

By Senator Saunders

37-933-04

1 A bill to be entitled
2 An act relating to emergency medical services;
3 amending s. 401.113, F.S.; requiring that a
4 recipient of funds from the Emergency Medical
5 Services Trust Fund return unexpended funds to
6 the Department of Health at the end of the
7 grant period; authorizing the expenditure of
8 interest generated from grant funds under
9 certain circumstances; amending s. 401.27,
10 F.S.; authorizing the electronic submission of
11 an application for certification as an
12 emergency medical technician or paramedic;
13 requiring that rules of the department provide
14 for the approval of certain equivalent courses
15 for purposes of certification; deleting
16 provisions authorizing the department to issue
17 a temporary certification; revising
18 requirements for insignia identifying a person
19 as a certified emergency medical technician or
20 paramedic; creating s. 401.27001, F.S.;
21 providing requirements for background screening
22 for applicants for initial certification as an
23 emergency medical technician or paramedic and
24 for renewal of certification; requiring an
25 applicant to pay the costs of screening;
26 requiring that fingerprints be submitted to the
27 Department of Law Enforcement and forwarded to
28 the Federal Bureau of Investigation; specifying
29 the offenses that are grounds for denial of
30 certification; authorizing the department to
31 grant an exemption to an applicant,

1 notwithstanding certain convictions; requiring
2 the department to adopt rules; amending s.
3 401.2701, F.S.; requiring that a training
4 program for emergency medical technicians and
5 paramedics include information concerning the
6 requirements for background screening;
7 providing an effective date.

8

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

10

11 Section 1. Subsection (2) of section 401.113, Florida
12 Statutes, is amended to read:

13

401.113 Department; powers and duties.--

14

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

17

1.~~(a)~~ Forty-five percent of such moneys must be
18 divided among the counties according to the proportion of the
19 combined amount deposited in the trust fund from the county.
20 These funds may not be used to match grant funds as identified
21 in subparagraph 2.~~paragraph (b)~~. An individual board of
22 county commissioners may distribute these funds to emergency
23 medical service organizations within the county, as it deems
24 appropriate.

25

2.~~(b)~~ Forty percent of such moneys must be used by the
26 department for making matching grants to local agencies,
27 municipalities, and emergency medical services organizations
28 for the purpose of conducting research, increasing existing
29 levels of emergency medical services, evaluation, community
30 education, injury prevention programs, and training in

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1 cardiopulmonary resuscitation and other lifesaving and first
2 aid techniques.

3 a.1. At least 90 percent of these moneys must be made
4 available on a cash matching basis. A grant made under this
5 sub-subparagraph ~~subparagraph~~ must be contingent upon the
6 recipient providing a cash sum equal to 25 percent of the
7 total department-approved grant amount.

8 b.2. No more than 10 percent of these moneys must be
9 made available to rural emergency medical services, and
10 notwithstanding the restrictions specified in subsection (1),
11 these moneys may be used for improvement, expansion, or
12 continuation of services provided. A grant made under this
13 sub-subparagraph ~~subparagraph~~ must be contingent upon the
14 recipient providing a cash sum equal to no more than 10
15 percent of the total department-approved grant amount.

16

17 The department shall develop procedures and standards for
18 grant disbursement under this subparagraph ~~paragraph~~ based on
19 the need for emergency medical services, the requirements of
20 the population to be served, and the objectives of the state
21 emergency medical services plan.

22 3.(c) Fifteen percent of such moneys must be used by
23 the department for capital equipment outlay, personnel,
24 community education, evaluation, and other costs associated
25 with the administration of this chapter. Any moneys not
26 annually used for this purpose must be used for making
27 additional rural grant funds available.

28 (b) Notwithstanding any other provision of law to the
29 contrary, interest generated from grant funds may be expended
30 by the grantee on the budget items approved by the department.
31 However, a grantee that receives funds requiring a match may

1 not expend interest earnings until all match requirements have
2 been met. The grantee shall return to the department any
3 interest earned and grant funds not expended at the conclusion
4 of the grant period. All such returned funds shall be used by
5 the department for additional awards of matching grants.

6 Section 2. Section 401.27, Florida Statutes, is
7 amended to read:

8 401.27 Personnel; standards and certification.--

9 (1) Each permitted ambulance not specifically exempted
10 from this part, when transporting a person who is sick,
11 injured, wounded, incapacitated, or helpless, must be occupied
12 by at least two persons, one of whom must be a certified
13 emergency medical technician, certified paramedic, or licensed
14 physician and one of whom must be a driver who meets the
15 requirements for ambulance drivers. This subsection does not
16 apply to interfacility transfers governed by s. 401.252(1).

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

22 (a) For emergency medical technicians, proficiency in
23 techniques identified in s. 401.23(7) and in rules of the
24 department.

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

27 (3) Any person who desires to be certified or
28 recertified as an emergency medical technician or paramedic
29 must apply to the department ~~under oath~~ on forms provided by
30 the department which shall contain such information as the
31 department reasonably requires, which may include affirmative

1 evidence of ability to comply with applicable laws and rules.
2 The department may accept electronically submitted
3 applications. If an application is submitted electronically,
4 the department may require that supplemental materials be
5 submitted in a nonelectronic format, including an original
6 signature of the applicant and documentation verifying
7 eligibility for certification.The department shall determine
8 whether the applicant meets the requirements specified in this
9 section and in rules of the department ~~and shall issue a~~
10 ~~certificate to any person who meets such requirements.~~

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

13 (a) Have completed an appropriate training course as
14 follows:

15 1. For an emergency medical technician, an emergency
16 medical technician training course equivalent to the most
17 recent emergency medical technician basic training course of
18 the United States Department of Transportation as approved by
19 the department;

20 2. For a paramedic, a paramedic training program
21 equivalent to the most recent paramedic course of the United
22 States Department of Transportation as approved by the
23 department;

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

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

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

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1 (e)1. For an emergency medical technician, hold either
2 a current American Heart Association cardiopulmonary
3 resuscitation course card or an American Red Cross
4 cardiopulmonary resuscitation course card or its equivalent as
5 defined by department rule. The rules must include, but need
6 not be limited to, the procedure for recognizing
7 cardiopulmonary resuscitation course equivalency, as
8 determined by the Continuing Education Coordinating Board for
9 Emergency Medical Services;

10 2. For a paramedic, hold a certificate of successful
11 course completion in advanced cardiac life support from the
12 American Heart Association or its equivalent as defined by
13 department rule. The rules must include, but need not be
14 limited to, the procedure for recognizing advanced cardiac
15 life support course equivalency, as determined by the
16 Continuing Education Coordinating Board for Emergency Medical
17 Services;

18 (f) Submit the certification fee and the nonrefundable
19 examination fee prescribed in s. 401.34, which examination fee
20 will be required for each examination administered to an
21 applicant; and

22 (g) Submit a completed application to the department,
23 which application documents compliance with paragraphs (a),
24 (b), (c), (e), (f), (g), and, if applicable, (d). The
25 application must be submitted so as to be received by the
26 department at least 30 calendar days before the next regularly
27 scheduled examination for which the applicant desires to be
28 scheduled.

29 (5) The certification examination must be offered
30 monthly. The department shall issue an examination admission
31 notice to the applicant advising him or her of the time and

1 place of the examination for which he or she is scheduled.
2 ~~Individuals achieving a passing score on the certification~~
3 ~~examination may be issued a temporary certificate with their~~
4 ~~examination grade report. The department must issue an~~
5 ~~original certification within 45 days after the examination.~~
6 Examination questions and answers are not subject to discovery
7 but may be introduced into evidence and considered only in
8 camera in any administrative proceeding under chapter 120. If
9 an administrative hearing is held, the department shall
10 provide challenged examination questions and answers to the
11 administrative law judge. The department shall establish by
12 rule the procedure by which an applicant, and the applicant's
13 attorney, may review examination questions and answers in
14 accordance with s. 119.07(3)(a).

15 (6)~~(a)~~ The department shall establish by rule a
16 procedure for biennial renewal certification of emergency
17 medical technicians and paramedics.

18 (a) For emergency medical technicians, such rules must
19 require a United States Department of Transportation refresher
20 training program of at least 30 hours as approved by the
21 department every 2 years. The refresher program may be
22 offered in multiple presentations spread over the 2-year
23 period. The rules must also provide that the refresher course
24 requirement may be satisfied by passing a challenge
25 examination.

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

3 (7) A physician, dentist, or registered nurse may be
4 certified as a paramedic if the physician, dentist, or
5 registered nurse is certified in this state as an emergency
6 medical technician, has passed the required emergency medical
7 technician curriculum, has successfully completed an advanced
8 cardiac life support course, has passed the examination for
9 certification as a paramedic, and has met other certification
10 requirements specified by rule of the department. A
11 physician, dentist, or registered nurse so certified must be
12 recertified under this section.

13 (8) Each emergency medical technician certificate and
14 each paramedic certificate will expire automatically and may
15 be renewed if the holder meets the qualifications for renewal
16 as established by the department. A certificate that is not
17 renewed at the end of the 2-year period will automatically
18 revert to an inactive status for a period not to exceed 180
19 days. Such certificate may be reactivated and renewed within
20 the 180 days if the certificateholder meets all other
21 qualifications for renewal and pays a \$25 late fee.
22 Reactivation shall be in a manner and on forms prescribed by
23 department rule. ~~The holder of a certificate that expired on~~
24 ~~December 1, 1996, has until September 30, 1997, to reactivate~~
25 ~~the certificate in accordance with this subsection.~~

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

29 (10) The department may provide by rule for physically
30 disabled persons to take and be provided with the results of
31 the written portion of the emergency medical technician

1 certification examination or paramedic certification
2 examination. However, such persons may not receive any
3 special assistance in completing the examination. A
4 physically disabled ~~an~~ individual who achieves a passing grade
5 on the emergency medical technician certification examination
6 or paramedic certification examination may be issued a limited
7 emergency medical technician certificate or a limited
8 paramedic certificate. An individual issued a limited
9 certificate may not perform patient care or treatment
10 activities.

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

16 (a)~~(b)~~1. A certificateholder whose certificate has
17 been on inactive status for 1 year or less following the date
18 his or her emergency medical technician certificate or
19 paramedic certificate expired may renew his or her certificate
20 pursuant to the rules adopted by the department and upon
21 payment of a late renewal fee set by the department not to
22 exceed \$100.

23 (b)~~2~~. A certificateholder whose certificate has been
24 on inactive status for more than 1 year may renew his or her
25 certificate pursuant to rules adopted by the department. To
26 renew, the certificateholder must pass the certification
27 examination and complete continuing education requirements and
28 a field internship.

29 (c) A certificate that ~~which~~ has been inactive for
30 more than 6 years automatically expires and may not be
31 reinstated.

1 (12) An applicant for certification who is an
2 out-of-state certified or military-trained ~~trained~~ emergency
3 medical technician or paramedic must provide proof of current
4 emergency medical technician or paramedic certification or
5 registration based upon successful completion of the United
6 States Department of Transportation emergency medical
7 technician or paramedic training curriculum and hold a current
8 certificate of successful course completion in cardiopulmonary
9 resuscitation (CPR) or advanced cardiac life support for
10 emergency medical technicians or paramedics, respectively, to
11 be eligible for the certification examination. The applicant
12 must successfully complete the certification examination
13 within 1 year after the date of the receipt of his or her
14 application by the department. After 1 year, the applicant
15 must submit a new application, meet all eligibility
16 requirements, and submit all fees to reestablish eligibility
17 to take the certification examination.

18 (13) ~~The department shall adopt a standard state~~
19 ~~insignia~~ For an emergency medical technician or paramedic who
20 ~~technicians and paramedics.~~ The department shall establish by
21 rule the requirements to display the state emergency medical
22 technician and paramedic insignia. The rules may not require
23 a person to wear the standard insignia but must require that
24 if a person wears any insignia that identify ~~identifies~~ the
25 person as a certified emergency medical technician or
26 paramedic in this state, the insignia must ~~be the standard~~
27 ~~state insignia adopted under this section.~~ The insignia must
28 denote the ~~individual's~~ level of certification at which the
29 individual ~~he or she~~ is functioning.

30 Section 3. Section 401.27001, Florida Statutes, is
31 created to read:

1 401.27001 Background screening required for
2 certification.--

3 (1) An applicant for initial certification under s.
4 401.27 must submit information and a set of fingerprints to
5 the Department of Health on a form and according to procedures
6 specified by the department, along with payment in an amount
7 equal to the costs incurred by the Department of Health for a
8 statewide criminal history check and a national criminal
9 history check of the applicant.

10 (2) An applicant for initial renewal of certification
11 on or after July 1, 2004, who has not previously submitted a
12 set of fingerprints to the Department of Health must submit
13 information required to perform a statewide criminal
14 background check and a set of fingerprints required to perform
15 a national criminal history check. The applicant must submit
16 the fingerprints on a form and under procedures specified by
17 the department for a national criminal history check, along
18 with payment in an amount equal to the costs incurred by the
19 department. For subsequent renewals, the department shall, by
20 rule, adopt an application form that includes an oath or
21 affirmation attesting to the existence of any criminal
22 convictions, regardless of plea or adjudication, which have
23 occurred since the previous certification. If there has been a
24 criminal conviction, the provisions of this section apply. The
25 department shall notify each current certificateholder of the
26 requirement to undergo a criminal history background screening
27 sufficiently in advance of the 2004 biennial expiration for
28 the certificateholder to provide the required information
29 prior to submission of the renewal certification application.
30 The department may not deny eligibility for renewal of the
31 first renewal application subsequent to July 1, 2004, due to a

1 delay in obtaining the criminal history from the Department of
2 Law Enforcement, the Federal Bureau of Investigation, or the
3 Division of State Fire Marshal if the applicant has submitted
4 the required criminal background screening information or
5 affidavit and fees with the renewal certification application.
6 A certificate that expires on December 1, 2004, may be renewed
7 subject to withdrawal of certification pending the
8 department's determination of whether the certificateholder
9 will be granted an exemption as provided in subsection (8).
10 The applicant must make timely application for renewal and
11 request the exemption from denial prior to expiration of the
12 certificate.

13 (3) Pursuant to the requirements of s. 120.60, an
14 application for certification must be processed within 90 days
15 after receipt of the completed application. An application for
16 certification is not complete until the criminal history and
17 certified copies of all court documents for an applicant
18 having a prior criminal conviction, pursuant to this section,
19 have been received by the department.

20 (4) The department shall submit the fingerprints and
21 information required for a statewide criminal history check to
22 the Department of Law Enforcement, and the Department of Law
23 Enforcement shall forward the fingerprints to the Federal
24 Bureau of Investigation for a national criminal history check
25 of the applicant.

26 (5) If an applicant has undergone a criminal history
27 check as a condition of employment or certification as a
28 firefighter under s. 633.34, the Division of State Fire
29 Marshal of the Department of Financial Services shall provide
30 the criminal history information regarding the applicant
31 seeking certification or renewal of certification under s.

1 401.27 to the department. Any applicant for initial
2 certification or renewal of certification who has already
3 submitted a set of fingerprints and information to the
4 Division of State Fire Marshal of the Department of Financial
5 Services for the criminal history check required for
6 employment and certification of firefighters under s. 633.34
7 within 2 years prior to application under s. 401.27 is not
8 required to provide to the department a subsequent set of
9 fingerprints or other duplicate information required for a
10 criminal history check if the applicant submits an affidavit
11 in a form prescribed by the department attesting that he or
12 she has been a state resident for the previous 2 years.

13 (6) Notwithstanding the grounds for certification
14 denial outlined in s. 401.411, an applicant must not have been
15 found guilty of, regardless of plea or adjudication, any
16 offense prohibited under any of the following provisions of
17 the Florida Statutes or under any similar statute of another
18 jurisdiction:

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

21 (b) Section 782.04, relating to murder.

22 (c) Section 782.07, relating to manslaughter,
23 aggravated manslaughter of an elderly person or disabled
24 adult, or aggravated manslaughter of a child.

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

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

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

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

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- 1 (h) Section 784.03, relating to battery, if the victim
2 of the offense was a minor.
- 3 (i) Section 784.045, relating to aggravated battery.
4 (j) Section 784.01, relating to kidnapping.
5 (k) Section 787.02, relating to false imprisonment.
6 (l) Section 794.011, relating to sexual battery.
7 (m) Former s. 794.041, relating to prohibited acts of
8 persons in familial or custodial authority.
- 9 (n) Chapter 796, relating to prostitution.
10 (o) Section 798.02, relating to lewd and lascivious
11 behavior.
- 12 (p) Chapter 800, relating to lewdness and indecent
13 exposure.
- 14 (q) Section 806.01, relating to arson.
15 (r) Chapter 812, relating to theft, robbery, and
16 related crimes, if the offense was a felony.
- 17 (s) Section 817.563, relating to the fraudulent sale
18 of controlled substances, if the offense was a felony.
- 19 (t) Section 825.102, relating to abuse, aggravated
20 abuse, or neglect of an elderly person or disabled adult.
- 21 (u) Section 825.1025, relating to lewd or lascivious
22 offenses committed upon or in the presence of an elderly
23 person or disabled adult.
- 24 (v) Section 825.103, relating to exploitation of an
25 elderly person or disabled adult, if the offense was a felony.
- 26 (w) Section 826.04, relating to incest.
27 (x) Section 827.03, relating to child abuse,
28 aggravated child abuse, or neglect of a child.
- 29 (y) Section 827.04, relating to contributing to the
30 delinquency or dependency of a child.
31

1 (z) Former s. 827.05, relating to negligent treatment
2 of children.

3 (aa) Section 827.071, relating to sexual performance
4 by a child.

5 (bb) Chapter 847, relating to obscene literature.

6 (cc) Chapter 893, relating to drug abuse prevention
7 and control, if the offense was a felony or if any other
8 person involved in the offense was a minor.

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

11 (7) The department may grant to any applicant who
12 would otherwise be denied certification or recertification
13 under this subsection an exemption from that denial for:

14 (a) A felony committed more than 3 years prior to the
15 date of disqualification;

16 (b) A misdemeanor prohibited under any of the Florida
17 Statutes cited in this subsection or under similar statutes of
18 other jurisdictions;

19 (c) An offense that was a felony when committed but
20 that is currently a misdemeanor;

21 (d) A finding of delinquency; or

22 (e) The commission of an act of domestic violence as
23 defined in s. 741.28.

24 (8) For the department to grant an exemption to any
25 applicant under this section, the applicant must demonstrate
26 by clear and convincing evidence that the applicant should not
27 be disqualified from certification or renewed certification.
28 An applicant seeking an exemption has the burden of setting
29 forth sufficient evidence of rehabilitation, including, but
30 not limited to, the circumstances surrounding the criminal
31 incident for which an exemption is sought, the time period

1 that has elapsed since the incident, the nature of the harm
2 caused to the victim, and the history of the applicant since
3 the incident, or any other evidence or circumstances
4 indicating that the applicant will not present a danger if the
5 certification or renewed certification is granted. To make the
6 necessary demonstration, the applicant must request an
7 exemption and submit the required information supporting that
8 request at the time of application in order for the department
9 to make a determination in accordance with this section.

10 (9) Denial of certification or renewed certification
11 under subsection (6) may not be removed from, and an exemption
12 may not be granted to, any applicant who is found guilty of,
13 regardless of plea or adjudication, any felony covered by
14 subsection (6), solely by reason of a pardon, executive
15 clemency, or restoration of civil rights.

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

29 (11) The department shall adopt rules pursuant to
30 chapter 120 to administer this section.

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1 Section 4. Paragraph (a) of subsection (1) of section
2 401.2701, Florida Statutes, is amended to read:

3 401.2701 Emergency medical services training
4 programs.--

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

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

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

12 2. Evidence of an affiliation agreement with a
13 hospital that has an emergency department staffed by at least
14 one physician and one registered nurse.

15 3. Evidence of an affiliation agreement with a current
16 Florida-licensed emergency medical services provider. Such
17 agreement shall include, at a minimum, a commitment by the
18 provider to conduct the field experience portion of the
19 education program.

20 4. Documentation verifying faculty, including:

21 a. A medical director who is a licensed physician
22 meeting the applicable requirements for emergency medical
23 services medical directors as outlined in this chapter and
24 rules of the department. The medical director shall have the
25 duty and responsibility of certifying that graduates have
26 successfully completed all phases of the education program and
27 are proficient in basic or advanced life support techniques,
28 as applicable.

29 b. A program director responsible for the operation,
30 organization, periodic review, administration, development,
31 and approval of the program.

- 1 5. Documentation verifying that the curriculum:
2 a. Meets the course guides and instructor's lesson
3 plans in the most recent Emergency Medical Technician-Basic
4 National Standard Curricula for emergency medical technician
5 programs and Emergency Medical Technician-Paramedic National
6 Standard Curricula for paramedic programs.
7 b. Includes 2 hours of instruction on the trauma
8 scorecard methodologies for assessment of adult trauma
9 patients and pediatric trauma patients as specified by the
10 department by rule.
11 c. Includes 4 hours of instruction on HIV/AIDS
12 training consistent with the requirements of chapter 381.
13 d. Advises students at the initiation of the training
14 program of the certification and regulatory requirements of
15 this chapter, including, but not limited to, the criminal
16 history check required for initial and renewal certification
17 under s. 401.27001. The department shall prescribe by rule the
18 required content of this component of the training program.
19 6. Evidence of sufficient medical and educational
20 equipment to meet emergency medical services training program
21 needs.

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

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25 SENATE SUMMARY

26 Provides requirements for entities that receive funds
27 from the Emergency Medical Services Trust Fund. Provides
28 for an applicant for certification as an emergency
29 medical technician or paramedic to submit an application
30 electronically. Requires background screening for
31 applicants for initial certification and for renewal of
certification. Requires that an applicant pay the costs
of screening. Specifies the offenses that are grounds for
denial of certification by the Department of Health. (See
bill for details.)