a minor.

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370 (dd) An act that constitutes domestic violence, as defined
371 in s. 741.28.

372 (7) The department may grant to any applicant who would
373 otherwise be denied certification or recertification under
374 subsection (6) an exemption from that denial for:

375 (a) Felonies committed more than 3 years prior to the date
376 of disqualification;

377 (b) Misdemeanors prohibited under any provision of law
378 cited in subsection (6) or under similar statutes of other
379 jurisdictions;

380 (c) Offenses that were felonies when committed but that are
381 now misdemeanors;

382 (d) Findings of delinquency; or

383 (e) Commissions of acts of domestic violence as defined in
384 s. 741.28.

385 (8) For the department to grant an exemption to any
386 applicant under this section, the applicant must demonstrate by
387 clear and convincing evidence that the applicant should not be
388 disqualified from certification or renewed certification.
389 Applicants seeking an exemption have the burden of setting forth
390 sufficient evidence of rehabilitation, including, but not limited
391 to, the circumstances surrounding the criminal incident for which
392 an exemption is sought, the time period that has elapsed since
393 the incident, the nature of the harm caused to the victim, and
394 the history of the applicant since the incident, or any other
395 evidence or circumstances indicating that the applicant will not
396 present a danger if the certification or renewed certification is
397 granted. To make the necessary demonstration, the applicant must
398 request an exemption and submit the required information

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399 supporting such request at the time of application in order for
400 the department to make a determination in accordance with this
401 section.

402 (9) Denial of certification or renewed certification under
403 subsection (6) may not be removed from, nor may an exemption be
404 granted to, any applicant who is found guilty of, regardless of
405 plea or adjudication, any felony under subsection (6) solely by
406 reason of any pardon, executive clemency, or restoration of civil
407 rights.

408 (10) If an applicant has undergone a criminal history check
409 as a condition of employment or licensing under any Florida
410 statute within 2 years prior to application under this section,
411 the applicant may submit a copy of the official Florida criminal
412 history record and national criminal history record produced
413 under that requirement in lieu of the fingerprint card required
414 in subsections (1) and (2). The department shall determine if the
415 submission meets its requirements and, if not, the applicant
416 shall be required to comply with the provisions of this section.
417 The department may share criminal history check information with
418 local, state, and federal agencies for purposes of licensing or
419 employment history checks.

420 (11) The department shall adopt rules pursuant to chapter
421 120 to implement this section.

422 Section 4. Paragraph (a) of subsection (1) of section
423 401.2701, Florida Statutes, is amended to read:

424 401.2701 Emergency medical services training programs.--

425 (1) Any private or public institution in Florida desiring
426 to conduct an approved program for the education of emergency
427 medical technicians and paramedics shall:

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428 (a) Submit a completed application on a form provided by
429 the department, which must include:

430 1. Evidence that the institution is in compliance with all
431 applicable requirements of the Department of Education.

432 2. Evidence of an affiliation agreement with a hospital
433 that has an emergency department staffed by at least one
434 physician and one registered nurse.

435 3. Evidence of an affiliation agreement with a current
436 Florida-licensed emergency medical services provider. Such
437 agreement shall include, at a minimum, a commitment by the
438 provider to conduct the field experience portion of the
439 education program.

440 4. Documentation verifying faculty, including:

441 a. A medical director who is a licensed physician meeting
442 the applicable requirements for emergency medical services
443 medical directors as outlined in this chapter and rules of the
444 department. The medical director shall have the duty and
445 responsibility of certifying that graduates have successfully
446 completed all phases of the education program and are proficient
447 in basic or advanced life support techniques, as applicable.

448 b. A program director responsible for the operation,
449 organization, periodic review, administration, development, and
450 approval of the program.

451 5. Documentation verifying that the curriculum:

452 a. Meets the course guides and instructor's lesson plans
453 in the most recent Emergency Medical Technician-Basic National
454 Standard Curricula for emergency medical technician programs and
455 Emergency Medical Technician-Paramedic National Standard
456 Curricula for paramedic programs.

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457 b. Includes 2 hours of instruction on the trauma scorecard
 458 methodologies for assessment of adult trauma patients and
 459 pediatric trauma patients as specified by the department by
 460 rule.

461 c. Includes 4 hours of instruction on HIV/AIDS training
 462 consistent with the requirements of chapter 381.

463 d. Advises students at the initiation of the training
 464 program of the certification and regulatory requirements of this
 465 chapter, including, but not limited to, the criminal history
 466 checks required for initial and renewal certification under s.
 467 401.27001. The department shall prescribe by rule the required
 468 content of this component of the training program.

469 6. Evidence of sufficient medical and educational
 470 equipment to meet emergency medical services training program
 471 needs.

472 Section 5. This act shall take effect July 1, 2004.