

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

317-2196-04

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; creating s.
18 401.27001, F.S.; providing requirements for
19 background screening for applicants for initial
20 certification as an emergency medical
21 technician or paramedic and for renewal of
22 certification; requiring an applicant to pay
23 the costs of screening; requiring that
24 fingerprints be submitted to the Department of
25 Law Enforcement and forwarded to the Federal
26 Bureau of Investigation; specifying the
27 offenses that are grounds for denial of
28 certification; authorizing the department to
29 grant an exemption to an applicant,
30 notwithstanding certain convictions; requiring
31 the department to adopt rules; amending s.

1 401.2701, F.S.; requiring that a training
2 program for emergency medical technicians and
3 paramedics include information concerning the
4 requirements for background screening;
5 providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

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

11 401.113 Department; powers and duties.--

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

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

23 2.(b) Forty percent of such moneys must be used by the
24 department for making matching grants to local agencies,
25 municipalities, and emergency medical services organizations
26 for the purpose of conducting research, increasing existing
27 levels of emergency medical services, evaluation, community
28 education, injury prevention programs, and training in
29 cardiopulmonary resuscitation and other lifesaving and first
30 aid techniques.
31

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

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

14
15 The department shall develop procedures and standards for
16 grant disbursement under this ~~subparagraph~~ ~~paragraph~~ based on
17 the need for emergency medical services, the requirements of
18 the population to be served, and the objectives of the state
19 emergency medical services plan.

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

26 (b) Notwithstanding any other provision of law to the
27 contrary, interest generated from grant funds may be expended
28 by the grantee on the budget items approved by the department.
29 However, a grantee that receives funds requiring a match may
30 not expend interest earnings until all match requirements have
31 been met. The grantee shall return to the department any

1 interest earned and grant funds not expended at the conclusion
2 of the grant period. All such returned funds shall be used by
3 the department for additional awards of matching grants.

4 Section 2. Section 401.27, Florida Statutes, is
5 amended to read:

6 401.27 Personnel; standards and certification.--

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

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

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

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

25 (3) Any person who desires to be certified or
26 recertified as an emergency medical technician or paramedic
27 must apply to the department ~~under oath~~ on forms provided by
28 the department which shall contain such information as the
29 department reasonably requires, which may include affirmative
30 evidence of ability to comply with applicable laws and rules.

31 The department may accept electronically submitted

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

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

11 (a) Have completed an appropriate training course as
12 follows:

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

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

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

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

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

29 (e)1. For an emergency medical technician, hold either
30 a current American Heart Association cardiopulmonary
31 resuscitation course card or an American Red Cross

1 cardiopulmonary resuscitation course card or its equivalent as
2 defined by department rule. The rules must include, but need
3 not be limited to, the procedure for recognizing
4 cardiopulmonary resuscitation course equivalency, as
5 determined by the Continuing Education Coordinating Board for
6 Emergency Medical Services;

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

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

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

26 (5) The certification examination must be offered
27 monthly. The department shall issue an examination admission
28 notice to the applicant advising him or her of the time and
29 place of the examination for which he or she is scheduled.
30 ~~Individuals achieving a passing score on the certification~~
31 ~~examination may be issued a temporary certificate with their~~

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

12 (6)~~(a)~~ The department shall establish by rule a
13 procedure for biennial renewal certification of emergency
14 medical technicians and paramedics.

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

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

30 (7) A physician, dentist, or registered nurse may be
31 certified as a paramedic if the physician, dentist, or

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

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

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

25 (10) The department may provide by rule for physically
26 disabled persons to take and be provided with the results of
27 the written portion of the emergency medical technician
28 certification examination or paramedic certification
29 examination. However, such persons may not receive any
30 special assistance in completing the examination. A
31 physically disabled ~~An~~ individual who achieves a passing grade

1 on the emergency medical technician certification examination
2 or paramedic certification examination may be issued a limited
3 emergency medical technician certificate or a limited
4 paramedic certificate. An individual issued a limited
5 certificate may not perform patient care or treatment
6 activities.

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

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

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

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

28 (12) An applicant for certification who is an
29 out-of-state certified or military-trained ~~trained~~ emergency
30 medical technician or paramedic must provide proof of current
31 emergency medical technician or paramedic certification or

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

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

25 Section 3. Section 401.27001, Florida Statutes, is
26 created to read:

27 401.27001 Background screening required for
28 certification.--

29 (1) An applicant for initial certification under s.
30 401.27 must submit information and a set of fingerprints to
31 the Department of Health on a form and according to procedures

1 specified by the department, along with payment in an amount
2 equal to the costs incurred by the Department of Health for a
3 statewide criminal history check and a national criminal
4 history check of the applicant.

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

1 A certificate that expires on December 1, 2004, may be renewed
2 subject to withdrawal of certification pending the
3 department's determination of whether the certificateholder
4 will be granted an exemption as provided in subsection (8).
5 The applicant must make timely application for renewal and
6 request the exemption from denial prior to expiration of the
7 certificate.

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

15 (4) The department shall submit the fingerprints and
16 information required for a statewide criminal history check to
17 the Department of Law Enforcement, and the Department of Law
18 Enforcement shall forward the fingerprints to the Federal
19 Bureau of Investigation for a national criminal history check
20 of the applicant.

21 (5) If an applicant has undergone a criminal history
22 check as a condition of employment or certification as a
23 firefighter under s. 633.34, the Division of State Fire
24 Marshal of the Department of Financial Services shall provide
25 the criminal history information regarding the applicant
26 seeking certification or renewal of certification under s.
27 401.27 to the department. Any applicant for initial
28 certification or renewal of certification who has already
29 submitted a set of fingerprints and information to the
30 Division of State Fire Marshal of the Department of Financial
31 Services for the criminal history check required for

1 employment and certification of firefighters under s. 633.34
2 within 2 years prior to application under s. 401.27 is not
3 required to provide to the department a subsequent set of
4 fingerprints or other duplicate information required for a
5 criminal history check if the applicant submits an affidavit
6 in a form prescribed by the department attesting that he or
7 she has been a state resident for the previous 2 years.

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

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

16 (b) Section 782.04, relating to murder.

17 (c) Section 782.07, relating to manslaughter,
18 aggravated manslaughter of an elderly person or disabled
19 adult, or aggravated manslaughter of a child.

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

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

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

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

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

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

29 (j) Section 784.01, relating to kidnapping.

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

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

- 1 (m) Former s. 794.041, relating to prohibited acts of
2 persons in familial or custodial authority.
- 3 (n) Chapter 796, relating to prostitution.
- 4 (o) Section 798.02, relating to lewd and lascivious
5 behavior.
- 6 (p) Chapter 800, relating to lewdness and indecent
7 exposure.
- 8 (q) Section 806.01, relating to arson.
- 9 (r) Chapter 812, relating to theft, robbery, and
10 related crimes, if the offense was a felony.
- 11 (s) Section 817.563, relating to the fraudulent sale
12 of controlled substances, if the offense was a felony.
- 13 (t) Section 825.102, relating to abuse, aggravated
14 abuse, or neglect of an elderly person or disabled adult.
- 15 (u) Section 825.1025, relating to lewd or lascivious
16 offenses committed upon or in the presence of an elderly
17 person or disabled adult.
- 18 (v) Section 825.103, relating to exploitation of an
19 elderly person or disabled adult, if the offense was a felony.
- 20 (w) Section 826.04, relating to incest.
- 21 (x) Section 827.03, relating to child abuse,
22 aggravated child abuse, or neglect of a child.
- 23 (y) Section 827.04, relating to contributing to the
24 delinquency or dependency of a child.
- 25 (z) Former s. 827.05, relating to negligent treatment
26 of children.
- 27 (aa) Section 827.071, relating to sexual performance
28 by a child.
- 29 (bb) Chapter 847, relating to obscene literature.
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1 (cc) Chapter 893, relating to drug abuse prevention
2 and control, if the offense was a felony or if any other
3 person involved in the offense was a minor.

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

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

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

11 (b) A misdemeanor prohibited under any of the Florida
12 Statutes cited in this subsection or under similar statutes of
13 other jurisdictions;

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

16 (d) A finding of delinquency; or

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

19 (8) For the department to grant an exemption to any
20 applicant under this section, the applicant must demonstrate
21 by clear and convincing evidence that the applicant should not
22 be disqualified from certification or renewed certification.
23 An applicant seeking an exemption has the burden of setting
24 forth sufficient evidence of rehabilitation, including, but
25 not limited to, the circumstances surrounding the criminal
26 incident for which an exemption is sought, the time period
27 that has elapsed since the incident, the nature of the harm
28 caused to the victim, and the history of the applicant since
29 the incident, or any other evidence or circumstances
30 indicating that the applicant will not present a danger if the
31 certification or renewed certification is granted. To make the

1 necessary demonstration, the applicant must request an
2 exemption and submit the required information supporting that
3 request at the time of application in order for the department
4 to make a determination in accordance with this section.

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

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

13 Section 4. Paragraph (a) of subsection (1) of section
14 401.2701, Florida Statutes, is amended to read:

15 401.2701 Emergency medical services training
16 programs.--

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

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

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

24 2. Evidence of an affiliation agreement with a
25 hospital that has an emergency department staffed by at least
26 one physician and one registered nurse.

27 3. Evidence of an affiliation agreement with a current
28 Florida-licensed emergency medical services provider. Such
29 agreement shall include, at a minimum, a commitment by the
30 provider to conduct the field experience portion of the
31 education program.

- 1 4. Documentation verifying faculty, including:
2 a. A medical director who is a licensed physician
3 meeting the applicable requirements for emergency medical
4 services medical directors as outlined in this chapter and
5 rules of the department. The medical director shall have the
6 duty and responsibility of certifying that graduates have
7 successfully completed all phases of the education program and
8 are proficient in basic or advanced life support techniques,
9 as applicable.
- 10 b. A program director responsible for the operation,
11 organization, periodic review, administration, development,
12 and approval of the program.
- 13 5. Documentation verifying that the curriculum:
14 a. Meets the course guides and instructor's lesson
15 plans in the most recent Emergency Medical Technician-Basic
16 National Standard Curricula for emergency medical technician
17 programs and Emergency Medical Technician-Paramedic National
18 Standard Curricula for paramedic programs.
- 19 b. Includes 2 hours of instruction on the trauma
20 scorecard methodologies for assessment of adult trauma
21 patients and pediatric trauma patients as specified by the
22 department by rule.
- 23 c. Includes 4 hours of instruction on HIV/AIDS
24 training consistent with the requirements of chapter 381.
- 25 d. Advises students at the initiation of the training
26 program of the certification and regulatory requirements of
27 this chapter, including, but not limited to, the criminal
28 history check required for initial and renewal certification
29 under s. 401.27001. The department shall prescribe by rule the
30 required content of this component of the training program.
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1 6. Evidence of sufficient medical and educational
2 equipment to meet emergency medical services training program
3 needs.

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 2136

9 The bill no longer eliminates requirements for the Department
10 of Health to adopt a standard state insignia for emergency
11 medical technicians and paramedics and requirements for the
12 display of the insignia. Provisions are deleted that allowed
13 an applicant for certification as an emergency medical
14 technician or paramedic who had undergone a criminal history
15 check for employment or licensing within 2 years prior to
16 application, to submit, in lieu of fingerprints, a copy of a
17 previous official criminal history record.
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